

Topic Area	Objective
Expectation Damages ¹	Calculate expectation damages, considering the duty to mitigate.
Legal Test for Consideration ¹	Apply the legal test for consideration, including both elements of legal value and bargained-for-exchange
Gratuitous Promise ¹	Distinguish between a gratuitous promise and a contract supported by consideration. Apply the rule for inadequacy of consideration and policy goals centered around free market principles. Identify sham or nominal consideration and the legal implications of each.
Past Consideration ¹	Identify the issue of past consideration and apply the rule that past consideration cannot serve as consideration to support a contract. Identify the elements of promissory estoppel.
Insufficient Illusory Promise ¹	Identify an illusory promise as insufficient to support a contract. Determine whether a court would infer an implied reasonable efforts standard to a given scenario. Apply the rule for illusory promises to determine when or how reasonable efforts might be inferred.
Objective Theory ¹	Apply the objective theory of contracts to a given scenario, particularly where subjective intent and objective conduct diverge. Spot the issue of mutual mistake, identifying where a mutual mistake may have occurred and the legal consequences.
Bargaining and Unilateral Offer ¹	Distinguish between an invitation to bargain and a unilateral offer. Apply the rule that a modification cannot be made to a unilateral offer once the offeree has accepted via performance.
Offeree Acceptance ¹	Identify the issue of whether an offeree has accepted an offer via the manner specified by the offeror.
Promissory Estoppel ¹	Apply the legal test of promissory estoppel to a fact pattern, including the elements of whether the promisor would reasonably expect the promisee to rely, and whether the promisee did in fact rely on the promise to his or her detriment.
Dispositive Facts	Identify legally determinative facts, distinguishing them from narrative or irrelevant facts.
Conclusion (Holding)	Describe the holding or conclusion as in a FIRAC case brief. Select the best version of a holding, identifying the rule applied in the case and the legally relevant facts.
Issue	Recall the elements of a strong issue statement and use those criteria to select the best issue statement for a given case or fact pattern.
Procedure Posture	Identify facts related to the procedural history of a case or fact pattern. Identify the court issuing the opinion, which party sought relief, what motion was at issue, and the disposition of the lower court.
Rules	Identify and articulate the rule applied in a given case or fact pattern. Select the best version of the rule, identifying what was essential to the rule, what elements it may have contained, and what reasoning the court may have used to support the selection or application of the rule. Distinguish between reasoning relevant and irrelevant for supporting the rule.
FIRAC	Identify and distinguish between the elements of a FIRAC case brief given multiple elements of a FIRAC brief, including narrative facts, determinative facts, issue statements, rule statements, analysis, application, and the holding.

¹Nine of the learning objectives assessed on the exam align with the nine doctrinal class sessions students take during JD-NEXT, allowing students to experience how they will be tested on legal doctrine at law school.