

June 2021

ESSAY QUESTION 1 OF 4

Answer All 4 Questions



California First-Year Law Students' Examination

Your answer should demonstrate your ability to analyze the facts in the question, to tell the difference between material facts and immaterial facts, and to discern the points of law and fact upon which the case turns. Your answer should show that you know and understand the pertinent principles and theories of law, their qualifications and limitations, and their relationships to each other.

Your answer should evidence your ability to apply the law to the given facts and to reason in a logical, lawyer-like manner from the premises you adopt to a sound conclusion. Do not merely show that you remember legal principles. Instead, try to demonstrate your proficiency in using and applying them.

If your answer contains only a statement of your conclusions, you will receive little or no credit. State fully the reasons that support your conclusions, and discuss all points thoroughly.

Your answer should be complete, but you should not volunteer information or discuss legal doctrines that are not pertinent to the solution of the problem.

You should answer according to legal theories and principles of general application.

QUESTION 1

Seller owns a van used in her plumbing business. When Seller purchased a new van, she decided to sell the old one. On MONDAY, Seller sent an email to Buyer, who runs a lawn service company located across the street from Seller, stating:

Dear Buyer, I would sell my old van to you for \$15,000 cash. [Signed] Seller

Buyer immediately responded with an email that said:

I'm interested. If you can give me until Sunday to decide, I'll have my mechanic stop over this week and check it out. [Signed] Buyer

A few minutes later, Seller responded:

Your mechanic can stop over any time. You can have until Sunday to decide. [Signed] Seller

On TUESDAY, the mechanic checked over the van and reported to Buyer that, although the van needed a new set of tires, \$15,000 was a great price. Buyer decided to purchase the van and told the mechanic to order the new tires it would need. Late Tuesday evening, Seller sent an email to Buyer stating:

Jones Dry Cleaning just said they might be interested at \$17,000 for the van.

Buyer did not read the email and, on WEDNESDAY, Buyer mailed a letter to Seller stating:

I agree to buy the van for \$15,000. I'll drop off the check on Saturday. [Signed] Buyer

On THURSDAY, Seller sent an email to Buyer stating:

Sold the van to Jones Dry Cleaning.

On FRIDAY, Seller received the letter from Buyer and immediately sent an email to Buyer repeating that the van had already been sold. Seller fails to deliver the van to Buyer. Buyer sues Seller for breach of contract.

Will Buyer prevail? Discuss.

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QUESTION 2

Fireworks Shack is a store the size of a large supermarket that stocks a large volume and wide variety of fireworks. Fireworks Shack is located in an otherwise entirely residential neighborhood in the city of Hometown.

The owner of Fireworks Shack takes extensive safety measures to prevent fires on the premises, including the posting of warning signs to customers not to smoke in the store, installation of a sophisticated sprinkler system, and frequent inspections throughout the store by employees specially trained in fire prevention. Despite these measures, a fire broke out in the store and caused an explosion that severely injured Neighbor, who was in the back yard of his home, which is adjacent to Fireworks Shack.

A thorough investigation by the local fire marshal has failed to identify the source of the fire or any evidence that Fireworks Shack was in any way negligent or that it could have taken additional precautions to prevent the fire.

In the absence of any evidence of negligence, are there any other theories that might support a claim by Neighbor against Fireworks Shack? Discuss.

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ESSAY QUESTION 3 OF 4

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QUESTION 3

Karl lived with Martha, Martha's son Sonny, and their dog. One morning, Karl told Martha about his plan to steal from the house of Barry Rich. Karl's plan was to go to Rich's house with Martha and the dog. Karl planned to pretend the dog was lost and pretend he was trying to find the dog's home. Karl planned to let the dog escape into Rich's house.

Karl asked Martha to come with him. He wanted her to chase after the dog in Rich's house in order to distract Rich while Karl went to Rich's bedroom to look for jewelry. At first, Martha told Karl she would not help. Karl then looked at her and said, "You'd better do what I say or Sonny is going to be badly hurt." In response, Martha agreed to help Karl.

That afternoon, Karl and Martha went to Rich's house with the dog. When Rich opened the door, Karl let the dog run into the house. As planned, Martha ran after the dog and distracted Rich while Karl went to the bedroom. In the bedroom, Karl found a valuable diamond ring and put it in his pocket. The ring is worth \$5,000.

While Karl was in the bedroom, the dog ran past Rich and knocked him down. Rich hit his head on a table and died.

1. With what crimes can Karl reasonably be charged and what defenses can he reasonably raise? Discuss.
2. With what crimes can Martha reasonably be charged and what defenses can she reasonably raise? Discuss.

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QUESTION 4

Public Interest Law School (PILS) is a private, nonprofit educational institution formed and maintained for the purpose of motivating and training prospective lawyers “to better meet the unmet legal needs of the nation’s underclass.” Convinced that many law students who intend to practice public interest law change their minds and take jobs in the private sector as a result of large loan commitments they incur to finance their legal educations, PILS initiated a generous financial aid plan (the “Plan”). A student accepted under the Plan receives a \$10,000 grant to be used for tuition and living expenses for each year of law study at PILS (up to a total of \$30,000), subject to the following condition:

If grantee does not accept and retain full-time employment in a qualified public interest job as a lawyer for a minimum of five continuous years following graduation from PILS, the grant must be immediately repaid in full to PILS.

In the first year that the Plan was introduced, more students accepted offers of admission from PILS than anticipated and, for budgetary reasons, PILS withdrew its offers to 15 of the students to whom it had already made offers. One of them, Amy, had already rejected her offers of admission from all the other schools she had applied to once she received the offer from PILS. Amy sued PILS for \$30,000 in breach of contract damages.

Michael attended PILS with the help of \$30,000 in financial aid under the Plan. Upon graduation, he took a job as a public interest lawyer. After 4½ years at this position, the job was terminated for lack of funds. After an eight-week job search, Michael was unable to find a qualified public interest lawyer job and accepted a job offer from a community center counseling troubled adolescents, which pays \$15,500 annually.

1. Does Amy have a breach of contract claim against PILS and, if so, what damages might she obtain? Discuss.
2. Is Michael obligated to repay the \$30,000 made available to him by PILS under the Plan? Discuss.