

October 2018

ESSAY QUESTIONS



California First-Year Law Students' Examination

Answer all 4 questions.

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

Becky is a highly employable and well-known bourbon distiller who has worked at several distilleries. One year ago she was offered and she accepted, a job as Chief Distiller at the Western Sky Distillery (Western Sky), at a salary of \$200,000 annually, for five years, provided that if her employment is terminated early, she will receive \$400,000 per year in damages for the remaining term of her contract. Becky and Western Sky signed a complete employment contract with those terms. However, two things have just happened:

First, the growing popularity of distilleries over the past 10 years has led to a worldwide shortage of oak barrels, which are required to age and produce bourbon. That shortage will in fact persist for at least several years or more, until such time as the barrel manufacturers will have increased production. Western Sky will now cease production of bourbon, and it has fired Becky for that reason. Western Sky does not deny the existence and validity of its contract with Becky.

Second, Becky has been offered a full time job as the host of a television show about bourbon producers, at a salary of \$100,000 for four years. Although the salary is less than she was paid at Western Sky, she is unable to find another job as a bourbon distiller because of the oak barrel shortage.

Becky has decided to take the television host job and to sue Western Sky.

1. What claims will Becky make and what remedies will she request? Discuss.
2. What defenses, if any, will Western Sky raise in its response to Becky's lawsuit? Discuss.
3. What will be the likely outcome of the case? Discuss.

QUESTION 2

Andrew is facing charges of battery against his ex-girlfriend, Belle. Andrew asks his present girlfriend, Claire, to help him convince Belle to testify that the battery never happened. Andrew and Claire agree that he will call Belle and ask her to meet him at his place of work. Claire will be waiting in the parking lot to confront Belle and ask her not to testify against Andrew.

Andrew makes the call and Belle agrees to meet Andrew in the parking lot of his work. Claire is waiting in her car in the parking lot. When Belle arrives, Claire gets out of her car and confronts Belle. She yells at her to withdraw her complaint against Andrew. Andrew comes out of the building and tells Claire to get Belle. Belle has a knife on her. She brought it with her for protection.

When Belle sees Claire coming over to her, she brandishes the knife. Angry words are exchanged and each one threatens the other. Claire goes back to her car, gets a baseball bat out of the back seat and goes after Belle. Belle stabs Claire with her knife, causing serious bodily injury. The police are called. Andrew and Belle are arrested and Claire is transported to the hospital, where she later dies from her wounds.

1. With what crimes, if any, can Andrew and Belle be reasonably charged? Discuss.
2. Do Andrew or Belle have any defenses? Discuss.

QUESTION 3

Neighbor has owned property in Mountain Town since 1965. BlastCo is a blasting company situated in Mountain Town and has been in operation since 1970. In 1980, Pet Farm moved its bunny farm into Mountain Town and began to breed bunnies for sale as pets. Pet Farm is situated just outside of the city limits, in the rural portion of Mountain Town. The property next to Pet Farm is a residential property owned by Neighbor.

In 2015, Neighbor purchased a classic 1957 Jeep Willys automobile to restore as a hobby. By 2017, the jeep was almost finished, waiting for installation of brakes and wood paneling on the doors. It was perched at the top of Neighbor's steep driveway with its front wheels improperly secured by blocks. Once completed, the jeep would be worth \$50,000.

On March 3, 2017, BlastCo was blasting a new train tunnel about 3 miles from the properties owned by Pet Farm and Neighbor. While blasting, an unusual jolt occurred, which caused Neighbor's jeep to jump off its blocks and roll down the driveway. Neighbor was not home at the time. Neighbor's jeep careened across the street and entered Pet Farm's property by busting through a thin wooden fence. While on Pet Farm property, Neighbor's jeep ran over and killed 22 Holland Lop rabbits owned by Pet Farm, worth about \$100 each. The jeep eventually came to rest at the bottom of a ravine, damaged beyond repair. When Neighbor returned home, he saw the gaping hole in the fence and immediately called his lawyer.

What claims and defenses, if any, do Neighbor, BlastCo, and Pet Farm have against each other, and what damages can be recovered? Discuss.

QUESTION 4

Curley, Larry and Moe were discussing plans to rob Bank. Moe and Larry agreed to do the robbery, but Curley said that he would think about it. Moe and Larry, however, asked Curley to at least drive them to the Bank in his car, and Curley agreed to do so.

On the planned day, the three drove to the Bank. Curley remained outside, sitting in the car waiting for his two friends. Once inside, Larry noticed that the armed Bank guard was approaching them. Larry pulled out his gun, fired at the guard but missed, while the bullet hit and killed a customer. Moe then shot the guard dead.

Outside, Curley decided to call the police on his cell phone and told them about the ongoing crime and drove away. Inside, Larry and Moe ordered Teller at gunpoint to give them a sack of money. Fleeing outside, but noticing that Curley had left, Larry and Moe dragged a driver out from a nearby car and drove away with the money. Moe, Larry and Curley were later captured by the police.

With what crimes should Moe, Larry, and Curley each be charged, and what defenses might each one raise? Discuss.