

JUNE 2022

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 situation 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 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 to the facts.

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 resolution of the issues raised by the call of the question.

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

QUESTION 1

Ray wanted to take a shortcut home through a construction site. It was fenced and signs were posted stating: NO TRESPASSING. Ray climbed the fence and started crossing the construction site. Owen, the property owner and construction site manager, saw Ray and yelled at him to stop. Owen was about to blow up a tree stump to clear the land. As Owen started chasing Ray, he left the explosives unattended.

While Ray was running, his foot got caught in a hole in the ground that should have been covered. Ray fell and broke his leg. As Owen went over to Ray and started to help him up, the explosives accidentally exploded. Flying dirt and construction debris hit Owen and Ray. Ray was seriously injured as a result.

Owen called for medical assistance, and while they were waiting, he wrapped one of Ray's wounds with a rag in order to stop the bleeding. The rag was contaminated with dirt and bacteria, which led to an infection in the wound, worsening Ray's injuries.

1. Is Ray liable to Owen for any intentional torts? Discuss.
2. What tort claims can Ray reasonably assert against Owen; what arguments can Owen make in his defense; and what is the likely outcome? Discuss.

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QUESTION 2

For her birthday, Tony gave his girlfriend, Grace, a diamond necklace that had belonged to his grandmother. The necklace had deep sentimental value to Tony. Shortly thereafter, Grace broke up with Tony. Tony asked Grace to return the necklace, but she refused.

Upset over the break-up, Tony went to a bar and drank heavily. In a fit of intoxicated rage, he decided to confront Grace and take the necklace. Tony left the bar and walked to Grace's clothing store, where he knew she would be alone and preparing to close up for the night. Tony entered the store through the open door, and closed and locked the door behind him. Grace was standing behind a counter, wearing the diamond necklace. Tony walked up to Grace, grabbed her wrist and shouted, "You're not going anywhere until you give me the necklace. Don't make me hurt you."

Frightened for her safety, Grace broke free from Tony's grasp, grabbed a handgun that she kept hidden behind the counter, and fired a shot at Tony. The bullet hit Tony in the stomach, seriously injuring him.

1. With what crimes can Tony reasonably be charged and what defenses, if any, can he reasonably raise? Discuss.
2. With what crimes can Grace reasonably be charged and what defenses, if any, can she reasonably raise? Discuss.

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ESSAY QUESTION 3 OF 4

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QUESTION 3

Big Mart is a national chain of large stores selling various products, including board games. Helen owns a small business wholly focused on the production of a popular board game she invented called "REACHING THE GOAL," in which players overcome obstacles to reach the end of a journey before the other players.

Big Mart wants to sell Helen's game for \$20 in all of its stores over the next six months. Helen tells Big Mart that because she can easily hire more employees, which is true in her area, she estimates she can produce 10,000 units per month for six months. That estimate was included in a valid written contract for the purchase by Big Mart of as many units as Helen can produce each month during the next six months, for a price of \$10 each.

Because no other party can provide the games, and lost profits could be difficult to predict, the contract includes a \$25,000 liquidated damages clause in favor of Big Mart in the event of Helen's breach.

During the first three months of the contract period, Helen often went away on vacation. Since she was not paying attention to her business, she failed to hire the employees she could have, and only produced 8,000 units during the first three months of the contract term. After those three months, Big Mart demanded in writing that Helen confirm her ability to produce more, but she did not reply. During the fourth month, Helen produced only 2,000 more units, and Big Mart now wants to get out of the contract.

1. What contract claims, if any, may Big Mart make against Helen; what defenses, if any, may Helen assert; and what is the likely outcome? Discuss.
2. If Big Mart prevails, what damages, if any, should it be awarded? Discuss.

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QUESTION 4

Carol worked at a local bank. Her roommate, Brian, lost his job and needed money for rent. Carol suggested that Brian come to the bank and pass a note to the clerk at the teller window closest to the door, demanding \$1,000. Carol told Brian that the clerk who worked at that window was new and easily flustered, and would turn over the money to him without raising any alarm. In the meantime, Carol would distract the bank's security guard.

The next day, Brian arrived at the bank, passed the clerk the note, and received \$1,000. As Brian was leaving, the security guard became suspicious and withdrew his gun from its holster. The gun accidentally discharged, and the bullet struck and killed a bank customer.

During the commotion that followed, Carol removed \$20 for herself from the cash drawer at her own assigned bank teller window, thinking that no one would notice. Shortly later, she reconsidered and returned the \$20.

1. With what crimes can Carol reasonably be charged and what defenses, if any, can she reasonably raise? Discuss.
2. With what crimes can Brian reasonably be charged and what defenses, if any, can he reasonably raise? Discuss.