

**JUNE 2013**



# **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 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 which are not pertinent to the solution of the problem.

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

## QUESTION 1

Angela and Bart are animal rights activists. Angela lived near a horse ranch owned by Chris. She told Bart that she suspected the horses were being abused because she saw people going in and out of the barn at all hours of the day and night, and suggested that they go there to investigate.

Unable to open the ranch gate, Angela and Bart climbed the fence, crossed the yard, opened the door to the barn, and stepped inside. There, they found healthy horses, but also a large amount of stolen electronic equipment.

Surprised to see intruders, Chris, who was carrying a rifle, pointed it at Angela and Bart and accidentally caused it to discharge. The bullet hit the side of the barn near Angela and Bart. The noise startled the horses. Angela and Bart fled, letting out the horses. A motorist, who was driving down the road, swerved to miss the stampeding horses, crashed into a tree, and died.

1. With what crimes, if any, can Angela reasonably be charged, and what defenses, if any, can she reasonably raise? Discuss.
2. With what crimes, if any, can Bart reasonably be charged, and what defenses, if any, can he reasonably raise? Discuss.
3. With what crimes, if any, can Chris reasonably be charged, and what defenses, if any, can he reasonably raise? Discuss.

## QUESTION 2

Abe wanted to cut down a tree that was growing on public property bordering his house because he did not want to rake its leaves. When Abe attempted to do so, Bill, who lived across the street, demanded that he stop. Abe refused and, holding his saw in front of him, took two steps toward Bill. Avoiding Abe, Bill climbed high into the tree, insisting he would not come down because he wanted to save the tree. Abe nevertheless sawed through the trunk of the tree, which fell into the street with Bill in it, causing Bill serious injuries.

Cindy, a passerby, rushed to help Bill. As she was assisting him, she was struck by a car and sustained serious injuries.

Debbie, a neighbor, watched the entire incident from her front porch and suffered severe emotional distress as a result.

1. Is Bill likely to prevail on any intentional tort claim against Abe? Discuss.
2. Is Cindy likely to prevail on a negligence claim against Abe? Discuss.
3. Is Debbie likely to prevail on a negligent infliction of emotional distress claim against Abe? Discuss.

### **QUESTION 3**

Sally wanted to sell an antique doll that she had inherited. She posted a photograph of the doll on her Facebook page with a note stating:

Last month, one just like this sold on eBay for \$650! I'll sell it to any of you for \$450. First person I hear from gets it. Otherwise, after five days, I'll sell it on eBay. Call me - no Facebook allowed at my job.

That same day, Barbara, one of Sally's Facebook friends, saw Sally's post. She believed that the doll might be worth more than \$450. She soon learned from a local antique dealer that it was worth \$1,500. She used her tablet computer to go on Sally's Facebook page. There, she saw a note posted by Judy, another Facebook friend of Sally, stating: "The doll is worth way more than you think. Don't sell it." Barbara then left a note stating, "I'll take the doll for \$450. Barbara." Later, she called Sally and said, "This is Barbara, and I'll buy the doll for \$450." Sally replied, "Sorry, you're too late." Barbara looked again at Facebook and saw a new note from Sally stating: "Thanks for the information, Judy. The doll is going straight to eBay."

1. Did Barbara enter into an enforceable contract with Sally? Discuss.
2. If Barbara entered into an enforceable contract with Sally, what remedies, if any, does she have? Discuss.

## **QUESTION 4**

In a series of nighttime burglaries, a burglar broke into houses when the owners were away and stole items of value. The burglar ate cookies found at each house and therefore became known as the “cookie bandit.”

Wanting to protect his property and prevent a burglary while he was out of town for the weekend, Dan planned to lace some cookies with cyanide and leave them on his kitchen counter. He believed his plan was lawful because he had been told by a police officer that he could use deadly force to prevent a burglary. He asked his friend Ann to help him obtain cyanide. She tried to talk him out of his plan, but he assured her that it was lawful. She then got him some cyanide. He laced some cookies with it, left them on the kitchen counter, and went out of town for the weekend.

During Dan’s absence, his neighbor Jane entered his house, together with her five-year-old son, Victor. Each weekend, Jane cleaned Dan’s house. While Jane was cleaning, Victor found the cookies, ate one, and died.

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