

June 2015

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 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

Arthur and Cassie worked at an art gallery. They wanted to make some extra money by selling art from the gallery on eBay. They intended to share the proceeds with the owner of the gallery, but did not tell him about it because Arthur and Cassie did not think the owner would approve.

The building in which the gallery was located was undergoing earthquake renovations, which resulted in the building being open through the roof to the building next door. Arthur approached Woody, an employee of the building contractor, and offered him \$500 to take a wrapped package from the gallery and stash it in the building next door so that Arthur and Cassie could pick it up later.

Arthur gave the wrapped package and \$500 to Woody after the gallery had closed for the evening. Woody took the package up to the roof and, as he was crossing into the next building, he fell through the gap and tumbled three stories, landed on the package and was killed. The art in the wrapped package was destroyed.

Cassie was waiting outside the building to get the package from Woody. When Woody did not arrive with the package, Cassie went back into the gallery, took several more paintings and took them home.

Woody's body was found by a construction worker. Arthur and Cassie were arrested.

1. What criminal offense or offenses, if any, can be reasonably argued were committed by Arthur? Discuss.
2. What criminal offense or offenses, if any, can be reasonably argued were committed by Cassie? Discuss.
3. What defenses, if any, can each of them raise? Discuss.

QUESTION 2

Betsy owns a business in South City. Her friend, Walter, lived in Northville, some distance away. Over the years, Betsy had often suggested to Walter that he move to South City and work for her. A short time ago, Walter decided to follow Betsy's suggestion. He called Betsy and asked if she was still interested in hiring him. Betsy replied, "Of course. Get down here as soon as possible and we can see where you would fit in." Walter agreed and told her that he would give notice at his current job and would be in South City by the end of the month.

Walter gave notice at work and shipped his furniture to South City at a cost of \$5,000 and bought a one-way plane ticket for \$250.

When Walter called Betsy upon his arrival in South City, she told him that she had just lost a major customer and had to impose rigorous cost-cutting. She therefore could no longer employ him.

Walter tried for two months to find another job in South City but nothing was available. Walter's previous employer was willing to rehire him, so he moved back to Northville, paying another \$5,000 for movers and \$250 for airfare.

1. What claim or claims, if any, does Walter have against Betsy? Discuss.
2. What damages, if any, should Walter be awarded? Discuss.

QUESTION 3

Tommy is fourteen years old. Tommy plays golf every day at his local golf course, using a golf cart. Although children are generally not allowed to rent carts at the course, Tommy has a special relationship with the owners of the course, who consider him to be of unusual maturity. He is generally allowed to use the golf carts as long as they are available.

One day, while driving a cart from the first to the second hole of the golf course, Tommy failed to watch where he was going and ran into Dana just as she was swinging her golf club. Because of the accident, Dana's shot left the golf course, and the ball fell into an air intake at nearby Power Plant, causing it to cease operations. Power Plant had failed to attach the required screen on the air intake when it opened the plant.

Perry lives ten miles from the golf course. He relies on a constant supply of oxygen in order to stay alive. When Power Plant shut down, Perry's equipment stopped supplying the needed oxygen, and he suffered brain damage.

What possible tort causes of action does Perry have against Tommy? Discuss.

QUESTION 4

Abe was the head coach of the fifth-grade girls' basketball team at Elementary School. Bob, the assistant coach, blamed Abe for the team's poor performance. Seeking to have Abe fired, Bob accused Abe after a game of stealing money from the team fund. Bob made the accusation while standing in a crowd of students and parents. Bob knew the accusation to be untrue.

In retaliation, Abe threw a basketball at Bob, who ducked to avoid being hit. The basketball missed Bob but struck Carl, a parent, in the face. Abe then went up to Bob and told him, "You'd better watch your back," which subsequently caused Bob to have nightmares.

Abe was thereafter fired from his position as head coach, based on Bob's accusation that Abe had stolen money from the team, and he was unable to obtain a job in his chosen profession.

1. Under what theories, if any, and against whom, might Abe sue for damages? Discuss.
2. Under what theories, if any, and against whom, might Bob sue for damages? Discuss.
3. Under what theories, if any, and against whom, might Carl sue for damages? Discuss.