

October 2014

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

Zena placed an advertisement in a local newspaper: "Wanted: Someone to clean my four-bedroom, four-bath house (2500 square feet) once a week for the next month; pay \$35 per hour. No interview or references necessary. The first to apply will be accepted." She included her phone number.

Carl called her the next day and said, "I accept on the terms you have offered." Zena said, "You should know there was a mistake in the advertisement. The pay will be the same, but my house is actually 3000 square feet."

Carl said, "Let me think a moment."

Zena replied, "I have a call on another line, and I'll call you right back." When she called Carl two minutes later, Carl said, "I agree to clean for you on the terms you described. An extra 500 square feet does not matter to me."

Zena told Carl, "I'm sorry, but I've changed my mind and I think I'll do my own cleaning."

Carl sues Zena for breach of contract.

Is Zena liable to Carl? Discuss.

QUESTION 2

Homer and Wanda are husband and wife. The furnace in their home stopped working. Wanda wanted to call a licensed repair person, but Homer insisted on attempting to fix it himself, despite having no knowledge of how the furnace worked.

After working on the furnace for some time, Homer informed Wanda that he had fixed it. Wanda and Homer then went out to dinner. When they arrived home, they found that it had been destroyed by fire. They were informed by a firefighter at the scene that the fire appeared to have originated in the furnace. When Wanda started yelling at Homer for “burning the house down,” Homer slapped her to calm her down.

Wanda sued Homer for negligence and battery. At a jury trial, she presented evidence proving the facts stated above. At the close of evidence, Homer moved for a directed verdict on the following grounds:

1. Spouses cannot sue each other in tort;
2. Wanda failed to present sufficient evidence to support a finding that Homer was negligent; and
3. Homer is not subject to liability for slapping Wanda because his intent was to calm her down, not to cause her any harm.

How is the judge likely to rule on Homer’s motion for directed verdict? Discuss.

QUESTION 3

Steve and Frank became acquainted at a correctional facility for mentally ill violent offenders. Steve was an inmate who had to take antipsychotic medication to prevent paranoia. Frank was employed as a kitchen helper. Once they discovered that they both wanted to be actors, they hatched a scheme to kidnap a famous actor, Art, upon Steve's release from the facility, and to show him their acting skills. They believed that, once Art saw how talented they were, he would help them get acting jobs. They would then release him.

When Steve was released, he stopped taking his antipsychotic medication. As a result, he went in and out of paranoia. On bad days, he developed a belief that Frank had supernatural powers and that he had to do what Frank said or Frank would kill him. While Frank knew Steve was mentally ill, he was not aware of the severity of his illness.

Steve and Frank located Art's house, kidnapped him and took him to a remote location. During the kidnapping, Steve believed that Art was going with them willingly to assist them in their acting careers. After they arrived at the location, and while Frank was out, Steve beat Art and took his wallet. In a panic, Steve stole a car and drove away at a high rate of speed.

A police officer followed Steve and tried to stop him. Steve, believing the kidnapping, battery, and robbery had been discovered, attempted to escape by driving greatly in excess of the speed limit. During the high speed chase, the officer's car spun out of control and he died in the accident.

1. What charges, if any, can reasonably be brought against Frank for the beating of Art and the taking of his wallet? Discuss.
2. What charges, if any, can reasonably be brought against Frank for the death of the police officer? Discuss.
3. What defenses, if any, can Steve reasonably raise against a charge of kidnapping Art? Discuss.

QUESTION 4

Doug, a developer, and Bill, a builder, entered into a contract. Under the contract, Bill was to build a building for Doug for \$100,000, and was to receive a \$10,000 “on-time bonus” if he were to complete construction by a specified date.

Bill, in turn, entered into a contract with Ellen, an electrical contractor. Under this contract, Ellen was to do the electrical work for the building for \$15,000. At the time she entered into the contract, Ellen was not aware of Bill’s on-time bonus, but learned about it before she was to begin the job.

In the midst of the job, after receiving \$3,000 in progress payments, Ellen decided she could not profitably do the electrical work for \$15,000 and quit. Bill looked diligently for an electrical contractor to complete the work at the lowest cost. The only electrical contractor Bill could locate was Roger. Roger demanded \$20,000 to complete the work. Bill agreed and paid Roger \$20,000 upon completion.

In spite of Bill’s best efforts, and solely because Ellen had quit the job, Bill completed construction late and, as a result, did not receive the on-time bonus.

1. Is Ellen liable to Doug for any damages Doug may have incurred as a result of the late completion of the construction? Discuss.
2. Is Ellen liable to Bill for:
 - a. The loss of the on-time bonus? Discuss.
 - b. For any other damages? Discuss.