

October 2021

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 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

Dave suggested to Fred that they rob a bank. Fred agreed and said that he would go along with Dave when he tries to rob the bank. Unbeknownst to Dave, Fred did not actually want to rob the bank. Rather, he was a member of a terrorist group who wanted to explode a hand grenade in a public place as an act of terror. When Dave asked him to participate in the bank robbery, Fred saw an opportunity to fulfill his goal while having Dave along as an unwitting armed backup.

The next day, Dave and Fred approached the bank carrying handguns. Fred also had a hand grenade in his jacket pocket that Dave did not know about. Just as they walked in the bank's front door with their guns drawn, to Dave's astonishment, Fred removed the grenade from his pocket, pulled the pin, and threw the grenade into the bank. The explosion damaged the bank, but did not hurt anyone. Bank guard Gus saw Dave and Fred running away with their guns drawn and shot his gun at Fred, killing him.

With what crimes may Dave reasonably be charged? Discuss.

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QUESTION 2

Sam is the owner of the Marvelous Motors car dealership, where he sells cars manufactured by XYZ Automotive Company. Bret went to Marvelous Motors and told Sam that he wanted to buy a Model Snazzy XYZ car that was any color other than red. Sam told Bret the car would be ready on Friday, January 31.

When Bret arrived to pick up the car, he discovered that it was bright red. Bret refused to accept the car, explaining that he believed drivers of red cars got more speeding tickets because the color caught the eye of Highway Patrol officers. Sam told Bret his concern was unfounded. Sam offered to let Bret try out the car for three months with Sam's guarantee that Bret would not incur any speeding-related costs because of the car's color. Bret then signed, without reading it, a document that Sam said was a temporary use license. The document was actually a contract between Sam and XYZ Automotive Company as the sellers, and Bret as the buyer, to buy the car for \$20,000. The contract stated, in the same size font as the rest of the printing in the contract: "XYZ Automotive Company disclaims any and all warranties, express or implied."

In February, Bret got three speeding tickets. Each time, the Highway Patrol officers told Bret that the bright red color of his car had caught their eye and that they otherwise would not have seen him speeding. Bret had to pay a total of \$1,700 in fines for the speeding tickets. Bret decided to return the car. Before he could do so, Bret had to pay \$1,000 to have the car's faulty transmission repaired. Sam refused to accept the car back.

1. What claims, if any, may Bret make against Sam and what damages could he recover? Discuss.
2. What claims, if any, may Bret make against XYZ Automotive Company? Discuss.

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ESSAY QUESTION 3 OF 4

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QUESTION 3

Doug had a long history of serious mental illness. The illness caused him to experience delusions, that is, false beliefs not based in objective reality. The symptoms became more severe when he stopped taking medication.

One day, Doug stopped taking his medication because of its unpleasant side effects. Two days later, he became firmly convinced that he owned all blue bicycles in the world.

The following day, Doug saw a blue bicycle in a garage at the Smith house across the street. Doug became convinced the Smiths had stolen one of his bicycles. Doug went to the Smiths, accused them of theft, and as he was taking the bike away he shoved Mr. Smith. The Smiths called the police. The responding police officer gave the bike back to the Smiths and told Doug to stay away from the Smiths' garage.

During the afternoon of the next day, Doug enlisted the help of Kira, a fourteen-year-old girl who lived in the neighborhood. Kira knew nothing about Doug's dispute with the Smiths. Doug told Kira he owned the bike in the Smiths' garage and needed it back. He offered to pay Kira five dollars if she would get the bike for him.

Kira agreed. She went and removed the bike from the Smiths' garage and began to ride it across the street to deliver it to Doug. She failed to look for traffic and was hit by a car and killed.

1. With what crimes can Doug be reasonably charged? Discuss.
2. Can Doug successfully assert the defense of insanity? Discuss.

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QUESTION 4

Six months ago, Paul had abdominal surgery at Aspen Hospital to remove an ulcerated section of his large intestine. Dr. Johnson performed the surgery. Dr. Johnson told Paul that there were no problems with the surgery and assured him that he would not have any issues with his abdomen in the future. Dr. Johnson knew that one of the surgical clamps had been left inside Paul's abdomen and would likely cause future problems.

Three weeks ago, Paul experienced severe abdominal pains and went to the emergency room of Valley View Hospital. The emergency room doctor, Dr. Norman, immediately performed emergency abdominal surgery and removed an old surgical clamp. The old surgical clamp caused a massive infection in Paul's abdomen.

One week after the surgery done by Dr. Norman, when Paul was recovering in the post-surgical wing of Valley View Hospital, it was discovered that his lungs had been permanently damaged by a post-surgery pulmonary embolism (a blood clot that forms in the body after surgery and travels through the bloodstream to the lungs). Dr. Norman told Paul that a review of the medical charts indicated that Valley View Hospital's nurses should have discovered the embolism two days earlier than they did and that if they had, his lungs would not have been damaged.

When Paul asked Aspen Hospital about his first abdominal surgery, Aspen Hospital denied that it was responsible for any of his injuries.

What claims may Paul reasonably assert against, and for what injuries could he recover damages from:

1. Aspen Hospital? Discuss.
2. Dr. Johnson? Discuss.
3. Valley View Hospital? Discuss.