

Question 1 – PR

1. ethical violations re: Tom

competence

communicate

contingency fee agreement

fee split - lawyers

referral fees

CA

distinction

2. ethical violations re: Alan

referral - non-attorney

loyalty - actual conflict

loyalty - potential conflict

communication

confidentiality

gift/bribe

expenses of witness

fee sharing - non-lawyer

1. 13th
A

13th A
yes - no choice on working for
reforestation
no - only require work to defray costs and few hours
violation

2. dpc

procedural - no notice and hearing

subst
dpc

private education - fund right?

Raising children - fundamental right
yes - state x taking action into own hands

strict scrutiny
compelling interest addressing dropout rate, inc crim activity
15-18 drafted, not all teens, specifically
narrowly tailored - selected
c/a - not every teen drops out should be drafted

keeping family together - fund right
balancing interest of individual v. int of
state

3. epc

gender -
intermediate
law singles out
boys

not suff state interest in choosing only
boys
not narrowly tailored - girls and transgender increase crim too.
narrowly tailored - only to boys who commit crime

age - rational basis 15 - 18
state perceive breakdown in teenagers.

high school dropout - rational basis

Q3. Community Property

INTRO
tracing
dissolution

1. H and W's rights

a. Chex oil stock

s - inherit - SP
a - requirement by bank that W pledge
stock to get construction loan - no change character
p - none
d - W's SP

b. restaurant

s - inherit - SP

H manage restaurant, so consider VC/P

Pereira - H's efforts enhanced value from
100K to 300K within 4 yrs.
CP gets r. rate of return as well as initial investment.
So it's CP.

Van Camp - no actual figures to do computation

Pereira wins

$100K + 40K (10\% \times 4 \text{ years}) = 140K$ SP
160K is remainder and is CP
So W has 220K (140K + 80K from CP), and H has 80K from
CP

70 does the math, 85 does NOT but describes it!

c. rental property

s - inheritance - SP

loans - intent of the lender
bank rely on salaries of H and W, so CP asset
W argue SP b/c bank require W pledge stock as security
intent of lender matters, and rely on both incomes, and
stock is only security. CP asset

CP improve SP (appreciation)
pro rata rule - 75K initially, and now worth 500K
need more facts to make determination

2. satisfaction of C's judgment vs. H

fall occurred during marriage in 2011, so CP
judgment

benefit of the community?

yes - occurred while he worked at restaurant
and growth of business part of income

no - solely H's negligence.

yes, but acting for benefit of community.

thus, reach CP before reach his own SP

W's SP

C can't reach W's SP if in separate account
if SP is reached if sufficient funds elsewhere, she gets
reimburse.

CP first, then H's SP.

Question 4 – Contracts

1. C's rights vs. B

app law

formation - valid K 3/1

express condition - B's intent to ensure use of S equipment/panels in
K

parol evidence

c/a - prior oral agreement inadmissible b/c C would include this in
written K as it's a term that one includes

modification - not written, so no good

no consideration, so no good

adequate assurances

material breach

Impossibility

impracticability

(no frustration)

C's remedies

expectation damages

consequential

restitution

incidental 2d only

punitives 2d only

reliance 2d only

specific performance

2d only

Question 5 – Wills

Q5. wills

Will validity

mental capacity

witnesses

signed J - fine, D - emergency call, sign next
 day
dated

undue influence

2010 - W died

estate left to Ted, so all T's SP

Ted's 2012 writing

holo will

incorp by reference

codicil 2d only

drr 2d only

Distribution

T has 600K CP from B and T, and T has 300K SP

Bertha

T left all share of CP to B, so she gets 600K

B also gets 1/2 of 300K SP, or 150K.

Sam (stepson)

adopted child

pretermitted child

S provided for, so gets 10K from T's SP.

Dot (friend)

10K from will from T's SP.

Cindy (daughter)

C gets residuary.

Residue is 150K SP, minus any SP taken

So 130K (150K - 10K sam, and 10K Dot)

Question 6 – Tort Remedies

Q6 torts/remes

trespass to land
trespass to chattels
conversion
IIED
private nuisance 2d only
misrep 2d

Remedies

actual

10K trespass
30K tree removal
5K cost/repair or 4K cost to replace motorcycle for
fraud

certain 1st only
mitigated 1st only
foreseeable 1st only

permanent injunction

inadequate remedy 2d
property interest 2d
feasibility 2d
balancing 2d
defenses

laches 2d
unclean hands 2d

punitive damages 1st only