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FINAL EXAMINATION - PART ONE

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**Closed-book. One hour.**

Write your exam number here: \_\_\_\_\_

**All exam materials (including this booklet and the answer sheet) must be turned in at the end of the period. You will not receive credit unless you return this booklet with your exam number written above.**

**Do not turn the page until instructed to begin.**

**General Notes and Instructions**

1. Assume that today's date is May 9, 2008, unless indicated otherwise.
2. You may write anywhere on the examination materials – e.g., for use as scratch paper. Only answers and material recorded in the proper places, however, will be graded.
3. Your goal is to show your mastery of the material presented in the course and your skills in analyzing legal problems. It is upon these bases that you will be graded.
4. During the exam: You may not consult with anyone – necessary communications with the proctors being the exception. You may not view, attempt to view, or use information obtained from viewing student examinations or from viewing materials other than your own.
5. After the exam: You may discuss the exam with anyone, except that you may not discuss the exam, at all, with any enrolled member of the class who has not yet taken the exam.

**Specific Notes and Instructions For PART ONE:**

- a. All facts take place in the United States, unless otherwise noted. Except where a question (including the responses offered therefor) specifically identifies the name of a real state, e.g., North Dakota, you must answer the questions based on the prevailing common law and typical statutory law in the United States, including all rules, procedures, and cases as presented in class,

- as well as, where appropriate, the theory and history discussed in class.
- b. Each correct answer is worth one point. There is no penalty for incorrect answers.
  - c. This section of the examination is "closed book." You may not use any materials at all, other than writing instruments and the materials provided as part of the examination.
  - d. Do not assume any additional facts not presented in the questions.
  - e. Choose the most correct answer based on the materials assigned and presented in class. Each question has only one most correct answer. For example, where choices (a) through (d) are correct and choice (e) is "All of the above," the last choice (e) would be the most correct answer and the only answer that will be accepted. Where two or more choices are correct, the most correct answer is the answer that refers to each and every one of the correct choices.
  - f. All exam materials, including this booklet, any scratch paper you use, and your answer sheet, must be turned in at the conclusion of the period for taking this Part One.
  - g. Subsequent to the exam's administration, in the sole discretion of the instructor, if error or irregularity is discovered, any affected question may be thrown out, or alternative answers may be given credit.
  - h. This Part One is worth approximately 1/6 of your exam grade.

FINAL EXAMINATION – PART TWO

**Limited open-book. Three-and-a-quarter hours.**

Write your exam number here: \_\_\_\_\_

All exam materials (including this booklet and your response) must be turned in at the end of the period. You will not receive credit unless you return this booklet with your exam number written above. Do not turn the page until instructed to begin.

**General Notes and Instructions**

1. Assume that today's date is May 9, 2008, unless indicated otherwise.
  2. You may write anywhere on the examination materials – e.g., for use as scratch paper. Only answers and material recorded in the proper places, however, will be graded.
  3. Your goal is to show your mastery of the material presented in the course and your skills in analyzing legal problems. It is upon these bases that you will be graded.
  4. Unless expressly stated otherwise, assume that the facts recited herein occur within one or more hypothetical states within the United States, and base your exam answer on the general state of the common law and typical statutory law in the United States, including all rules, procedures, and cases as presented in class, as well as, where appropriate, the theory and history discussed in class. For the sake of clarity, please note that if the name of a real state is used, your exam response should conform accordingly.
  5. During the exam: You may not consult with anyone – necessary communications with the proctors being the exception. You may not view, attempt to view, or use information obtained from viewing student examinations or from viewing materials other than your own.
  6. After the exam: You may discuss the exam with anyone, except that you may not discuss the exam, at all, with any enrolled member of the class who has not yet taken the exam.
- b. Note all issues you see. More difficult issues will require more analysis. Spend your time accordingly.
  - c. Organization counts.
  - d. Read all exam question subparts before answering any of them – that way you can be sure to put all of your material in the right place.
  - e. Feel free to use abbreviations, but only if the meaning is entirely clear.
  - f. **Bluebooks:** Make sure your handwriting is legible. I cannot grade what I cannot read. Skip lines and write on only on one side of the page. Please use a separate bluebook when you move to a new question. It is not, however, necessary to put each subpart in a separate bluebook.
  - g. **Computers:** Please clearly label each subpart of your answer.
  - h. This portion of the exam is “limited open book.” The only material to which you may refer during the exam, other than this exam booklet, is the authorized copy of the Torts Wypadki, which will be distributed to you during the exam session. (Where the Dean of Students office has authorized additional materials, the direction of the Dean of Students office takes precedence over this rule.) You may not consult or access any other piece of paper, including, but not limited to, a copy of the Torts Wypadki that you have printed out yourself. No materials may be shared during the exam.
  - i. Do not write your name on any part of the exam response or identify yourself in anyway, other than to use your examination I.D. number appropriately. Self-identification on the exam will, at a minimum, result in a lower grade, and may result in disciplinary action.
  - j. **Do not dwell on negligence or other concepts from Torts I.**
  - k. This Part Two is worth approximately 5/6 of your exam grade.

**Specific Notes and Instructions For PART TWO:**

- a. Being mindful of instruction no. 4, above, it is appropriate, if you wish, to note differences between minority and majority approaches in your answer, as well as statutory or other differences among jurisdictions.