

Final Examination

Summer 1999  
DUE: July 25, 1999 5:00 p.m.

Name \_\_\_\_\_

Use The Bluebook - A Uniform System of Citation to find the abbreviations for the following terms. According to The Bluebook, what are the correct abbreviations for the following terms when they appear in a citation. Cite the page number and rule. (2 points)

1.Consolidated

Police Justice's Court

Certiorari

Limited

Savings

Catholic Lawyer

Refining

Federal Rules of Appellate Procedure

Affirmed

Middle District

2.Cite the cases properly according to The Bluebook - A Uniform System of Citation . Give the name, citation, and date of the case, and any other necessary information (such as court) required by The Bluebook

a. State the full citation 522 F. 2d 333

b. State the full citation for 436 U. S. 149

c. State the full citation for 349 N. E. 2d 22 to be submitted to a federal court.

d. State the full citation for 390 S. E. 2d 396 for a brief to be submitted to a Georgia court

3. Cite the cases properly according to The Bluebook - A Uniform System of Citation . Give the name, citation, and date of the case, and any other necessary information (such as court) required by The Bluebook. Locate the name and the parallel citations for these cases

a. 293 U. S. 388

b. 492 U. S. 33

4. What is the U.S. Reports volume numbers for these reports? What are the volume numbers for the unofficial reporters?

a. 8 Wheaton

b. 20 Wallace

c. Give the full citation for the case located in volume 4 of the reports of John William Wallace that deals with prisoners of war.

What were the facts of the case?

5. In the following questions, prepare proper citations based on the information provided about the statutes or administrative regulations according to the rules in The Bluebook.

a. Regulatory amendment published in volume 50 of the Federal Register, beginning on page 37,638. The regulation was published in the issue dated June 15, 1985.

b. The regulations published in the Federal Register for March 22, 1995 at page 15,027 of volume 60.

c. EPA Effluent Limitations Guidelines, codified in Title 40 of the Code of Federal Regulations at section 405.53. The title revision date is 1980.

d. An article published in the American Bar Association Journal, volume 43 and starting on page 1005, titled "Contributory Negligence: A Necessary Check on the American Jury." The article was written by L. F. Powell, Jr. in 1957.

e. Give the correct citation for a case published in the Medical Law Reporter on page 1638 in 1991 in volume 17. The name of the case is Deyoung v. Patten. This reporter is published by BNA.

6. The chronological arrangement of statutes passed by Congress and signed by the President is entitled? (Circle the correct answer)

- a. Statutes at Large
- b. United States Code
- c. Presidential Promulgations

7. Give short answers to the following questions.

- a. Agencies create what type of law?

- b. What are the two categories of federal administrative agencies?
  
- c. Court decisions, reported and collected in various case reporters and other publications, constitute "common law," and emanate from what branch of the government?
  
- d. Name the federal court of appeals that includes New York, and identify the city and state where the court is located.

8. Answer the following questions about court reporters.

- a. What is the difference between the official and unofficial publication of a decision? What is the official reporter of the Supreme Court of the US? b. What is star pagination?
  
- c. Cases in the National Reporter System units appear first in advance sheet form. Is the pagination in the advance sheets the same as that in the bound volume?
  
- d. Will the text of the cases found in the advance sheets always be the same as that in the bound volumes which replace them?
  
- e. The Key Number Digest section is located at the end of each bound volume of the National Reporter System. Where is the Key Number Digest Section located in the advance sheets?

9. What kind of legal authority must a court follow when it decides a case? (Circle the correct answer)

- a. Mandatory
- b. Persuasive
- c. Permanent

Corpus Juris Secundum is (Circle the correct answer)

- a. primary authority
- b. legal encyclopedia
- c. statutory code for the Vatican

10. Use an encyclopedia to answer the following question. Is an employer prohibited by law from executing a "yellow dog contract" in which the employee agrees that he will not become a member of a labor union?

11. Your client has been charged with violating 18 U.S.C. Section 2071 by photocopying a government document.

a. Have any cases addressed the issue of whether photocopying government documents violates this statute? If yes, provide the citation for the case(s).

b. Using the United States Code Annotated, what West Digest topic and Key Number should be consulted for summaries of cases likely to deal with legal issues addressed in 18 U.S.C. Section 2073?

12. What section of the U.S. Code gives the sentence for a U.S. ship captain who voluntarily surrenders his ship to a pirate?

13. Shepardize the following case: Smith v. Seibly, 431 P.2d 719 (Wash. 1967).

a. Has a California case cited the Smith case? If so, state its cite as listed in Shepard's.

b. What is the cite of the federal district court decision that distinguished the Smith case?

c. Has an A.L.R. 3d annotation cited Smith, If so, state the cite.

14. A man under indictment for stabbing his girlfriend to death in a hotel room, went to his lawyer's office and while waiting in the reception area said, "I must have killed her, like I did Audrey, and I don't remember that either." The receptionist, two secretaries and the law librarian were in the reception area. No one asked the defendant questions that would have prompted his statement, and no one else was in the reception area or within earshot. Over the defendant's objection based on the attorney-client privilege, the trial court allowed the prosecutor to introduce the statement. On appeal after the jury returned a guilty verdict, the defendant reasserted his original objection that the statements should have been excluded because they were made to employees of his defense attorney's law firm and were therefore privileged communications protected by the attorney-client privilege. A senior partner has asked you to research this issue, and refers you to *People v. Mitchell*, 86 A.D.2d 976, 448 N.Y.S.2d 332 (1983), in which a New York appellate court confronted this claim.

a. When was the case argued?

b. When was the case decided?

c. Who wrote the opinion

d. Who represented the State of New York?

e. Was it established that an attorney-client relationship existed?

f. The court in *Mitchell* cites a New York statute bearing on the attorney-client privilege. What is the citation of that statute?

15. What are the resources and steps that are used to update an administrative regulation from the federal government?

16. Find the decision concerning the televising of Chicago Bulls basketball games that was decided a few years ago.

- a. Where is the case published? Give the full citation.
- b. What is the docket number?
- c. Who wrote the opinion?
- d. Who were the attorneys?
- e. Summary of the facts
- f. Significance of the case
- g. How many games does NBC broadcast? How many are allowed to appear on Superstations?
- h. How many games did the Bulls want to broadcast and on what station?

17. Answer the following questions about 951 F. 2d 684.

- a. What kind of case is it?
- b. Who were the parties and what were the facts of the case?
- c. What is the item that was infringed upon?

d. Who wrote the opinion?

e. What phrases did the judge use to divide the sections of the opinion?

f. What is the docket number?

g. Date the court issued the decision

h. Significance of the case

i. Who were the attorneys

j. What Legal Topics are addressed?

18. Use the Descriptive Word Index to identify the topic and key number, then examine the topic outline to identify the specific topic and key number.

Use the Eighth Decennial Digest. A prison inmate was burned over thirty percent of his body when another inmate hurled a "Molotov Cocktail" into his cell. As a result, the inmate was hospitalized for four months, underwent painful skin grafts, and suffered severe nightmares. He was awarded \$25,000 for past and future suffering.

a. In what topic and key number can you find a relevant federal case from Texas?

b. What is the name and full citation of the case?

c. Who wrote the opinion?

19. Give the title and citation of an A.L.R. annotation that discusses marriage or pregnancy of a public school student as grounds for expulsion or exclusion, or of restriction of activity.

a. In what section is there discussion of situations where exclusion and expulsion have been upheld?

b. On what case is this annotation based? Give the full citation.

c. What earlier annotation does this annotation supersede?

20. Give full statutory reference to support your answer.

a. What are the minimum requirements to put MADE IN AMERICA on a product?

b. Does it have to be assembled in the US or do all the parts have to be manufactured in the US?

21. Use the Code of Federal Regulations Index to identify the appropriate code section. According to the C.F.R., are postal inspectors authorized to carry firearms?

22. Can the police detain a person's mail without a warrant for a short time to conduct an investigation without violating the fourth amendment? Use the Federal Practice Digest 4th to find a Kansas case on point.

a. Under what topic and key number did you find the case?

b. Update the search and find a 1993 Colorado district court case concerning the detention of mail. Is this case on point?

c. Which headnote specifically discusses the temporary detention of mail? List the number.

d. If the case was coming to trial in the federal district court in Texas, would this case be mandatory authority

e. In the case the authorities identified the Express Mail package as having characteristics of a drug package profile. How did the authorities further inspect the package before opening it?

f. Did the court decide that the detention of the mail violated the fourth amendment?

g. What 1970 Supreme Court case did the court cite as precedent on the issue of temporary detention of mail? State the name of the case.

23. Use Words and Phrases. Locate a judicial definition of the word or phrase stated in the problem. Give the name of the first case cited, if any in your source?

a. Ozark Hillbilly

b. Mens Rea

24. Examine the case found at 311 Southern 2d 381

a. Who were the parties ?

- b. What were the facts of the case?
  
- c. Who wrote the opinion?
  
- d. When did the incident occur?
  
- e. How did the defense counsel describe the incident that led to the case?
  
- f. What is the parallel citation and what is the docket number?
  
- g. Date the court issued the decision
  
- h. Summary of the facts
  
- i. Who were the attorneys
  
- j. What Legal Topics are addressed?

25. Use Martindale-Hubbell Law Directory summaries of foreign legislation in the Law Digests volume, ascertain whether alcoholism or drunkenness constitute grounds for either divorce or a separation in the following countries?

a. Argentina

b. Ireland (Eire)