

## CAN YOU SPOT THE EXAM SOLUTION® ISSUES?

### Legal Exam Hypothetical #1: TORTS

Dot and Phil are adjoining landowners. Dot inherited her property, on which her now deceased father operated a gasoline station, but she closed the station two years ago. She did not drain the underground gasoline storage tanks which her father had installed many years earlier. One tank has developed a leak and gasoline draining from it has percolated through the soil into a well on Phil's land. That well is Phil's only source of water for the cattle he raises. He also uses the well water for his bottled water business.

Phil had his well water tested when his cows became ill and some died. He discovered the contamination and immediately stopped bottling the water. Some of the customers who had purchased bottles of contaminated water from retail sellers became ill.

Dot has refused to remove the leaking tank even though Phil has told her of the damage it is causing. Phil has been forced to sell his remaining cattle at a loss, but before he could do so he had to tear down Dot's fence and drive the cows across her land to reach uncontaminated water in her pond.

Discuss all issues that will be raised by the parties involved.

### Legal Exam Hypothetical #2: CONTRACTS

On Monday, Abel telephoned Baker and entered into an agreement whereby Baker agreed to pay \$1000 cash to Abel on Tuesday and Abel agreed to deliver to Baker on Friday title to and possession of Abel's car in "as is" condition. On Tuesday, Baker told Abel that the agreed price was too high for a car with an inoperative radio. Abel thereupon promised to fix the radio as part of their bargain. Baker said "that's more like it" and gave Abel \$1000.

On Wednesday, Abel asked Charlie for an estimate on repairing the car radio. Charlie said it would take \$75 to restore the radio. Abel said he just wanted the minimum done to get the radio working enough to satisfy his obligation to Baker. Thereupon, Abel and Charlie entered into a valid written contract under which Abel agreed to pay Charlie \$40 and Charlie agreed to repair the radio in Abel's car.

Abel then called Baker and told him that Charlie said he couldn't fix the car radio until Friday. Abel said that meant he wouldn't be able to deliver the car until Saturday. Baker said that was all right. On Thursday, Abel and Charlie cancelled their Wednesday contract.

On Saturday, Abel delivered the car and certificate of ownership to Baker. Baker protested that the radio was still inoperative but took the car nevertheless.

What are Baker's rights against Abel and Charlie?

### Legal Exam Hypothetical #3: EVIDENCE

Dr. Dee has been charged with manslaughter in the death of Mary, who died as a result of complications following an illegal abortion Dr. Dee is alleged to have performed alone in his office. Dr. Dee has admitted to investigators that Mary was a patient of his but has maintained that he did not perform the abortion. The prosecution in its case seeks to introduce the following:

A copy of Mary's patient file from Hospital, where Mary was taken when she lapsed into unconsciousness during the abortion, dated that day, and entered in the file by the head nurse as follows: "Emergency room nurse Bob reports that patient Mary was unconscious when admitted to emergency but regained consciousness for a few moments. Before relapsing into an irreversible coma, the patient stated to nurse Bob, "I'm in such pain. Dr. Dee is a butcher. He did this to me and now I'm going to die. If I had known I would die, I would never have let him do the abortion."

Discuss all appropriate objections that could be made and how the court should rule.

<p style="text-align: center;"><i>Exam Solution Hypo #3</i></p> <p>Present Sense Impression Dying Declaration Declaration Against Interest Multiple Hearsay Business Record State of Mind State of Body</p>	<p style="text-align: center;"><i>Exam Solution Hypo #2</i></p> <p>Logical Relevancy Authentication Best Evidence Rule Lay Opinion Declaration Against Interest Multiple Hearsay Business Record Exception Excited Utterance</p>	<p style="text-align: center;"><i>Exam Solution Hypo #1</i></p> <p>Products Liability (Negligence, Implied Warranty, Strict Liability in Tort) Trespass to Chattel Trespass to Land Private Nuisance Strict Liability Activity Negligence</p>
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# Sail Through Law School Exams

Dear Professor Fleming,  
I recently received a letter from San Francisco Law School congratulating me for making the Dean's List. I just completed my second year of law school and thanks to your courses I raised my grade 6.1 points, from 74.4 to 80.5.

The writing workshop is the first audio course I sent away for and took. Based on how beneficial that program was for me during Civil Procedure, I purchased your CD lectures with corresponding outlines.

Thanks again for the help. I will be working with the Fleming's CDs again in the Fall and trying to repeat my success.  
Sincerely,

Jeanine Nelder

Dear Professor Fleming,  
Permit me to express my deep appreciation for the fine outlines and CDs you provide. In my first six months of law school I used your materials for exam review - and received the highest grade in my Torts I, Contracts I, and Criminal Procedure classes, ending the spring with a 3.68 GPA and a distinguished Honor Roll notation.

Keep up the fine work and thanks for the support!  
Sincerely,

Andy Struve

Dear Professor Fleming,  
Last semester while in a state of "Pre-Finals" panic, I picked up one of your brochures and decided to attend. What a difference they made! Your common-

sense approach to the law and the exam process helped me pull myself out of an intellectual mire and clear my head for exams. The results speak for themselves. Thanks to your excellent review and outlines, I got the first 4.0 in my academic history. My investment in your programs was well worth it.  
Sincerely,

Andrew Greenberg

Dear Professor Fleming,  
I want to thank you for your excellent material. I would never have gotten through my first year without your excellent outlines. Unfortunately, I attempted law school once before and fell to the bottom of the curve. I used all the other commercial outlines which were worthless.

I re-applied to law school, was accepted, and this time I used your CDs with outlines and most importantly, I enrolled in the Exam Two Day Writing Workshop and BINGO! I passed. I am eternally grateful to you for your excellent material and your enthusiasm in teaching.

I look forward to receiving the Constitutional Law outline soon. Thank you in advance for your assistance.  
Sincerely,

Margaret G. Hernandez

Dear Professor Fleming,  
I attended your final reviews for all my first year courses. Working full time while taking 10 units does not allow me the luxury of being able to read hornbooks, etc. Grades were posted last week and I did very well! In fact, my essay answers are being used as the model answer. I can't thank you enough for providing the essential guidelines and structure to adequately prepare for finals. Thanks!  
Sincerely,

John Birkle

Dear Professor Fleming,  
I want you to know how valuable I find your final review CDs to my law school studies. Working full time and going to law school at night does not afford me the luxury of confusion and your CDs make the various law courses so much more understandable. Your CDs cut right to the important data. I have used your CDs through my first year and half of law school and will continue to use them. I recently mailed a copy of your CD list to a friend in San Francisco who is having trouble. I'm sure once she orders your CDs she will be fine.

Thank you again Professor Fleming. Your CDs are wonderful!  
Thank you.  
Sincerely,

Julie Wahlstedt

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**Jeff Fleming, Esq., says,**  
**"I am as committed to your success as you are!"**

Jeff Fleming is a licensed California attorney and a former law professor with 27 years of teaching experience. He has been a legal education consultant to various California law schools and has devoted his legal career to developing legal preparatory seminars designed to aid law students, Baby Bar and Bar candidates to improve their knowledge of the substantive law and develop their exam writing skills. He participated in the calibration session conducted by the California Bar Examiners when grading the California Bar Examination, which has given him the unique insight into the particular problems that most law students face.

Mr. Fleming has lectured for pre-law prep seminars and is the creator of the Exam Solution®, a CD series that aids law students with their exam preparation. His Legal Examination Writing Workshop is the longest running Workshop of its kind in California. His Baby Bar Review seminar, founded in 1981, is considered to be the most successful on the market. In addition, he has founded and lectured for his Long Term, Short Term and Ultimate Bar Review, and is proficient in fourteen areas of substantive law. He is the publisher of the Performance Exam Solution and the two-volume series of Multistate Examination Workbooks. Mr. Fleming has authored the four-book series of Examination Writing Workbooks. All of these publications are available in legal bookstores throughout the U.S.

Mr. Fleming has determined that the major problem for most law students is weak analytical skills. Most students can learn the law, but the application of law is their stumbling block under exam conditions. Mr. Fleming has structured all of his programs to include both substantive law and legal analysis training. This provides the combination necessary to develop a better prepared and more skillful law student, Baby Bar and Bar candidate. His courses and written materials have made it possible for thousands of law students to improve their grades and ultimately pass the California Baby Bar Examination and California Bar Examination.

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