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Part One (Pick either question, but only answer *one* question)

Question 1

Describe the sources of law and the hierarchy of authority of sources of law in the civil law tradition and in the common law tradition. How do the differences in authority of sources of law affect legal education in the U.S. and Mexico? Explain your reasoning, using examples from the readings.

Question 2

“Legal fictions” have allowed the law to function effectively and fairly. Do you agree or disagree? In your answer, define “legal fiction.” Explain your reasoning, using examples from the readings.

Part Two (All students must answer this question)

In the book *Lawyers as Peacemakers: Practicing Holistic, Problem-Solving Law*, the author quotes from an email which states:

Society made a big advancement by requiring symbolic battle rather than actual battle, by introducing a system of litigation where the sides presented their claims before a member of the elite, who decided the winner. Law school assumes this is the environment for the practice of law, where lawyers either do battle to resolve problems or assist their clients in pursuing their interests in a way that prevents battles from occurring. But always the underlying assumptions are that litigation might happen, so the best thing is to try to foresee any possible future troubles, keep your information and often your intentions confidential, and if you do get drawn into battle you do whatever it takes to win.

Efforts are being made to change the practice of law in the American common law tradition. According to a news item, the Legal Aid Service of Northeastern Minnesota, a non-profit organization staffed by lawyers trained in the Western legal tradition, is offering “community law” services to indigent members of the communities it serves. “Community law” has been defined as a type of law practice in which the lawyer “listens to a client’s problems, utilizes the client’s knowledge, considers the community’s culture, and uses holistic solutions to meet the client’s/community needs.”

Can and should the practice of law in the United States change from an adversarial model to a system of lawyers as healers of conflicts in a community law model? Support your position with examples and authority from the course materials and class discussions.