



**The University of New Mexico**

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Semester I, 2008

UNM School of Law  
Final Examination  
Two Credits

Professor Fritz  
Thursday Dec. 11, 2008  
1:30-4:30

**Instructions**

1. This is a **LIMITED OPEN BOOK EXAMINATION**. You may use the course materials, handouts and materials distributed during the course by the Professor or Tutors, and any notes or outlines that you have participated in creating.
2. There are two parts to the exam. Part One consists of two questions for which you have a choice of answering **either** question: **but just answer ONE question** in Part One. Part Two consists of a single question that everyone must answer. Both Parts of the exam are equally weighted.
3. **Please note:** This exam was deliberately written to be answered in two hours, indeed, with time to spare. Thus, you should feel free to leave after that period of time. The extra hour is given *solely* to remove the time pressure and anxiety of the ticking clock that *some* of you might experience. The extra time is intended to take that aspect out of the process. *Thoughtful, organized, and focused responses are much stronger than stream-of-consciousness or repetitive answers that show less organization and thought. Please keep this in mind.*
4. On each blue book, write the subject, professor's name, and your exam number. **DO NOT WRITE YOUR NAME ON THE BLUE BOOKS.**
5. For students typing their exams: Type or write the information that would appear on the front of the blue book at the top of the first page of your answer. Put your exam number on each typed page.

**Good luck and have a Happy Holiday season!**

### **Part One**

(Please answer *only one* of the following two questions in Part One)

1. The law/equity distinction continues to hold considerable significance for lawyers within the Common Law tradition.

*In what ways is that distinction of on-going significance for lawyers within the Common Law tradition and why is that distinction NOT of significance for lawyers within the Civil Law tradition?*

2. The perception of “law” and the meaning attributed to that term obviously varies according to the viewpoint of the observer.

*How and why would Christopher Columbus Langdell, Oliver Wendell Holmes, Jr., and Duncan Kennedy each describe the nature of law?*

## **Part Two**

(The following is a mandatory question everyone should answer)

3. This course has considered the process of dispute resolution in a variety of different contexts, including the historical setting of the Mexican-California Alcalde system, the Navajo Peacemaker courts, and the formal trial of the Common Law tradition.

*Analyze what role the judge, jury, and lawyers play in these three contexts. Moreover, what are the limitations as well as the benefits you see within these different forms of dispute resolution?*