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Contracts
Professor Moore's Section
Mid-Term Exam
Monday, October 11, 9:00-9:45 AM

Students may bring into the exam any course materials, as well as class notes and outlines that they have prepared. Other texts and commercial outlines are not allowed. This exam includes one problem only. Please read through to the end of the problem, including the questions and notes on page two, before you begin to write your answer.

Atticus Finch was a teaching assistant in the first year Contracts class at University of the Rio Grande Law School during his second and third years. After graduating from RGLS in June 2004, and taking the New Mexico Bar Exam, he decides to offer a workshop for first year students at his alma mater in how to write effective outlines for Contracts. He remembers how hard it was for him to prepare for his law exams, and he wishes to help other students facing similar challenges. He also needs to earn some money while he waits for his Bar results.

Atticus sets up a booth in the Forum of the Law School over orientation week in August 2004, where he distributes brochures advertising his outline-writing workshop, which will be held in October. The cost of the workshop is \$100.

On Tuesday of orientation week, a few students stop by to pick up a brochure or two, but no one registers for the workshop. The 1L's are more interested in the materials and snacks being handed out by student organizations such as MALSA, NALSA, BLSA and the Lawyers in Training Mutual Understanding Society (LITMUS). On Wednesday, Atticus lowers his workshop fee to \$75/day, and students begin to show serious interest.

Joni Mitchell, a non-traditional law student, strolls by his booth and stops to look at a brochure. "I'd like to participate in your workshop, but I'm afraid that the time I spend could be better used to brief my cases and prepare for each class. I don't mean to sing the blues, but I know Contracts is challenging, and I'm concerned that my study time will be scarcely enough to read the assigned materials each day."

"Don't worry, Joni," reassures Atticus, "with my workshop, you'll have the extra edge you need to help you organize your class notes and case briefs. My workshop is the best that money can buy."

"Oh, Atticus," protest Joni, "you're fluffing."

"Very good, Joni," laughs Atticus, "but seriously, my workshop just might give you the help you need to succeed on your Contracts exam."

"I really need some help," declares Joni, "but \$75 is pretty pricey."

"I tell you what," declares Atticus, "if you take my Contracts workshop, I just know you'll pass that exam. I'd bet on it."

“Okay, sighs Joni, “I’ll take your workshop. If you’re sure it will help.”

“My outline in Contracts got me an A. If my method worked for me, it should work for you.”

As Joni walks away, \$75.00 poorer, but with a certain lilt in her step, Atticus catches the eye of Lyle Leavitt, who is manning the neighboring LITMUS booth. “First years get so stressed out. All they need is a pat on the back,” explains Atticus.

“Well that may be true,” interjects Lyle,” but your workshop is one expensive pat on the back, Atticus!” They share a laugh before closing up shop for the afternoon.

On Monday, October 18, a few days before the workshop, Joni receives an email from Atticus encouraging all workshop participants to purchase one or two commercial outlines as models in constructing their personalized Contracts outline. On Wednesday, October 20, Joni purchases two outlines at the Law School bookstore for a total of \$50.00

On Saturday, October 23, Joni take Atticus’ Contracts workshop. She drafts her outline that weekend, and adds to it throughout the semester. In early December, she takes the Contracts final exam, and gets a B on the exam and for the course. Her final grade is slightly above the class average.

Early in the Spring semester, Joni applies for a summer clerkship with Guthrie, Seeger and Dylan. Unfortunately, she loses out to two of her classmates who received A’s in Contracts. She learns that the firm only hires A students. Her classmates at the firm earn \$5000 each for the summer. Joni looks for other jobs with little luck, until – with six weeks remaining in the summer – she gets hired by O’Neill’s Pub to wait tables six days a week and sing Irish ballads on Saturday nights for a total of \$400/week.

Joni decides to sue Atticus for breach of contract, given than she did not receive an A in Contracts.

1. Please analyze the merits of Joni’s contracts claim, including her potential damages.
2. What alternative claim could Joni make against Atticus, and what damages, if any, might she recover under that theory?

NOTE: It is essential that you consider Atticus’ counter-arguments against Joni. Remember that you will be evaluated for the precision, thoroughness and organization of your answer. The conclusions you reach are less important than the strength of your analysis. You will be given 45 minutes to complete the exam. I suggest that you read the problem a second time, and that you compose a simple outline for your answer before beginning to write. Good luck!