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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Adam is an attorney who has been in practice for less than a year. Thus far, his solo practice has been limited to criminal defense and car accident cases. Adam has advertised in the local phone book that his law practice handles “all legal matters”. One morning about two months ago, Sally had an appointment with Adam to speak to him about hiring him to represent her. During their meeting, Sally tells Adam that she wants a divorce from her husband Terry. Sally explains to Adam that she and Terry have two small children, a nice house, two cars and two retirement accounts. She says that Terry has cheated on her and wants to “gut” Terry and take everything. Adam immediately accepts the case and tells Sally “I can do it.” Adam tells Sally that he needs a \$5,000 fee, which she pays in cash. Adam tells Sally that the fee is non-refundable and she agrees. He immediately puts the money in his operating account. Adam does not ask Sally to sign any agreement, but there is a verbal understanding between Adam and Sally that he will represent her in “all claims.”

A few weeks later, Adam begins work on Sally’s case. He remembers that Terry came to his office for a consultation. Terry spoke to him about a child he believed he fathered from a previous relationship. Terry told Adam that he is married to a woman named Sally but he had an affair with another woman who had a child during their sexual relationship. Terry wanted to know what his duties were to the child and Adam told him, “until there is a paternity test, don’t

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worry about it.” Terry never hired Adam to pursue any legal action and Terry never paid Adam any money for the consultation, or to represent him.

The day that Adam remembers his consultation with Terry, he calls Sally and tells her that a few months ago, he spoke to her husband Terry, but does not reveal any details to Sally about the conversation. Sally does not express any concern about Adam’s conversation with Terry, but is angry that Terry would see a lawyer “behind her back.” Sally tells Adam that she wants him to hire an investigator to have Terry followed, to tap Terry’s phone and to have someone break into Terry’s office, steal his computer and look for incriminating evidence she can use at trial.

The next day, Terry files for divorce from Sally. He asks for full custody of the children and for all marital assets. The court directs that Sally file an answer in 20 days and sets the case for a hearing. The same day, Adam decides he can no longer represent Sally. He believes that Sally will be a “difficult client” and that he can’t really do the things Sally asks him to do. He does not feel comfortable stealing Terry’s computer, nor tapping his phone.

Adam goes on vacation for three weeks after making his decision to not represent Sally. When he returns, he calls Sally to tell her he will not represent her. Sally is furious and tells Adam she wants her money back. Adam refuses and tells her the fee was non-refundable. The

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same day, Terry files to default Sally because she never filed an answer to his petition for divorce. Sally and Terry both file bar complaints against Adam.

Identify and discuss each ethical issue presented by these facts under the Oklahoma Rules of Professional Conduct. Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

John is 83 years old and married to Wendy, his wife of 50 years. John and Wendy have two adult children: Sam, and an adopted daughter Darla. Their third child, Trey, has died but left John and Wendy with their only grandchild, Gary. John drafted a will that provided as follows:

- “1. I leave my car to my wife, Wendy.
2. I leave the sum of \$10,000 to my Alzheimer’s physician, Dr. Stephens.
3. I leave the rest and residue to my son, Sam.”

The will was typed by Sam and executed in his home. The will was witnessed by Sam’s wife, Brenda, and a nurse who was attending to John at that time. It was not notarized. John made no provision for his adopted daughter, his deceased son or grandson.

John died two years later, survived by Wendy, Sam, Darla, Gary and Dr. Stephens. John left a car which was purchased a month before he died, the marital home he shared with Wendy, and a bank account worth \$1,000,000.

Questions:

- A. Is the will valid? Explain your answer.
- B. Assume for this subpart only that the will is valid. What part of the estate should Wendy be entitled to? Explain your answer.
- C. Assume for this subpart only that the will is valid. What part of the estate should Sam, Darla, Trey’s estate, Gary and Dr. Stephens be entitled to? Explain your answer.
- D. Assume for this subpart only that the will is invalid. What would Wendy, Sam, Darla, Trey’s estate, Gary and Dr. Stephens be entitled to? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Throughout their married lives John and Kate Westerly, husband and wife, through their joint efforts, acquired title to Blackacre, one tract at a time. For various reasons, each of the individual tracts was acquired in the separate name of one or the other. They also had children together. Later, Kate contracted a fatal illness and, on her deathbed, executed a will appointing her husband executor and bequeathing everything to her husband, providing he remained unmarried, and if he remarried, to her children. After Kate died, the will was admitted to probate, her husband John was appointed Executor, and he inventoried those tracts in Blackacre that had been acquired in Kate's name. John took no further action in Kate's estate.

Two years after Kate died and her will was admitted to probate, John remarried Scarlett. Shortly after their marriage, he built a house for Scarlett on one of the tracts in Blackacre that was titled in Kate's name and inventoried in her estate. John and Scarlett paid ad valorem taxes on the home and occupied it as their marital homestead for 20 years until John died. However, three years before his death, John executed a general warranty deed in his own name to Scarlett in consideration of "love and affection." Shortly before he died, however, John recorded an instrument in the land records purporting to rescind that deed because of a "failure of consideration" after their marriage had deteriorated.

Not until after John's death did Scarlett ever have any reason to search the land records regarding the land upon which the house was built. After John's death, one of Kate's adult

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children was appointed Successor Executor of Kate's estate. At no time did John during his lifetime ever elect to take his "forced heir share" of Kate's estate.

Scarlett then filed suit to quiet title against Kate's estate.

Questions:

- A. Should Scarlett succeed on her claim of title through the general warranty deed?
Explain your answer.
- B. Should Scarlett succeed on her claim of title through adverse possession? Explain your answer.
- C. Should the Successor Executor succeed on his claim of title through Kate's original acquisition deed? Explain your answer.
- D. Should the Successor Executor succeed on his claim of title through Kate's will?
Explain your answer.
- E. Which of the above claims of title should prevail in the quiet title action? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Dr. Chambers is a board certified urologist licensed to practice medicine in Oklahoma by the Oklahoma Board of Medical Licensure and Supervision, an agency of the State of Oklahoma ("Board"). His board certification is provided by the American Society of Urology, a non-profit corporation located in Delaware and Dr. I.M. Rich is the president of the trustees of that Society.

Pursuant to the Oklahoma Administrative Procedures Act, the Board appropriately issued permanent rules. One of the appropriately issued rules, Rule 369, provides: "No individual licensed by the Oklahoma Board of Medical Licensure and Supervision shall ever perform inappropriate sexual acts with a patient. Violation of this rule shall result in revocation of the license."

Several patients of Dr. Chambers made complaints to the Board stating that Dr. Chambers had performed inappropriate sexual acts upon them in his office under the guise of treating their urinary tract infections. The Board notified Dr. Chambers that it intended to revoke his license for violating Rule 369 and that he has a right to a hearing. Dr. Chambers timely notified the Board of his request for a hearing.

The Board selected three of its members as hearing examiners: Dr. Rusty Bones, an orthopedic surgeon; Dr. Sally Childs, an obstetrician; and Dr. I. Sore, an ophthalmologist. At the individual hearing, evidence was presented indicating that Dr. Chambers had performed sexual acts upon his patients and that those sexual acts were inappropriate. Dr. Chambers presented

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evidence that (1) the sexual acts he performed on those patients had their genesis in a form of oriental medicine not taught in medical schools in the United States, and (2) in other countries, these actions were known to cure urinary tract infections. The hearing was recessed so the three hearing officers could deliberate and render their decision.

Since none of the hearing officers were urologists, they weren't sure if Dr. Chambers' actions were valid treatments for urinary tract infections. Thus, outside of the hearing, Dr. Bones called on the telephone Dr. Wong Powers, a urologist and Board member, and asked him his opinion. Dr. Powers stated there was no such treatment. Then, outside of the hearing, Dr. Bones called on the telephone Dr. Rich and asked his opinion. Dr. Rich agreed that no sexual act would treat urinary tract infections. The hearing was resumed, no additional evidence was taken and Dr. Chambers' license was revoked. When the hearing officers announced their unanimous decision, Dr. Bones stated that he had spoken with Dr. Rich and Dr. Powers and they both indicated that the sexual acts were inappropriate and not treatment for urinary tract infections.

Dr. Chambers feels he was railroaded. He tells you he thinks it was wrong for Dr. Bones to talk to Dr. Rich and Dr. Powers. He also learned that Dr. Bones' wife is a urologist that has been trying, unsuccessfully, to purchase Dr. Chambers' practice.

Assume all of the rules issued by the Board, including Rule 369, complied with the Oklahoma Administrative Procedures Act.

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Questions:

- A. Under the Oklahoma Administrative Procedures Act, was it appropriate for Dr. Bones to call Dr. Rich about Dr. Chambers' case? Explain your answer.
- B. Under the Oklahoma Administrative Procedures Act, was it appropriate for Dr. Bones to call Dr. Powers about Dr. Chambers' case? Explain your answer.
- C. Under the Oklahoma Administrative Procedures Act, was it appropriate for Dr. Bones to be a hearing examiner on Dr. Chambers' case? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

On June 20, 2014, Charlie Strong's 2013 BMW was struck in the parking lot of a Norman restaurant by Will Driver, a track star at the University of Oklahoma. The accident was due to Driver's negligence operating his Volkswagen SUV at an excessive speed while under the influence of alcohol. A single witness, Theo Keeley, observed the negligence of Driver, and gave a full and accurate statement to the Norman Police Department. Also, unbeknownst to Driver, the incident was captured by the restaurant's video surveillance system. No criminal charges were filed against Driver.

Notwithstanding the foregoing, Driver "won the race" to the Cleveland County District Court and filed a suit against Strong for negligence relating to the manner in which Strong's vehicle was parked, seeking actual damages for his alleged injuries (which were non-existent), as well as punitive damages based on his allegation of Strong's "reckless disregard for the rights of others." Driver's lawyer, Jack F. Nelson, sent copies of the Petition to Strong's employer, family members and banks with letters asserting damages allegedly caused by reckless misconduct on the part of Strong.

Strong counterclaimed against Driver for the property damage to his car. Summary judgment was granted in favor of Strong on his counterclaim, and against Driver on his claim of negligence. The summary judgment order was appealed by Driver and affirmed, with the Court of Civil Appeals unanimously concluding that Driver's suit was without merit. The Oklahoma

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Supreme Court denied certiorari, with one Justice writing a concurring opinion which essentially condemned the litigation initiated by Driver. Strong then commenced a case in Cleveland County against Driver and his lawyer for malicious prosecution and abuse of process.

Questions:

- A. Does Strong have a viable claim for malicious prosecution against Driver and/or his attorney? Explain your answer.
- B. Does Strong have a claim against Driver and/or his attorney for abuse of process? Explain your answer.
- C. What remedies are available to Strong if he were to recover on one claim or the other? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Bob and Jane Smith were married in June of 2004. However, they have now decided to dissolve the marriage. They do not have any children, and cannot agree on an equitable division of property. Jane filed a Petition for Dissolution of Marriage in May of 2014. Bob needs some legal advice regarding the following four property categories that are in dispute:

Stock and Savings Account: In 2009, Jane's grandmother passed away and left her 500 shares of Proctor and Gamble stock. Jane sold 250 shares and put the money in a joint savings account at First National Bank. She and Bob opened the savings account when she received the proceeds from the sale of the stock. She kept the remaining 250 shares in a safe deposit box that she and Bob opened after their marriage at the same bank. Bob claims the 250 shares of stock in the safe deposit box and the proceeds from the sale of the 250 shares in the savings account are marital property. Jane claims the stock and the money are her separate property.

House: Bob purchased a house in Oklahoma two months before he married Jane. He purchased the property for \$250,000 cash, and the warranty deed reflects that he purchased the house as a single person. Bob and Jane did not make any improvements to the house. However, due to the housing market at the time Jane filed the Petition for Dissolution, the house was worth \$325,000. Jane claims the \$75,000.00 increase in value of the home is marital property. Bob asserts that the house is his separate property.

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Ring: While vacationing in Bolivia in June 2009, Bob and Jane found a diamond ring that was being sold for far less than they thought it was worth. Jane liked the ring, but it would have to be adjusted to fit her finger. Bob bought the ring for \$5,000 and shipped to a jeweler in Oklahoma to have it appraised and adjusted to fit Jane. The ring remained at the jeweler until Jane picked it up the day before she filed her Petition. Bob claims the ring is marital property, but Jane claims it is her separate property.

Baseball Card Collection: During the marriage both spouses worked. They agreed each would get a one hundred dollar weekly allowance to spend as they please, no questions asked. Bob carefully saved his allowance and began purchasing baseball cards. He studied sports memorabilia literature and attended sports memorabilia shows. He now has a carefully selected baseball card collection worth over two hundred thousand dollars. The collection's value is based upon the unique nature of the collection as a whole, rather than the value of the individual cards.

Question:

For each of the four property categories, determine for Bob whether the item is marital property, separate property, or some of both. Explain your answers.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

On February 1, 2014, a local retailer (“Retailer”) in Norman, Oklahoma, sold two identical televisions to Donald for a total purchase price of \$2,000. Donald made a \$500 down payment and signed a Retail Sales Agreement whereby he agreed to pay the balance within one year. The Retail Sales Agreement contained a Security Agreement that identified the televisions as the collateral for the unpaid purchase price, granted the Retailer a security interest in the collateral to secure the payment of the unpaid purchase price, and provided that Donald “shall not sell or otherwise dispose of the collateral until the balance owed on the Retail Sales Agreement is paid in full.” The Retailer filed a financing statement in the office of the County Clerk of Cleveland County, Oklahoma. The financing statement sets forth the name and address of Donald as the debtor, the name and address of the Retailer as the secured party, and a proper description of the televisions as the collateral.

Donald purchased one of the televisions to be used at his home in Norman and the other television to be used at his lake house on Lake Tenkiller in Oklahoma. Upon arriving home, Donald decided the televisions were too small for his family room. In addition, he learned that his lake house had burned down that morning, so he never used the television at the lake house. Donald then stored the televisions in the garage of his home.

In June, 2014, Donald sold one of the televisions to a friend, Smith, who paid Donald \$900 for the television. Smith immediately installed the television in his home.

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In September, 2014, Donald gave the other television to his nephew (“Nephew”) as a birthday present. Nephew has been using the television at his apartment.

Neither Smith nor Nephew had any knowledge of Donald’s dealings with Retailer. Donald defaulted under the terms of the Retail Sales Agreement for, among other reasons, non-payment of the remaining purchase price. Retailer determined that Smith and Nephew are in possession of the respective televisions and sent demand letters to Smith and Nephew, claiming a security interest in the televisions and demanding the return of the televisions to Retailer.

Questions:

- A. Does Retailer have a properly perfected security interest in the televisions?
Explain your answer.
- B. Assume for this subpart only that Retailer has a properly perfected security interest in the televisions. Does Smith and Nephew own their respective televisions free of Retailer’s security interest? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Father started a business making widgets, doing business as WidgePro. Cousin came to Father and told him he knew a way to increase Father's business if Father would let him join WidgePro and agree to pay him a percentage of all new business he created. Father verbally agreed. After a few years, the business became very successful. In addition to Cousin, Father had several other people who traveled the surrounding states seeking new business. Cousin was the most prolific at finding new business and securing new contracts for Father. Father always suspected that Cousin was exaggerating WidgePro's success to potential new customers but as long as the new contracts made WidgePro money, Father did not care.

After Cousin secured one particularly large new contract with XYZ, Corp., WidgePro was sued by XYZ, Corp. for fraud and breach of contract. XYZ, Corp. named WidgePro as the sole Defendant. After resolving that lawsuit, Father comes to see you.

Questions:

- A. The lawsuit scared Father and he wants to limit his personal liability in the future. What is your advice to Father? Explain your answer.
- B. Father wants to know if Cousin could have had any personal liability in the lawsuit with XYZ, Corp. What is your advice? Explain your answer.
- C. Father wants Son to join him at WidgePro. How do you advise Father to make this happen? Explain your answer.

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Hank and Wanda married in 1976 and lived their entire lives in Oklahoma. Prior to the marriage, Wanda had a daughter, Diane. Hank believed he was Diane's father and acknowledged her as his own. Hank and Wanda had a son after marriage, Sam.

Sometime later, Hank asked his attorney to draft a will for him. The will (Will 1) left Hank and Wanda's home and 1/3 of his estate to Wanda. It also left 1/3 of his estate to Diane and 1/3 of his estate to Sam. After reviewing the will at his attorney's office, Hank signed the will in front of his attorney and two staff members from the attorney's office. The two staff members then signed the will as witnesses.

In 2012, Sam and Diane decided to go into business together. However, they did not have the funds to back this venture. To get them started, Hank gave each of them 1/3 of his estate. Wanda was furious at Hank for giving the children 2/3 of his estate, and she threatened to divorce him unless he wrote a new will giving everything to her. Hank did not want to divorce Wanda, but also did not want to cut his children out of his will. He refused. However, during an argument Hank handwrote, dated and signed a will (Will 2) on a napkin stating "I, Hank, hereby leave my entire estate to my wife Wanda." Hank showed it to Wanda, asked if she was happy now, and then put the napkin in his desk drawer. In order to provide something for his children, Hank secretly purchased a life insurance policy naming Sam and Diane as joint beneficiaries.

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After Hank died in 2014, Sam and Diane learned that Hank wrote a second will on a napkin that provided them nothing. Their business is struggling and without their inheritance, it will surely fail. They have come to you to represent them in the probate of Hank's will.

Questions:

- A. Was Will 1 a validly executed will? Explain your answer.
- B. Was Will 2 a validly executed will? Explain your answer.
- C. Which will controls distribution of Hank's estate? Explain your answer.
- D. Who will receive the proceeds of Hank's life insurance policy? Explain your answer.
- E. Assume for this subpart only that the Will 2 controls distribution of Hank's estate. Can Sam and Diane still receive under that will as pretermitted heirs? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

On January 14, 2014, Judge Terence C. Kern of the United States District Court for the Northern District of Oklahoma declared State Question 711 unconstitutional. The ballot summary for SQ711 read:

This measure adds a new section of law to the Constitution. It adds Section 35 to Article 2. It defines marriage to be between one man and one woman. It prohibits giving the benefits of marriage to people who are not married. It provides that same sex marriage in other states are not valid in this state. It makes issuing a marriage license in violation of this section a misdemeanor.

Judge Kern stayed his decision in the matter, *Bishop v. United States* (formerly, *Bishop v. Oklahoma*), pending appeal.

On July 18, 2014, the Tenth Circuit Court of Appeals upheld Judge Kern's ruling, but put its ruling on hold pending an appeal to the United States Supreme Court.

On October 6, 2014, the High Court rejected that appeal, effectively affirming the Tenth Circuit Court's ruling. The State of Oklahoma began recognizing same-gender marriage.

Jason Jones and Kenny Young, a long-time couple who had dreamed of marrying someday, learned of this new right to marry on October 7, 2014, and married the next day. On November 15, 2014, Jason found out that he had been promoted and transferred to his company's headquarters in Little Rock, Arkansas. He and Kenny moved to Arkansas' capital

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city on November 30, 2014. Soon thereafter, the relationship between Jason and Kenny deteriorated irretrievably, in part due to the stress of the move. Jason filed for divorce in an Arkansas district court on February 1, 2015.

Arkansas does not recognize same-gender marriage. In 1997, the Arkansas General Assembly passed a ban on same-gender marriage and recognition of same-gender marriages performed out of state. Governor Mike Huckabee signed the bill into law. On November 2, 2004, Arkansas voters approved Constitutional Amendment 3:

(1) Marriage. Marriage consists only of the union of one man and one woman. 2) Marital status. Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman. (3) Capacity, rights, obligations, privileges, and immunities. The legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights, obligations, privileges, and immunities of marriage.

The Arkansas law has been challenged. A final decision at the state court appellate level is pending. On November 25, 2014, U.S. District Judge Kristine Baker ruled in favor of two same-gender couples who had challenged the 2004 constitutional amendment and earlier state

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law, arguing that the ban violated the U.S. Constitution and discriminated based on sexual orientation. Judge Baker put her ruling on hold, and Arkansas is expected to appeal it to the 8th Circuit Court of Appeals.

Questions:

- A. What area of law (i.e., what doctrine) is implicated by these facts? Explain your answer.
- B. Assume for this subpart only that you are the judge presiding over the divorce case filed by Jason. What factors or principles are relevant to and should you consider in rendering a decision? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

Dodgy Dan loves to hunt but doesn't own any property. He hunts on out-of-state residents' properties without permission. On February 1, 2012, Patty (who doesn't live in Oklahoma) was back in Craig County, Oklahoma for a family funeral and caught Dan trespassing on her property. On July 1, 2014 Patty hires Belinda to file a trespass suit against Dan. Belinda immediately files suit, but her process server was unable to have Dodgy Dan served until January 1, 2015.

Questions:

- A. Dan's attorney files a Motion to Dismiss. What grounds should be set forth in that Motion? Explain your answer.
- B. Assume for this subpart only that Belinda properly filed this action in federal court. Would your answer to subpart A be any different? If so, explain your answer.
- C. Assume for this subpart only that the Motion to Dismiss is denied. What defenses, if any, should be included in the answer? Explain your answer.
- D. Assume for this subpart only that Dan did not file any response at all to the lawsuit and Belinda files a Motion for Default on April 5, 2015. Should the Motion for Default be granted? Is your answer the same under both Oklahoma and Federal Procedure Rules? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

In 2009, Amos, Bill, Charles and Dave formed Real Estate, Inc. ("Corporation"), an Oklahoma Corporation under the Oklahoma General Corporation Act. The Corporation has been in good standing with the State each year since it was created and is currently in good standing.

When the Corporation was formed, each organizer was issued 25 shares of stock for a total of 100 shares. There are no other issued or outstanding shares. The purpose of the Corporation was to buy lake property, develop it, plat it and install roads and utilities and then sell individual lots for residential purposes.

The Corporation purchased a tract of 30 acres of prime lakefront property for \$100,000 in 2011, and borrowed the entire amount, mortgaging the property as security.

Because of a real estate down turn in 2011, the development came to a quick halt. The property was never subdivided as planned by the shareholders and they have been required to loan the Corporation enough money to make the interest payment on the mortgage loan. In 2012, each shareholder loaned \$2,500 to Real Estate, Inc., and took promissory notes as evidence of their debt. They did the same in 2013 and 2014.

Now in 2015, the property is worth \$250,000 but the note is due. Amos, Bill, and Charles are tired of spending money out of their own pockets and no longer want to make cash infusions to cover the cost of the mortgage. They want to dissolve the Corporation; Dave does not.

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Amos, Bill and Charles come to you for advice as to whether or not the three of them can dissolve the Corporation and, if so, how.

Questions:

- A. Can Real Estate, Inc. be voluntarily dissolved? Explain your answer.
- B. What is the dissolution process for such a Corporation? Explain your answer.
- C. What are Dave's rights? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

On New Year's Eve, Ryan and Don decide to go out and celebrate the New Year. They go out to a local bar and drink heavily at the annual New Year's Party. At the end of the night, they don't feel like calling it a night, so they decide to have their own fun. They grab a twelve pack of beer and drive out to the local public pond for some late night winter fishing. They are so drunk. They do not care that they do not have fishing licenses and want to take a risk by sneaking out to the pond to fish illegally. On their way to the pond, they discuss how cool it would be to break into the local jewelry store and steal all of the diamonds. This would allow them to make back all of the money they just spent at the bar. After about an hour of fishing, they decide they are too drunk to fish so they climb into their car and fall asleep.

At around 8:00 A.M., Deputy John Brown drives by the pond to see if anyone is taking advantage of Oklahoma's "No License Required to Fish" weekend. As the deputy pulls up, he sees Ryan passed out in the driver's seat and Don passed out in the passenger's seat. Upon further examination, he sees that the car is full of empty beer cans and there are still two half full beers in the cup holders.

What criminal charges could be considered against either Ryan or Dan, or both? For each such crime, describe the elements of the crime and discuss whether one or both individuals should be found to have committed such crime. Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

A.B. has a sterling reputation as a criminal defense attorney. As a result, an attorney from a different firm referred to A.B. a new client, Jack Ross, who happens to be the latest first-round draft pick by the professional basketball team located in A.B.'s city. Jack was charged with domestic assault and battery. Upon review of the Incident Report and Probable Cause Affidavit, A.B. learns that the allegations related to Jack's arrest were made by his girlfriend and include allegations that, after a very heated argument, Jack repeatedly struck her in the face and dragged her by the hair down the stairs in their new condo. The Report also shows that she claims Jack had been verbally abusive in the past, but he never physically abused her until this incident. Jack happens to be black and his girlfriend is white.

A.B. appears on Jack's behalf at his initial appearance before Judge C.D., before whom A.B. has appeared on a consistent basis for several years. A.B. also discovers that E.F. is the prosecuting attorney, with whom A.B. is very familiar from his participation in numerous high-profile criminal trials in the past. As the parties depart from the Courthouse, all are bombarded by local and national media members who are seeking comments on the case. As part of a prepared statement, E.F. states, "This city will not stand for this type of violence against women. Mr. Ross would be well advised that the State will seek to punish him to the fullest extent of the law, as he is clearly guilty of the most heinous offense a man can commit."

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As A.B. walks by E.F. and overhears this portion of his statement, A.B. feels like the court of public opinion is already being shaped by E.F.'s comments and feels the need to shift the public opinion back in his client's favor. Accordingly, A.B. decides to make a statement on behalf of his client which includes the following, "E.F.'s comments are completely false and are intended to unnecessarily shift the perception of the public about my client. However, I cannot blame him for his confidence in this case due to the fact that Judge C.D. is known for throwing the book at minority defendants."

Upon A.B.'s return to his office, his assistant meets him at the front door with twenty-five telephone messages from news outlets wanting comments related to Jack's case. As A.B. reviews the messages in the lobby, not realizing there was a client waiting to meet with another attorney in the office, A.B. utters audibly, "My client is an idiot – just wasted millions of dollars."

When A.B. finally gets back to his desk, he sits down and checks his voicemail. The first message is from the attorney that referred Jack Ross's case to A.B. and states, "Hey buddy, saw you on TV doing battle with E.F. No hurry, but just give me a call so we can discuss my referral fee – normal deal is fine by me."

After A.B. finally makes it through his voicemail, he leans back in his chair and notices G.H., who is a new associate in the office, standing in the doorway. G.H. explains that his new

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

client mentioned he overheard A.B. talking about how Jack Ross was an idiot and was wasting millions of dollars. Exasperated and exhausted from the events of the day, A.B. tells G.H. he doesn't know what the heck he is talking about and suggests that, perhaps, G.H. shouldn't parade his clients through the back of the office.

Identify and discuss each issue presented by these facts under the Oklahoma Rules of Professional Conduct. Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

The City of Credo is located within Oklahoma and includes many residential developments. One of the newer residential developments is called Piney Acres, which is a small development and has only twenty homes. The homes are large homes on large, well-manicured lots, and are all valued at over \$500,000. Piney Acres is located on the edge of town and is surrounded on three sides by vacant property with rolling hills and meadows. The residents of Piney Acres enjoy the open feel of their development.

Development Corp. purchases property adjacent to Piney Acres and announces plans to build an outlet mall on the property. Development Corp. immediately files an application with the City of Credo to zone the property for commercial use. The City of Credo's ordinances require that a hearing on an application to zone property be held before the city council and that notice be given to all owners of property within 300 feet of the property to be zoned. No further notice is required by the City of Credo's ordinances. Two homes in Piney Acres lie within the 300 feet radius. The owners of those two homes receive notice of the proposed rezoning.

Bill and Rita own the largest and most expensive home in Piney Acres. Bill and Rita learn about the requested commercial zoning when talking to their neighbor. Bill and Rita are concerned that having an outlet mall next door will decrease the value of their home. They talk to a realtor and are advised that an outlet mall would cause their home's value to decrease by \$500,000. The realtor also tells Bill and Rita that he would have a hard time selling their home

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because most people looking for expensive homes would not want to live next door to an outlet mall.

Bill and Rita attend the hearing on Development Corp.'s application to zone the property for commercial development. When the hearing is opened for comments from the public, Bill and Rita attempt to address the city council to voice their concerns about the impact on the value of their property. However, the city council advises Bill and Rita that because they do not live within 300 feet of Development Corp.'s property, they are not entitled to submit statements or other information to the planning commission.

The city council approves Development Corp.'s requested commercial zoning.

Bill and Rita come to you for legal advice. After relating the above facts, Bill and Rita want to know whether they have any basis to challenge the City of Credo's decision to zone Development Corp.'s property for commercial use. If they can't stop the development, Bill and Rita want to know what recourse, if any, they have against the City of Credo to recover the decreased value of their home if the outlet mall is built.

For the purposes of this question, you should assume that the City of Credo is subject to the Oklahoma and U.S. Constitutions.

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Questions:

- A. What clause(s) of the Oklahoma and/or U.S. Constitutions are implicated by the facts that Bill and Rita have presented to you? Explain your answer.
- B. What analysis should be applied in determining whether the City of Credo violated Bill and Rita's constitutional rights? Explain your answer.
- C. What analysis should be applied in determining whether the City of Credo's actions constitute an unconstitutional taking of Bill and Rita's property? Explain your answer.

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THIS IS A 30-MINUTE QUESTION CARRYING MAXIMUM GRADE POINTS OF 100.

In October, 2012, an Oklahoma bank made a five (5) year loan to David for the purchase of a new Ford truck. The loan was documented by all the required and customary written agreements, including a security agreement which granted the bank a security interest in the truck, and the right to “repossess” the truck upon default. The bank’s security interest in the truck was properly perfected.

David made the required monthly loan payments on a timely basis for the first year of the loan term. However, in October 2013, David lost his job and stopped making the monthly loan payments. In early January 2014, the bank sent David a demand letter declaring the loan to be in default and threatening to repossess the truck. Before the bank acted on its threat to repossess the truck, the bank received written notice that on January 15, 2014, David had filed a Chapter 7 bankruptcy proceeding in the United States Bankruptcy Court for the Western District of Oklahoma.

Questions:

- A. Under the Bankruptcy Code, what was the legal effect of the filing of the bankruptcy case on the bank’s ability to lawfully repossess David’s truck?

Explain your answer and include a discussion of the substance and purpose of the applicable provisions of the United States Bankruptcy Code.

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- B. What steps, if any, can the bank take in the bankruptcy case to allow the bank to obtain possession of, and enforce its lien upon, the truck? Explain your answer and include a discussion of any motions the bank might be required to file in the bankruptcy case, as well as the nature and substance of any orders the bank might be required to obtain from the Bankruptcy Court before repossessing the truck.