

FINAL EXAMINATION
PROFESSIONAL RESPONSIBILITY
PROFESSOR LOIS SCHWARTZ
SUMMER 2005

1. You have **two (2) hours** to complete this exam.
2. This is a closed book exam. Students may not use any outside materials or confer with each other during the exam.
3. The exam consists of two parts. Part I contains **25 multiple-choice questions**. Part II contains **one essay consisting of four (4) short-answer essays**. Time limits are suggested for each section.
4. Please write your responses on the ParSCORE test form and in the blue books provided. If you are using exam software, complete the required information on the disk and remember to save the exam to the disk. In the blue books please leave sufficient margins, and write on every other page and every other line.
5. Write your exam number on your exam envelope. Put your correct class section and student exam number at the top of this page, each page of questions and each blue book. **Do not** use your name, student ID number or Social Security number on any exam materials.
6. At the conclusion of the exam, turn in **all** exam materials including the ParSCORE form, blue books, computer disks, scratch paper and the exam in the envelope provided and submit them to the exam proctor. **Do not seal** the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

PART TWO

ONE ESSAY; FOUR SHORT ANSWER QUESTIONS

RECOMMENDED TIME: 1 HOUR

Judge Jackson has served on the bench in the Superior Court of Ames County in the State of Columbia for 30 years. He can be impatient at times, and a little old-fashioned in his attitudes, but he is generally considered to be a capable jurist. Recently, however, several incidents occurred that have raised some questions.

When Attorney Arnstein failed to appear in court on behalf of her client at a bail hearing, Judge Jackson remarked in open court: Here's another example of a civil attorney who shouldn't be handling criminal cases. The Judge then commented that the attorney "probably had something more important to do, like go to a PTA meeting. She has a bunch of kids. She's been having kids ever since I've known her."

The Judge conducted a settlement conference last February. The parties to the dispute agreed to allow a third person, Donovan, to attend on the theory that he was partially responsible even though he was not named in the dispute. Donovan admitted his liability, but he never paid the damages that the parties agreed he owed. Although Donovan was never named or served in the action, the Judge, acting on his belief that Donovan ought to pay, directed entry of a corrected judgment that identified Donovan as a defendant and required him to pay the damages in question.

Ringo, the son of a fellow member of Judge Jackson's church, was charged with possession of cocaine. He was scheduled to appear before another judge in the same court. Ringo's mother called Judge Jackson at home to talk to him about her son's situation and about helping him with his drug problem by obtaining Christian counseling. The Judge informed her that a court, unfortunately, could not order such a course of treatment, but it was available through their church. The Judge viewed the conversation as a mother confidentially asking a fellow church member for help for her son.

In a final matter, Defendant Dan Defoe appeared before Judge Jackson, criminally charged with violating a protective order requiring him to stay away from his wife and child. Under an agreement with the district attorney, Defoe pled guilty to the violation, and Judge Jackson continued his sentencing, with a dismissal to follow after a year if he committed no further violations and obeyed court orders. During that time, Defoe often appeared before the Judge for compliance review.

At one point, Defoe talked about committing suicide and other violent acts. In the belief that Defoe needed counseling, Judge Jackson advised him that he was welcome to attend a Saturday morning men's fellowship group that the Judge led. Defoe attended the fellowship group a few times. The men in the group listened to his story and tried to get him to leave his wife alone.

1. Did the Judge violate the Code of Judicial Conduct when he made the comments about Attorney Arnstein in open court?

2. Did the Judge violate the Code of Judicial Conduct when he added Donovan as a defendant and ordered him to pay damages?
3. Did the Judge violate the Code of Judicial Conduct when he spoke to Ringo's mother?
4. Did the Judge violate the Code of Judicial Conduct when he included Dan Defoe in his fellowship group?

END OF EXAM