

REMEDIES FINAL EXAM
GOLDEN GATE SCHOOL OF LAW
SPRING 2008
PROF. LOIS SCHWARTZ

1. You have three (3) hours for this examination.
2. This is a **closed** book examination.
3. This examination contains two equally weighted parts:

Part I consists There are thirty (30) multiple choice questions. Choose the single best answer for each question. Correct multiple choice answers are to be marked on the separate “ParSCORE TEST FORM” using pen or pencil and following the instructions on that form. If you change your answer, place a clear “**X**” through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of one (1) essay question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

4. Write your student exam number on your exam envelope. Put your student exam number at the top of this page, each page of questions, each blue book, and the “ParSCORE TEST FORM.” **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, all examination papers—including the Part I ParSCORE test form, your answer for Part II, the examination questions, these instructions, and all notes—must be placed back in the exam envelope. Failure to return all materials will result, among other sanctions, in a failing grade of “F” for the course. **Do not** seal the envelope.

GOOD LUCK!

PART II: Essay Question

This fact pattern is loosely based on historical events that have been fictionalized. Read the hypothetical carefully and do not rely on factual information from any other source.

The Olympic torch relay took place on April 10, 2008 in San Francisco. Thousands of demonstrators and spectators crowded along the Embarcadero on San Francisco's waterfront in order to see the event. However, City officials spirited away the torch, and rerouted and shortened the parade to prevent disruptions by massive crowds of anti-China protesters. The last-minute changes to the route were made amid security concerns following chaotic protests in London and Paris against China's human rights record in Tibet and elsewhere. The changes prevented many spectators who wanted to see the flame from witnessing the historic moment. The re-routing left the crowds confused and waiting for a parade that never arrived. Protesters also hurriedly changed plans and chased the re-routed flame but they were usually too late.

Less than an hour before the relay began, and without any advance notice, City officials managed to transfer the torch from the waterfront route on the Embarcadero to two runners on a major inland street, Van Ness Avenue, about a mile away. Confusion ensued along Van Ness Avenue, where drivers and pedestrians were unprepared for this unannounced disruption.

In the midst of the relay, Polly Henderson, in her seventh month of pregnancy, went into labor in her home in the Marina. Her husband Dave, not knowing about the change in the Olympic torch route, decided to take Van Ness Avenue to drive her to the hospital. He assumed that Van Ness Avenue would avoid the Olympic torch relay and crowds. Unfortunately, the Hendersons were caught in terrible traffic and the baby was born in the car. Mother and baby suffered serious injuries, currently amounting to \$750,000 in medical expenses and building. Polly and Dave were traumatized. Their insurance will cover only a small part of their expenses.

1. What remedies do the Henderson family members have against the City of San Francisco for its failure to provide advance warning against using Van Ness Avenue? What defenses are available to the City?
2. Suppose for purposes of this question only that in the confusion of the protests a spectator named Dan takes the wallet of another spectator named Peter. Peter's wallet contains \$100. Dan uses this money to purchase a lottery ticket and wins \$100,000. Dan uses \$50,000 of the winnings to build a swimming pool behind his house and deposits the other \$50,000 in his bank account with a balance of \$100. Dan has no other cash assets. What recovery, if any, is available to Peter?
3. Suppose for purposes of this question only that an organization called Team Tibet had applied for a permit to conduct its own demonstration alongside the Olympic torch relay on April 10, and the City had denied it, claiming that two parades conducted

by political adversaries were likely to result in violence. Team Tibet conducted its demonstration anyway. The City arrested members of Team Tibet and charged them with breach of the peace. Explain the arguments for each side.

END OF EXAM