

MASSACHUSETTS SCHOOL OF LAW

FINAL EXAM – Alternative Dispute Resolution

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Hypothetical Case 1

Rhonda Peach has been a school teacher for 37 years with the Crook County Public School System. She has taught history and English classes at the high school. Last year she was diagnosed with bi-polar disorder and missed the last 4 months of classes. Ms. Peach was hospitalized for 3 months in a psychiatric hospital. Her 2 history classes and 2 English classes were taken over by substitute teachers. She now wants to return to teach in January 2007. Her doctor said she could only teach 2 of the 4 classes. The school is concerned that she may have a relapse and does not want her to come back to teach any classes. Ms. Peach has 2 years to go before her normal retirement. She turns 65 on January 4, 2009. The school has gone out and hired a permanent substitute teacher to teach all 4 classes. The substitute is only certified to teach history, and he is 23 years old. Ms. Peach has come to you for advice. She thinks that she may have a claim for age and handicap discrimination, but this could take 5 years in court to litigate. Ms. Peach was making about \$50,000.00 a year. The Crook County Public School System knows that it could cost them \$250,000.00 to defend the lawsuit, and they know that there is a risk they could lose.

Your client has heard of the advantages of using ADR and has asked what ADR process might be available and which process you would recommend.

Please describe these ADR processes to your client, pointing out the advantages and disadvantages of each process. Which process would you recommend and why?

LIMIT: Four (4) blue book pages

Hypothetical Case 2

Jane Bancroft and Laura Good were married in Massachusetts on April 1, 2006. Jane had been previously married to Peter Piper for 7 years and has 2 children from that marriage – Jack age 4 and Jill age 2. Jane has legal custody of the 2 children but Peter has custody rights. Jane is also receiving \$400.00 a week in child support from Peter and is living in the marital home bought by Peter before he married Jane. The marital home was put in both their names as tenants by the entirety after they married, and Jane was awarded the marital home in the divorce proceeding on June 1, 2004. Peter wants to bring a suit to get custody of the children and get back the marital home. Peter is furious that Jane has married Laura, has custody of his 2 children, and is living in a home he bought. Peter is also on the board of directors of a group that wants to ban gay marriages.

Peter has come to you for advice. What processes would you recommend for resolving his disputes, explaining the advantages and disadvantages of each process? Would your advice be different if you represented Jane? If so, explain why it would be different.

LIMIT: Three (3) blue book pages

Hypothetical Case 3

John Dice was involved in a serious motor vehicle accident on July 4, 2004. The accident caused injuries and damages to Mr. Dice consisting of multiple fractures, hospitalization for 3 weeks, medical and hospital bills totaling approximately \$117,000.00. Mr. Dice also missed 11 months of employment and a loss of wages of \$60,000.00. Mr. Dice also has a permanent loss of function of his left major hand of 30%, his right foot of 10%, his right minor hand 20%. As a result of these injuries, Mr. Dice can longer work overtime at his job causing a loss to him of about \$20,000.00 a year. Mr. Dice is 35 years old and expects to work at least 30 more years. The accident was an intersectional accident. There is a dispute as to who had the green light. The insurance carrier for the other driver has a million dollar insurance policy but has an eyewitness that has Mr. Dice going through a red light.

Mr. Dice has come to you for advice. He knows that if he files a lawsuit it could take years, and he would like to get the money within the next 6 months. What processes would you recommend for Mr. Dice? Explain the advantages and disadvantages of each process.

LIMIT: Two (2) blue book pages

Hypothetical Case 4

Mary Short recently purchased a 2005 Toyota Camry from a used car dealer, Dick's Premium Used Cars. On her way home she ran over the curb in her driveway. When she went to take the car out again, she noticed the steering wheel vibrating. She took the car to her local mechanic who told her that the axel was severally bent and would have to be replaced at a cost of \$1,200.00. Ms. Short was told that it appeared that the axel was probably bent when she bought the car. Ms. Short went back to Dick's insisting that they take the car back and demanding that they return the purchase price of \$11,000.00. The manager at Dick's refused, claiming there was nothing wrong with the car, and that Ms. Short must have caused the bent axel.

Ms. Short has come to you for advice to resolve the dispute. What advice would you give her and why?

LIMIT: Two (2) blue book pages

ALL ANSWERS MUST BE IN YOUR BLUE BOOK. PUT THE NAME OF THE COURSE, THE DATE, AND YOUR IDENTIFICATION NUMBER ON YOUR BLUE BOOK. GOOD LUCK!