

SECTION 1

1. Is it good lawyering to fail to attempt to give any notice on a TRO in order to obtain a tactical advantage?
2. Under what circumstances is it appropriate to use an injunction in an attempt to force a speedier resolution of a case?
3. Under what circumstances would you inform your client to intentionally violate a court order?
4. How does a lawyer balance the need to make money through hourly fees with the client's right to a speedy resolution of the matter?

SECTION 2

1. What must an individual prove in order to establish an ADA claim?
2. Are there some claims that public policy should prohibit an employee from waiving as a condition of employment?
1. What do you think the essential skills or qualities are that a lawyer should possess for which no allowance can be made?

SECTION 3

1. What could Rudzewicz and McShara have done to avoid the exercise of Florida jurisdiction?
2. How does the law define “traditional notions of fair play and substantial justice?”
3. Does a disparity in bargaining power affect one’s contractual rights under the law?
4. What conduct would amount to “rascality” under G.L. c. 93A?
5. Is it ethical for Athanas’ attorneys to defend this suit knowing that their client intentionally breached the contract?
6. How would you deal with a client like Athanas?

SECTION 4

1. In a sentence or two, list each of the five principles by which you believe an individual—even an attorney—should live.
2. Under what circumstances is an Ex Parte Order appropriate?
3. What steps will you take to ensure that you do not violate Rule 11?
4. How will you use technology to make you a better lawyer?
5. What's a class action?
6. What technology skills will you acquire or master in the next year?

SECTION 5

1. What factors does the court look at to determine if an injunction should issue?
2. Under what circumstances are you entitled to an evidentiary hearing on a request for a preliminary injunction?
 1. What is a constructive trust?
 4. What is a receiver?
 5. What does a magistrate do in Federal Court?
 6. What do you wish you understood better about Civil Procedure?

SECTION 6

1. Explain removal jurisdiction.
2. What must the Appeals Court find in order to reverse the grant or denial of an injunction?
3. You represent a party opposing injunctive relief. Please argue why you need a bond.
4. What are the four essential elements of a common law fraud action?
5. Under what circumstances would you file a Motion to Dismiss?
6. Briefly explain each of the grounds for filing a Motion to Dismiss.

SECTION 7

1. According to Rule 56 and *Judson v. Essex Agriculture & Technical Institute*, 418 Mass. 159 (1994), in reviewing a grant of Summary Judgment in Massachusetts, what must the Appeals Court determine?
2. What factors are considered in determining if an employee's tortious conduct was performed within the scope of his employment?
3. Describe what conduct is actionable under G.L. 176D.
4. Under what circumstances can an insurance company settle a claim over its insured's objections?
5. Describe what conduct violates G.L. c. 93A.
6. What are the key components that should be found in every Civil Complaint?

SECTION 8

1. On the registration form you sign each semester at MSL is a choice of law clause which states that Maine law applies to any controversy that arises. The form also has a required arbitration clause that says all disputes will be resolved in binding arbitration with Law School Dispute Resolution Services, Inc. Should these clauses be enforced?
2. Should the reason for the dispute you have with the Massachusetts School of Law affect the enforceability of the clauses described in 1 above?
3. How would you research the background of the judge you are appearing before?
4. How does a required arbitration clause in a contract affect your right to obtain injunctive relief, especially on an emergency basis.

SECTION 9

1. Were Warner Wolf's lawyers ethically challenged?
2. Shouldn't Vanessa Redgrave have the right to speak out under the 1st Amendment and still be allowed to perform at the B.S.O.?
3. What rights should a woman who carries another's fertilized egg to term have to visit the child born from her womb? Does your decision change depending on whether the surrogate has been paid for her services?
4. What rights should grandparents have to visit their grandchildren over a parent's (divorced or otherwise) objection?
5. As a matter of principle or morality, should the selling of eggs or sperm for profit be prohibited?
6. Under what circumstances would your moral or religious views on important issues affect your handling of a client's case?

SECTION 10

1. Should wealthy parents be able to recover damages when a vasectomy, which was supposed to ensure that husband would father no more children, turns out to be ineffective and the wife gives birth to a healthy child?
2. If a father has not taken an active role in raising his children—other than paying child support—should he have a right to oppose a petition to change that child's name which was filed by mother and her new husband?
3. What is the difference in rights and penalties between civil and criminal contempt?
4. Is it ethical to tell your client in a divorce case to wipe out the joint saving or checking account to pay you and put the other side at a disadvantage prior to filing the complaint?

SECTION 11

1. What is the measure of damages for destroyed real and personal property?
2. How would you establish the value a destroyed item which was special to you (i.e., one your grandmother may have given you), yet has little value to the public at large, remembering that proof of the amount of damages may not be founded on mere conjecture or speculation?
3. What are findings of fact and conclusions of law? When are they used?
4. How would you prove damages for pain and suffering?

SECTION 12

1. When and why should one try and obtain a Declaratory Judgment?
2. What are the legal prerequisites of obtaining a Declaratory Judgment?
3. Why shouldn't the law assist citizen groups in cleaning up their communities from morally and/or legally offensive activity?

SECTION 13

1. What is the difference between a public and private nuisance?
2. What is a de minimis encroachment?
3. Why was *Myers v. Arnold* rightly decided?
4. What are compulsory and permissive counterclaims?

SECTION 14

1. Please explain the legal requirements of a resulting trust and a constructive trust?
2. Please explain fraudulent concealment, estoppel and laches.
3. Under what circumstances is it appropriate for civil courts to become involved in “church matters?”

SECTION 15

1. What is a post judgment remedy?
2. What steps should one take to attempt to collect a judgment? What measures can be used?
3. What must you prove in order to win a RICO action?
4. What is the standard used in order to approve the grant of an attachment?