

**University of Utah
College of Law
Examination Cover Sheet**

Student Examination Number: _____

Family Law

Professor Kessler

Time frame: Monday, May 6, 2002
8:30 a.m. - 12:00 p.m.

Spring Semester 2002

Time Allowed: 3.5 hours

Special Examination Instructions:

- 1) This exam is limited open book. You may refer to your casebook and family law supplements, any handouts that were distributed in class, and outlines or notes that you have prepared alone or in collaboration with classmates currently enrolled in this class. You may also use a calculator, if necessary. You may not have access to any commercial reference books, notes or outlines not prepared by a student currently enrolled in the class, or any other outside material that I have not explicitly permitted above; this restriction includes online computerized material.
- 2) **Please write on only one side of the page. With the exception of Part I, please start each question (not each Part, but each question) in a new blue book, or on a new page if you are typing your exam.**
- 3) If you are typing your exam, number each page and clearly indicate the total number of pages on the first page of your exam answer.
- 4) Part I of the exam consists of very short answer questions. You will select 10 questions to answer out of the 11 questions presented. When writing your answers, be sure to indicate clearly the number of each question you are answering. Do not answer more than 10 questions; I will read only the first 10 answers in your blue book.

In Part I, you are not expected to write essays. Keep your answers short. It is fine to write a few sentences or provide a list where appropriate.

Special Examination Instructions Continued on the Next Page

Special Examination Instructions, Continued

Part I of the exam is worth 30 points out of a total of 100 points for the entire exam. Each question in Part I is worth 3 points. The suggested time for Part I is 50 minutes.

- 5) Part II of the exam consists of a fact pattern, followed by a question or set of questions which will require you to analyze several legal issues.

Part II of the exam is worth 30 points out of a total of 100 points for the entire exam. The suggested time for Part II is 70 minutes (1 hour 10 minutes).

- 6) Part III of the exam consists of a single essay question. You are expected to write an essay that fully explains your reasoning. Your essay should have a rational organizational structure and proceed clearly and logically from beginning to end. Therefore, it is advisable to take time to outline your essay before you begin to write. Essays that are well organized and well written will receive more points. However, if you are short of time, it is advisable to outline the remainder of your answer so you can get some credit for the substance of your ideas.

Part III of the exam is worth 40 points out of a total of 100 points for the entire exam. The suggested time for Part III is 90 minutes (1 ½ hours).

- 7) There is no page limit for any portion of the exam. However, verbosity will not help your grade and may cause you to run out of time. Try to be thorough but concise.
- 8) Address all significant issues, even if you think one is dispositive.
- 9) Throughout the exam, if you feel a question you are answering is ambiguous or there is further information that you would want to have in order to refine your response, indicate this in your answer. Also, if you need to assume facts not provided in the question to answer the question, state your assumptions.

Good luck and have a great summer!

General Examination Instructions:

1. Print your Examination Number, the title of the course and the instructor's name at the beginning of each question.
2. Students **must submit the examination questions with the answers.**

PART I
SUGGESTED TIME 50 MINUTES
30 POINTS TOTAL

Answer any 10 of the following 11 questions. Do not answer more than 10 questions. When writing your answers, be sure to indicate clearly the number of the question you are answering. Each question is worth 3 points.

NOTE: QUESTIONS FOR THIS PART WILL NOT BE RELEASED. HOWEVER, I
 WILL DISTRIBUTE SAMPLE QUESTIONS FOR PART I IN CLASS BEFORE
 THE EXAM PERIOD.

END OF PART I

PART II
SUGGESTED TIME 70 MINUTES
30 POINTS

Wendy and Hank begin living together. They discuss marriage, but Wendy is hesitant to make a long term commitment until she is “sure.” Two years later, Wendy’s mother passes away, and she receives an inheritance of \$60,000. This loss causes Wendy to reassess “things,” and she and Hank begin seriously discussing marriage and starting a family. In the course of one of these conversations, Hank suggests that they use part of her inheritance to buy a house. Wendy thinks this is a good idea, as she expects that they will be married soon anyway.

Wendy and Hank agree that until they are married, they will pool their earnings, care for each other “in sickness and in health,” and remain sexually exclusive. They also agree that in the unlikely event that the relationship ends, each will receive a “fair share” of the house. They use \$20,000 of Wendy’s inheritance as the down payment on a family home with a purchase price of \$200,000. The mortgage is \$180,000. Thereafter, the monthly mortgage payments are paid out of a checking account into which both Wendy and Hank deposit their salaries each month. Wendy and Hank are both professionals who work full time.

After eight years of unsuccessfully trying to conceive a child, Wendy and Hank end their relationship without ever marrying. Hank discovers that title to the house is in Wendy’s name only. The market value of the house is now \$400,000, and the mortgage has been reduced to \$100,000. “In all fairness,” Wendy offers to reimburse Hank \$40,000, or half of the total contribution they made toward paying down the mortgage principal during the relationship.

Question: Please evaluate all possible legal claims Hank can bring to recover more than the \$40,000 Wendy is offering. In doing so, indicate generally how the state in which these facts occurred might affect the outcome, and include dollar figures in your answer.

PART III
SUGGESTED TIME 90 MINUTES (1 ½ HOURS)
40 POINTS

Answer the following question. You are expected to write an essay that fully explains your reasoning. Your essay should have a rational organizational structure and proceed clearly and logically from beginning to end. Therefore, it is advisable to take time to outline your essay before you begin to write. Essays that are well organized and well written will receive more points.

Historically, the state has defined legitimate and illegitimate family forms, conferring rights upon persons in certain relationships, and denying them to or even criminalizing others. With the increased recognition by legislatures and courts of private ordering in family law, and the movement toward recognizing nontraditional family forms and relationships, this is changing.

Write an essay explaining where these changes are taking place; how the law is “loosening up” to accommodate nontraditional family forms and relationships; where, even within these changing areas of law, older concepts and tensions persist; what developments, if any, have occurred in reaction to these changes; and where you think the law is headed. Provide examples from the materials for this course, discussing and analyzing the examples in detail.

END OF EXAM