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Herbstsemester 2020

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## Principles of Common Law Exam

21 / 22 December 2020

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**Duration:** 24 hours – Take-Home Examination Essay Questions

Start: Monday, 21 December 2020, 9:00 am CET (local time in Switzerland).

End: Tuesday, 22 December 2020, 9:00 am CET (local time in Switzerland). Submit the Exam Answer Sheet and the Examination Honor Code RWF Form to [lst.alexander@rwi.uzh.ch](mailto:lst.alexander@rwi.uzh.ch) by this deadline. Please ensure an adequate internet connection ahead of time. Late submissions are not accepted.

- Please check at receipt of the exam the number of question sheets. The **Exam** contains 2 pages containing 4 questions.
- The **Exam Answer Sheet** template is a separate document and contains 1 page – use this template for your answers, and send it to us at [lst.alexander@rwi.uzh.ch](mailto:lst.alexander@rwi.uzh.ch)
- The **Examination Honor Code RWF Form** is a separate document and contains 1 page – date and sign this and send the scan to us in the same email as the Exam Answer Sheet.
- The **Fact Sheet on Online Exams** is a separate document and contains 2 pages – for informational purposes only.

### Notes on solving the questions

- Answer all four (4) questions.
- There is a 3000-word limit

*Your answer must contain a discussion and analysis of the main legal (and related policy issues) based on information from lectures and readings. Exam points will be awarded for identifying the main issues and providing the relevant analysis. Note: you will not receive full points simply for copying information off the lecture slides. Please make an effort of analysis, comparison and criticism to achieve full marks.*

### Notes on marking

- When marking the exam, each question is weighted separately. Points are distributed to the individual questions as follows:

Question 1	20 points	20 %
Question 2	35 points	35 %
Question 3	25 points	25 %
Question 4	20 points	20 %
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Total	100 points	100 %

**We wish you a lot of success!**



**Note:** Please use the Exam Answer Sheet template we provide in a separate attachment. Date, sign, and scan the Examination Honor Code RWF Form and send it and the Exam Answer Sheet in one email to [st.alexander@rwi.uzh.ch](mailto:st.alexander@rwi.uzh.ch) by the submission deadline.

### Question 1 (20%)

In the United Kingdom, the ‘law sets no limits to the power of Parliament’. Do you agree or not with that statement? In your answer, refer to the relevant materials in lectures and related readings.

### Question 2 (35%)

The defendant Alan Ryan was a wealthy businessperson who had been president of the UNOCAL corporation – a large corporation with offices in the United Kingdom and United States. In March 2019, Mr Ryan was convicted in a US court of fraud and embezzlement (stealing) of millions of dollars from UNOCAL, including stealing money from UNOCAL’s employee pension fund, and for misrepresenting to UNOCAL investors that the company was financially sound. A few months before his conviction, he deposited the money he stole from UNOCAL into an account at the Credit South Bank (CS Bank). After his conviction, UNOCAL filed bankruptcy. A few days after his conviction, Mr Ryan’s lawyer filed a notice of appeal against his conviction. While awaiting his appeal, Mr Ryan travelled to the State of Abscondia where it is unlawful for individuals to commit suicide. While awaiting his appeal on the conviction of fraud and embezzlement, Mr Ryan died under suspicious circumstances, apparently a suicide.

After Mr Ryan’s death while his conviction was awaiting appeal, his lawyer petitioned the court to have his conviction erased from the criminal record. The petition was objected to by investors and former employees of UNOCAL who lost all of their investments and pension savings because of Mr Ryan’s fraud and theft. The investors and employees have sought return of the ill-gotten funds deposited by Ryan with the Credit South bank.

You are the Judge. How would you decide the petition to erase the conviction and the claims of investors and former employees for return of the ill-gotten funds from CS Bank?

### Question 3 (25%)

Property Law: illustrate the differences between Common Law and Civil Law, trace the historical development and discuss the concept of property.

### Question 4 (20%)

Discuss the role of international law in the United Kingdom’s legal system. Did the United Kingdom’s membership in the European Union represent the primacy of international law over domestic law? In this context, what does Brexit mean?