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## Principles of Common Law

4 January 2022

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**Duration:** 120 minutes

- Please check at receipt of the exam the number of question sheets. The examination contains 3 pages and 3 questions.

### Notes on solving the questions

*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 should address as many of the relevant issues and/or concepts raised as possible. However, 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 points.*

### Notes on marking

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

Question 1	20 points	20 %
Question 2	50 points	50 %
Question 3	30 points	30%
...	...	...
Total	100 points	100 %

**We wish you success!**



**1) (20%)**

'The chief lawmakers in our country may be, and often are, the judges, because they are the final seat of authority.' Discuss whether or not you agree with this statement regarding the role of judges in a common law legal system. In your answer, refer to relevant information in lectures and the readings.

**2) (50%)**

In this question, please read all of the sub-questions thoroughly before beginning to write your response as the facts in the sub-questions relate to one another.

(1) Alice and Bob went to culinary school together and have decided to go into business together opening a "Burger Queen". Alice lives in New York, New York and Bob lives in Dallas, Texas. You are acting as their U.S. corporate attorney and are tasked with helping them establish a business entity.

- a. What are the first considerations Alice and Bob need to decide upon forming a business entity? What additional information do you need; what questions might you have for them?
- b. Please describe the different types of entity Alice and Bob may choose from and what they should consider in deciding which entity type to select. Please include as many factors as possible.

(2) Alice and Bob successfully open Burger Queen, and within a few months decide to open multiple locations. You are acting as their intellectual property attorney and have the task of protecting all of Burger Queen's current intellectual property (IP).

- a. What questions would you want to ask Alice and Bob in order to make an assessment on their IP protection needs?
- b. What are the possible IP protections Alice and Bob need to take in account, and what actions would you recommend they take? (To answer this question, assume Alice and Bob operate as a standard fast-food restaurant, with a limited, but unique, menu, various business marks, and an identifiable brand. Additionally, they have a very catchy company song that plays on TV and radio commercials.)

(3) Alice and Bob need to hire a new head chef in order to make the expansion a success. They discuss the role with Clara and decide to hire her. On June 1 Alice sends Clara an offer of employment with an annual salary of \$100,000, with the employment contract



to be renewed each year upon Alice and Bob's approval. Clara responds to the offer with a letter on June 2 stating she accepts the offer of \$100,000, but with a minimum employment of three years. After thinking about her decision, Clara realizes she wants more flexibility and tries to call Alice, but does not get a hold of her. In the meantime, Alice receives Clara's letter and responds "You got it! I accept your offer of \$100,000 for three years" on June 3 at 1pm. Following her placing the letter in the mailbox, Alice receives a call from Clara at 2:30pm "I accept your offer - \$100,000 on an annually renewable contract sounds great!"

Which offer has been accepted? Please explain the various communications and the contract elements present (i.e. offer, consideration, counteroffer, acceptance, etc.).

### 3) (30%)

After having discussed generally the difference between common law and civil law, trace the origin of the common law system, make comments on the writ below, explaining what is a writ and its different types.

*"Henry, by the Grace of God, King of the English [...] to the Abbott of Thorney, greeting. I order you to do full right without delay to Richard Fitz Adam concerning one virgate of land in Twyell, which he claims to hold from you by the free service of five shillings a year, and of which Roger de Bachelor deprives him. And unless you do it, the sheriff of Northampton shall do it, that I hear no further complaint thereof for lack of justice. Witness Ranulf de Glanvill. At Geddington".*