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T. C. Williams School of Law, University of Richmond: Legal Profession Exam, 17 Jan 1944

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LEGAL PROFESSION Exam.

January 17, 1944

Professor Doubles

1. A statute provided that any person whose application was endorsed by two members of the bar and who passed the state bar examination should be entitled to practice law in the State. Lawler complied with these requirements but the Circuit Court in which he first sought to be admitted refused his admission upon a finding that Lawler kept intimate company with prostitutes and professional gamblers.

Lawler appealed from this decision on the grounds that he had complied with the statute and was therefor entitled to admission. What judgment?

2. In 1920, while he was a prominent practicing attorney, Judson managed the campaign of one Grover for the governorship of the State, and Grover was elected. In 1922 Grover appointed Judson to a circuit court judgeship. After serving his term as Governor, Grover retired to private business.

In 1940 one Jones sued Grover for \$ 10,000 for alleged breach of contract. Lawler, who represented Jones, filed a written motion in the case that Judson disqualify himself from sitting because " * * * he was paid off for his services in managing Grover's gubernatorial campaign by Grover's appointment of him to a judgeship, and that no man could sit in judgment of his benefactor without being biased."

Judson refused to disqualify himself, fined Lawler \$ 100 for contempt of court, and sustained a demurrer to Jones' suit dismissing the same. Lawler appealed from the contempt order. What judgment?

3. In a certain criminal case Lawler, attorney for the defendant, objected and argued strenuously against the introduction into evidence of a confession allegedly made by the defendant. The Court overruled his objection, and Lawler, in the midst of his disconcertment over losing his argument, failed to note an exception to the ruling of the Court. The defendant was found guilty of murder and sentenced to death.

In preparing a bill of exceptions containing the incidents of the trial preparatory to an appeal, Lawler included a statement that the necessary exception had been noted to the court's ruling. The misstatement escaped everyone's notice and the judge signed the bill of exceptions. The Supreme Court granted a writ of error in the case, and later reversed the judgment of the lower Court on the grounds that the trial judge had erred in overruling Lawler's objection. The case went back for a new trial, at which the defendant was acquitted.

Later a disbarment proceeding was instituted against Lawler for having erroneously prepared the bill of exceptions. What judgment?

4. A New Year's greeting card appropriately decorated and carrying the following inscription:

Wishing you a New Year in which you will
have no occasion to need a lawyer's advice

I. M. LAWLER

was mailed out by Lawler, an attorney, to several score of former clients.

Is Lawler's conduct ethical?

5. Lawler, an attorney in the general field of collections, found himself with a greater volume of work than he could handle. His commission for collections where no suit was required was 20 percent. He hired a young man, not a lawyer, to handle some of the work, whose duty was to go to the debtor's place of business and try to collect, Lawler promising to pay him 10 percent of what he collected.

Is Lawler's conduct ethical?

6. W, at the time of her marriage to M, owned \$ 50,000. After her marriage much of this money was invested in land, the title to which was taken jointly in the names of W and M. Five years later she retained Lawler to secure a divorce for her from M on the grounds of M's adultery, contracting to pay Lawler a fee equal to 20 percent of all joint property of W and M which should be awarded to W in event she was granted a divorce.

The case was strenuously contested by M, but Lawler, through the use of professional skill secured a divorce for W, the Court awarding W lands standing in the name of W and M worth \$ 20,000. Thereupon W paid Lawler \$ 4,000.

Still later W instituted suit against Lawler to recover the \$ 4,000. What judgment ?

7. Lawler represented Plaintiff in a case against Defendant who was represented by Lawson. Plaintiff secured a judgment against Defendant in amount of \$ 1000. Lawson said to Lawler: "Execution upon this judgment will ruin my client; hold up on it for a week and your client will get his \$ 1000." Lawler agreed to hold up.

Lawson then advised Defendant that the only way to avoid payment of the judgment would be to leave the State and take all of his property with him. Defendant left the State, taking his only property, \$ 5000 in cash, with him.

Discuss the predicament of the two layers respectively.

8. D was arrested on a charge of speeding, and when prosecuted in Police Court ^{was represented by} by Lawler. The evidence of three motorcycle policemen was that they chased him for twenty minutes before catching him, the speed getting up to 80 miles an hour at times. D testified that he didn't know how fast he was going, but he didn't think he ever exceeded the speed limit of 45 miles per hour at any time. The Police Justice sentenced D to thirty days in jail.

D advised Lawler to perfect an appeal to the Hustings Court for a new trial before a jury. Should Lawler comply with D's request ?

9. Lawson represented the Plaintiff, and Lawler represented the Defendant, in an action to recover \$ 5000 for personal injuries. The case was set for argument on a motion to dismiss for Monday, January 10th., and several days prior thereto the two attorneys agreed that each would need about an hour for his argument. On Monday, Lawson failed to appear, and Lawler made a motion to dismiss the case, which motion the Court granted due to the failure of the Plaintiff's counsel to appear.

Comment upon this.

10. Lawler was attorney for the receiver of an insolvent corporation. The Court, in one of its decrees in the case in which the receivership was pending, held that the Series A bonds of the corporation were a first lien upon its assets and ordered the receiver to pay them off at their face value. Lawler was able to buy for himself from skeptical holders thereof Series A bonds of the face value of \$ 20,000 for the sum of \$ 12,000. He then ~~t~~urned these in to the receiver and was ~~paid~~ \$ 20,000 therefor by the receiver in accordance with the previous order of the court.

May Lawler keep all or any part of the \$ 20,000 thus received ?

END