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*print name on the line above as your signature*

**INSTRUCTIONS:**

1. This Comprehensive Final Exam must be completed within the allocated time (i.e., *between 10:30 AM and 12:30 PM*).  
It is a **closed book** and open mind exam.
2. This exam has two parts. Each part, alone, is worth 200 course points.  
Together the two parts are worth 400 course points.
3. **PART ONE** is a **true-false exam** (like you have seen before in this class). Record your answers on the **blue bubble sheet**. There are 27 questions graded as if there were 25.  
Thus, each correct true/false answer is worth 8 course points. Based upon the instructor's statistical analysis of all students' answers, the instructor unilaterally may alter the grading of specific exam questions.
4. **PART TWO** is an **essay exam**.  
Record your answers in your **blue book**. You must write using an **ink pen**.  
You will author **5 short essays** (max of two hand written pages each).  
Each essay will **explain why** a specific true/false question from Part One **is true or is false**. Each essay shall start at the top of an odd numbered page and must end prior to the bottom of the following even numbered page (e.g., start at top of page 1 and end by the bottom of page 2).
5. As one of those five, all students **shall** write an essay on **question #27**.  
Question #27 shall be the first essay in your blue book.  
Each student **may pick four other questions** to explain **subject to two constraints**.  
*Constraint First:* You **must have answered two** of those four chosen questions **TRUE and** you must have answered **two** of those four **FALSE**.  
*Constraint Second:* **Two** of your chosen four questions must be chosen **from questions #1 through #10** as well as **two from questions #11 through #20**; thus, no student may chose any of the questions #21 through #26.
6. Each of your five Part Two essays is worth 40 course points. Each is graded on a truncated scale of **A = 40**; **B = 35**; **C = 30**; **D = 25**; and **F = 15** course points (which are, respectively, 100%; 87.5%; 75%; 62.5%; and 37.5%).
7. When you finish your exam,  
collect all of your personal items before approaching the professor  
to exit the exam room upon finishing.
8. An answer key for **PART ONE** will be distributed as you exit the testing room.
9. As detailed below in paragraph 10, any student may appeal the grading of any **PART ONE** exam questions (except those changed by the professor pursuant to paragraph 3). However, only if a student successfully appeals the ambiguity of **AT LEAST THREE** such Part One questions on this exam does that student objectively demonstrate non-harmless error due to any ambiguities. Also, a successful appeal only will change *that* student's exam grade and only will do so by the number of successful appeals in excess of **TWO** successful appeals. *Appeals only affect the exam grades of those students that appeal.*
10. **There are no appeals of PART TWO of this exam.**  
**All appeals** of **PART ONE** of this exam's questions must be:

- [10A] typed;
- [10B] signed by the student in three ways, typed name, handwritten signature, and typed university identification number;
- [10C] immediately following the signature, list in sequence, *solely by number*, each of the questions being appealed;
- [10D] after the [10C] list, argue each question, one at a time;
- [10E] at the beginning of each question's [10D] appeal, identify two or more reasonable meanings that the question could have had;
- [10F] argue why one or more of the [10E] identified reasonable meanings is as appropriate or is more appropriate than the meaning used for the answer key answer; and
- [10G] personally handed to the instructor's suite secretary in MH 228 or to the instructor no later than 3:00 PM, Friday, May 6, time is of the essence.

**NOTES:**

- A. **Recall the material difference between i.e.** (that is) **versus e.g.** (for example).
- B. **Use bubble A for TRUE** and bubble B for FALSE.
- C. If a question contains a number (e.g., Amendment IX), then the truth or falsity of that question never depends upon that number.  
This is not a test of trivia recall.  
It is an objective demonstration of your subjective knowledge.
- D. For clarity in distinguishing a "principal" from a principal as well as distinguishing from an "agent" from an agent, quote marks will be used for the generic words "principal" and "agent" and no quote marks will be used for the specific words principal and agent. That is, "principal" **and** "agent" refer to all three relationships (*i.e., principal and agent; and principal and independent contractor; and employER and employEE*).
- E. For clarity in distinguishing transactions that resemble contracts but do not satisfy all of the requirements for contracts, this exam shall identify such transactions with quote marks ("contract"). Thus, the type word **contract** without quote marks means an actual contract; whereas, the word "**contract**" with quote marks means not a contract.

**QUESTIONS:**

1. **T F** Only a liar speaks of a corporation being a good citizen.
2. **T F** Reducing the requirements of privity reduces profit.
3. **T F** A fool will appeal a trial court judge's finding of fact.
4. **T F** Substantive due process  
requires federal preemption to be express.
5. **T F** The State's Police Power  
is far broader than the federal Commerce Clause.
6. **T F** Compensatory tort damages  
are far broader than compensatory contract damages.
7. **T F** In the -Law-, depending upon the context,  
"material" is a word that has more than one definition.
8. **T F** All promises enforceable in law must be supported by consideration.
9. **T F** Some promises enforceable in law need not be supported by capacity.
10. **T F** If everything you do say is true, then you can not commit any fraud.
11. **T F** From the perspective of legal analysis,  
mutual mistake has strong similarities with privileged economic duress.
12. **T F** All delegations violate, but no assignment violates,  
the parties' reasonable expectations.
13. **T F** Failure to satisfy the perfect tender rule is to deliver a material breach.
14. **T F** For the People to have a fundamental right  
under the USA *Constitution* that right must be express;  
in stark contrast,  
for the USA federal government to have a power  
under the USA *Constitution* that power only need be implied.
15. **T F** A duty of good faith is central to the Uniform Commercial Code;  
but, good faith is far less used in the common law.
16. **T F** The duty of mitigation can be discharged by cover, but not by cure.

- 17. T F** Warranty law in the USA has changed greatly over recent decades. First, the USA States adopted the UCC and made warranties cumulative. Next, the federal government preempted the USA States by requiring all consumer warranties in commerce to be expressly "full".
- 18. T F** Capitalism functions best with zero government.
- 19. T F** Any restraint of trade that is proportional to firm's legitimate business interests is lawful.
- 20. T F** The legislature is more likely to find sufficient justification for governmental action due to unequal power, a history of abuse, and disparate impact (*i.e., costs imposed grossly unequal to benefits received*) in the relationships of merchants with consumers than in the relationships between two merchants.
- 21. T F** The -Law- (*hyphens and capitalized when speaking broadly*) can be divided into two parts: the law (*lower case when speaking narrowly*) and equity. The -Law- favors the objective over the subjective. The law uses rules and precedence so as to be designed to be generally fair for the Reasonable Person. Equity uses maxims and no precedence so as to be designed to be uniquely fair for the parties before the court. To open the court room door of equity the party must demonstrate the party does not have an adequate remedy at law.
- 22. T F** Silence can be a signature.
- 23. T F** An administrative agency's interpretive rule is binding as law on judges.
- 24. T F** Since a trust necessarily involves a fiduciary relationship, and since a fiduciary is obligated to avoid conflicts of interest, a trust requires three separate persons: grantor, trustee, and beneficiary.
- 25. T F** A will's effective date makes a person's will ideal for serving as that person's living will or medical power of attorney.
- 26. T F** If technology changes, then there both is a change in supply and a change in demand.
- 27. T F** All USA -Law- as well as economics focus on whether the individual's actions are both knowing and voluntary. The Law uses three forms of knowing.