
print name

INSTRUCTIONS:

1. The Ethics Exam must be completed within the allocated time
(*i.e.*, 10:00 AM - 11:15 AM).
It is a closed book exam.
2. **Recall the material difference between**
e.g. (for example) and i.e. (that is).
3. As each student finishes this exam,
that student will receive the exam's answer sheet
and leave the exam room until after the end of the exam
(*i.e.*, 11:15, unless all students finish earlier, which is likely).
4. Grades will be posted to BlackBoard
no later than 5:00 PM Wednesday, December 8.
An email notice of the posting will be sent.
5. The Ethics Exam is worth 10% of the course grade.
This exam has 11 questions graded as if there are 10.
Harmless errors are more likely than non-harmless errors in this test design.
Based on a statistical analysis of all students' answers,
the instructor unilaterally may alter the grading of specific exam questions
for all similarly situated students.
Any student may appeal the grading of these exam questions. However,
only if a student successfully appeals the ambiguity of AT LEAST TWO
questions on this exam will *that* student's exam grade change
by the number of successful appeals in excess of one question.
Appeals only affect the exam grades of those students that appeal.
6. **All appeals** of this exam's questions must be:
[6A] typed; [6B] signed by the student in three ways, typed name,
handwritten signature, and typed social security number; [6C] in sequence,
list, immediately following the signature, each of the questions, by number,
being appealed; [6D] after the [6C] list, argue each question, one at a time;
[6E] at the beginning of each question's appeal, identify two or more
reasonable meanings that the question could have had; [6F] argue why one or
more of the identified reasonable meanings is *as* appropriate or is *more*
appropriate than the meaning used for the answer key answer; and
[6G] personally handed to the instructor
no later than 10:01 AM, Thursday, December 9.

QUESTIONS:

1. T F If an action is legal, then, conclusively, because the law springs from ethics, that action is ethical.
2. T F New technology often materially alters the parties' **and** society's reasonable expectations **as well as** which actions are ethical.
3. T F Economic power might allow one party to take advantage of another party, **and** that advantage might be privileged economic duress, rather than predatory economic duress; **but** privilege does **not** equate with ethical.
4. T F Privity defines the limits of ethical claims on an actor.
5. T F A fiduciary in a conflict of interest between two principal's (*e.g., insureR **and** insureD*) acts ethically by serving first the interests of the party who first became a principal.
6. T F Privacy, ethically, is limited to a reasonable expectation of privacy. Accordingly, ethically, each confidential communication deserves less protection than each privileged communication.
7. T F There is a genuine ethical difference between common law fraud **and** unilateral mistake.

8. T F All contracts do **not** ethically require a duty of good faith.
All contracts do ethically require an avoidance of **unconscionability**.
9. T F A liquidated damages clause at its lawful limit is more ethical than an exculpatory clause at its lawful limit.
10. T F It usually is ethical to compel contractual performance when performance is now subject to **non-material unforeseen** risks.
It **never** is ethical to compel contractual performance when performance either is commercially **impracticable** **or** commercially **impossible**.
11. T F While **none** of these three always is ethical, they are ranked from most ethical to least ethical:
incontestability clause;
Statute of Repose;
Statute of Limitations.