

Exam # _____
Part I: Retain Exam and Answer _____ X
Part II: Return Exam and Answer to _____
Student _____ X

UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW

**FINAL EXAMINATION: EVIDENCE
(COURSE # 36821)**

PROFESSOR ROGER PARK

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SPRING SEMESTER 2007

SATURDAY, MAY 12, 2007

TOTAL TIME: THREE HOURS AND THIRTY MINUTES

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CLOSED BOOK EXAMINATION

Final Examination	Exam #	
Evidence	Part I: Retain Exam and Answer	<u> X </u>
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**PART II - ESSAY QUESTIONS
ONE HOUR AND THIRTY MINUTES**

This is a civil slip and fall case in federal court. Plaintiff allegedly slipped on a piece of lettuce in defendant's Mediterranean Mini-Mart, sustaining injuries.

1. The relevant jurisdictional statute requires that the amount in controversy be \$75,000. Defendant claims the amount in controversy is less than that. To support jurisdiction, plaintiff offers evidence that after suit was filed, defendant's lawyer wrote plaintiff's lawyer a letter offering to settle the case for \$75,000. Assume that the exclusionary rules of the Federal Rules of Evidence apply to factual issues in determinations of jurisdiction. Is the evidence admissible? [15 minutes]

2. Plaintiff calls Major Garcia, a bystander who observed plaintiff's fall. Major Garcia testifies that ten minutes before the fall, he heard another customer, Sally Smith, tell the cashier, "you ought to check out the vegetable section, there was a mess of lettuce on the floor earlier this morning." Defendant objects to the testimony about Smith's statement. He also argues that if Smith's statement is admissible, he is entitled to put in testimony of his eyewitness that a week after plaintiff's injury, Smith threw a rock through the Mediterranean Mini-Mart's window. Smith is not available. What rulings? [30 minutes]

3. Defendant, an Arab-American, seeks to impeach Major Garcia on grounds that he (Garcia) is prejudiced against Arab-Americans. Defendant offers testimony of Arnold, a pipe inspector who is an employee of MGI. MGI is a pipe inspection business owned and operated by Major Garcia. Arnold will sponsor the print-outs of an email exchange he had with Fran, the administrative assistant to Major Garcia. Arnold will testify that he sent an email to Fran on the MGI email system asking, "Has the Major been up to any mischief lately?" and that Fran replied, "Just the usual racist jokes about Arabs. He doesn't want to have anything to do with them any more." Fran is not available to testify. The only sponsoring witness for the email print-outs containing the messages quoted above is Arnold, who is familiar with the business and with the email system, though he is not a computer expert. Are the email print-outs admissible? [45 minutes]

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(End of Examination)