

UNIVERSITY OF MISSOURI-KANSAS CITY  
SCHOOL OF LAW

Law #744  
Jurisprudence

Professor Levit  
Winter Semester, 1999

**TAKE HOME FINAL EXAMINATION**

**Instructions**

**Sources:** You may use (1) the textbook and course supplement; (2) any materials handed out in class; (3) your class notes; and (4) any outlines, notes, or other materials you have prepared. **You may not do any outside research.**

**Help:** You may not discuss the examination question with, or consult with, any other person. This examination is to be solely your own work. You may not do any research, either in the library, on the computer, or in any other form. Any questions about interpretation should be addressed to me. If the question could in any manner impair anonymity, it should be written and given to Kirsten Pauli, the Story suite secretary. I will respond in writing and you can obtain the response from Kirsten. Violation of the rules regarding consultation with others or with outside materials will be considered honor code violations. In addition, violation of rules regarding consultation, length or lateness will lead to assessment of penalties in grading.

**Deadline:** Your answer must be returned by Wednesday, April 28, 1999, at 9:00 a.m. to Kirsten Pauli, in the Story suite. You may submit the exam earlier if you desire. Be sure to sign the check-in sheet when you turn in your exam.

**Format:** Your answer must be typewritten, double spaced, on 8.5" x 11" paper with 1" margins on all sides. Do not exceed the specific word limits provided for each question. Include a word count at the end of each question (use the word counter on your computer or count manually). I will penalize papers that exceed the word limit, fail to meet minimum readability requirements (e.g., grammar), fail to appear on time, or that in my judgment reflect an attempt to evade the spirit of these rules. Please number the pages and staple them together. Keep a copy of your exam answer.

**Exam #:** Use your exam number. Make sure your exam number is on all pages of your answer. You do not need to turn this exam in with your answer. You need not use a blue book.

**Style:** Your answer should be concise, organized and coherent. While references to theoreticians is encouraged, quotations are discouraged -- I want your words and analysis -- and citations are unnecessary.

**Substance:** I have included all the facts that I think you need to answer the questions. If you believe you lack necessary facts, make explicit any reasonable assumptions you are making and why, or indicate what facts need to be investigated and why, or both. I encourage you not to make factual assumptions which unnecessarily raise issues not otherwise suggested by the given facts, or which avoid issues reasonably raised by the facts. The greatest amount of points will be awarded for **specific application** of the jurisprudential theories to the questions asked.

Question 1  
(50%)

- A. Offer a feminist critique of law and economics. Please do so from the standpoint of feminist legal theory generally; in other words, you may use arguments from equal treatment theory, special treatment theory and/or dominance theory to criticize the assumptions, epistemology, and methodology of law and economics.
- B. Develop some beginning ideas for a feminist version of law and economics. In what ways can feminist thinking or methods promote the law and economics project or suggest changes in some of its assumptions and methods?

**Word limit total for both parts (divide as you wish): 2000 words.**

Question 2  
(50%)

Lawyers have professional obligations to engage in pro bono service. Model Rule 6.1 of the ABA's Model Rules for Professional Conduct states that: "Lawyers should aspire to render at least (50) hours of pro bono public legal services a year." According to the Model Rules, lawyers should provide "a substantial majority of [their pro bono] hours of legal services without fee or expectation of fee."

To expose law students to actual practice and pro bono opportunities, Joanie Raymore (J.R.), a natural law theorist, has proposed that the University of Confusion School of Law require law students, as a condition of graduation, to provide 40 hours of pro bono legal work or non-legal volunteer public service at some time during the student's law school career under the supervision of a law school faculty member. J.R. dismisses concerns that students will have difficulty finding pro bono opportunities, pointing to the Pro Bono Students of America (PBSA) which was founded at NYU

Law School in 1991: AA national network of 104 member law schools, PBSA works with more than 4000 organizations across the country to provide pro bono and public service opportunities for students at member schools during the school year.@ She also suggests that law students can create their own pro bono opportunities, and that student organizations, the law schools clinics, community lawyering projects, and bar associations can help connect students and opportunities.

Over thirty law schools across the country require students to perform public interest or pro bono work before graduating, says J.R., and federal appellate courts have upheld as constitutional public schools= graduation requirements mandating students to complete a set number of hours of community service prior to graduation. J.R. makes an impassioned plea to the faculty to adopt the mandatory pro bono plan, arguing: "S]tudents come to law school filled with passion, with morality, with a sense of justice, and the law school spends three years doing its best to crush them under the weight of the rule of law instead of helping them to integrate their ideas and values with the law."

J.R. is hit from the left and from the right at the faculty meeting. Both Mark Tushman, a critical legal studies adherent, and Jules Heart, a positivist, oppose the mandatory pro bono proposal. What are their arguments? And how would J.R. respond to those arguments?

**Word limit: 2000 words.**