

### **Question #1**

One Hour

Plaintiff Paul Profiled (P) sued the State of California acting by and through the California Highway Patrol (CHP) and Officer Darwin Dangerous (D) in connection with an incident that allegedly occurred on March 30, 2010. Plaintiff filed suit in the Superior Court of California, County of Confabulation.

At trial Plaintiff made the following contentions: He alleged that on March 30, 2010 he was driving home with his two children in the back seat when he passed by CHP officers near Hatahley Road and Laycock Drive in Remedies City. Plaintiff claims that he flashed a friendly smile at the officers and continued driving home. Then, as he continued to drive home, he noticed the CHP officers had followed him home and when he parked on his street the officers parked in front of his vehicle. Plaintiff claimed Officer Dangerous had his gun drawn and pointed at plaintiff as he exited the patrol car. The officer then aggressively ordered plaintiff out of the car. Plaintiff claims he was fearful for his and his children's safety and therefore honked his horn to alert his family members to come outside. Plaintiff's father came out but Officer Dangerous threatened to arrest him if he intervened. Meanwhile, the children were crying. Plaintiff complied with Dangerous' orders and exited his vehicle, at which point Dangerous grabbed plaintiff and violently pushed him. Dangerous also grabbed and twisted plaintiff's arms and wrists causing him pain. Plaintiff claimed that Dangerous said he had pulled him over because he "looked like he ran with members of a motorcycle club." Plaintiff claimed that after he complained, Officer Dangerous instructed his partner to issue a traffic ticket for loud noise.

Plaintiff claims medical bills in the amount of \$3,500.00 for treatment for his injuries. All of his medical bills were covered by his own insurance. He also claims he was unable to work as a Harley Davidson motorcycle mechanic for 3 weeks losing \$3,000.00 in wages. He seeks damages for economic loss, pain and suffering, emotional distress, punitive damages and other relief as appropriate.

He claims that the detention by Dangerous was unlawful and there was no reason to detain and abuse him. He asserted claims for violation of civil rights, assault and battery, and negligence/negligent hiring and retention.

Assume as true that: Plaintiff is a member of a statutorily protected class and that the Civil Code allows a successful plaintiff to recover reasonable attorney's fees.

Plaintiff's counsel claims 2,000 hours of attorney time at \$1250.00 per hour.

Defendants deny all allegations and assertive all appropriate affirmative defenses.

What are the damages/remedies issues raised by the facts above? Discuss.

## **Question #2**

One Hour

Twin sisters Adeline and Zelda Legal graduated from law school together in the spring of 2013 and passed the State of Confusion's bar examination that summer and were sworn in as lawyers in December 2013. They realized a long standing plan to open their law firm "A to Z Legal Offices" in March of 2014 in Gotham City. Two days after the office furniture arrived, Irene Inferno walked into the office and presented the sisters with the following facts: Irene had a lifelong dream to work as a fire fighter in Gotham City. She passed the written tests, the psychological exam and a preliminary physical fitness test and was admitted to the Fire Fighting Academy of Gotham City, State of Confusion class 01-13, which began in January of 2014. In late February Irene was discharged from the academy when she failed to achieve a passing score on a physical aptitude test. Irene is currently seeing a psychologist because of the depression she suffered at being discharged. The sisters agree to represent Irene and enter into a contingent fee contract under which they will receive 40% of Irene's gross award.

The sister lawyers immediately file suit in Federal District Court alleging that the physical aptitude test had an impermissibly discriminatory impact on women in violation of Title VII of the federal Civil Rights Act. On behalf of Irene, the lawyers seek an injunction immediately reinstating Irene and stopping physical aptitude testing, damages and attorney's fees.

Gotham City defends the claim on the ground that the test measured necessary physical abilities that were bona fide occupational qualifications (BFOQ).

The hearing on the Temporary Restraining Order to reinstate Irene goes very well for the sisters and the Trial Judge, Judge Lanier Softshack, gives every indication that he is going to rule in Irene's favor in a written ruling within one week.

Two days before the ruling on the Temporary Restraining Order to reinstate Irene, Judge Lanier Softshack is convicted for a violation of 18 USC 242 for eleven sexual assaults occurring in his chambers. The attorneys for Gotham City immediately move to disqualify the judge. The judge, joined by the sisters, opposes the motion on the basis that the judge enjoys absolute immunity.

The sisters, as plaintiff's counsel, anticipate that the suit will take many years to prosecute but they expect to win at trial and seek attorney's fees at \$500.00 per hour under a lodestar theory. They expect to spend at least 3,000 attorney hours prosecuting the case.

What are the Remedies issues raised by the above facts? Discuss.