

**Introduction to Law
Prof. Belle
Final Examination – August 2012**

PART II: Essays (45 points total)

Write in your blue book.

Use only blue or black ink.

(1) Explain why and how a court may avoid applying case precedent to a subsequent case.
(10 points)

(2) Identify and explain the three basic approaches to statutory interpretation.
(10 points)

(3) In a case entitled *Greenman v. Sawyer*, the high court of a state ruled that a person may cut off the overhanging branches of a neighbor's tree, if the branches interfere with vegetation growth on the person's land, or otherwise inconvenience that person. The following cases have subsequently arisen in trial courts of three different appellate districts of the state. (Note: Do not assume this is the State of California.)

(a) Defendant cut off the overhanging branches of a large coffeeberry shrub growing on plaintiff's adjacent property, because the branches took sunlight away from some flowers planted on defendant's property. Present the argument for the plaintiff, as to how this case is distinguishable from *Greenman*.

(b) Defendant cut off the overhanging branches of a tree growing on plaintiff's adjacent property, because defendant did not like the look of the tree. Present the argument for the defendant, as to how *Greenman* controls this case.

(c) Defendant cut off roots from a tree planted fifteen years ago on plaintiff's adjacent property, because the roots were undermining a large concrete retaining wall that was built two years ago on defendant's property to prevent defendant's residence from sliding down a hillside. Present the argument for the defendant, as to how *Greenman* controls this case.

(25 points)