

ST. MARY'S UNIVERSITY SCHOOL OF LAW

AMERICAN LEGAL HISTORY LW 6707
Professor Michael Ariens

FINAL EXAMINATION
SUMMER 1993

INSTRUCTIONS

1. This examination consists of one (1) page, excluding this page, and two equally weighted questions. Please write your examination number on your bluebook immediately.
2. This examination must be completed within three (3) hours. If you do not hand in the examination when the proctor informs you that the examination period is completed, the proctor has my permission to leave without collecting your examination, in which case you will receive a failing grade.
3. If you identify yourself in any way in this examination, you will receive a failing grade, and you will be in violation of the Code of Student Conduct.
4. You may use your assigned or recommended texts, your notes, any outline or any other materials you believe may be helpful. You must use black or blue ink when writing your answers, and your answers must be contained in one (1) sixteen (16) page bluebook, which will be provided to you at the examination. You may write on every line on one side of the page, or every other line on both sides of the page.
5. At the end of the examination, please return your bluebook and this cover page to the proctor. You may keep your examination if you wish.

I HAVE NEITHER GIVEN NOR RECEIVED UNAUTHORIZED AID IN TAKING THIS EXAMINATION, NOR HAVE I SEEN ANYONE ELSE DO SO.

EXAM NUMBER

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QUESTION I

Trace and discuss the modernization of American law by examining changes in property, contract, tort or procedural (including evidence) law. (Choose only one doctrinal area in your discussion.)

QUESTION II

"In his 1958 Holmes Lectures at the Harvard Law School, Judge Learned Hand stated, 'For myself it would be most irksome to be ruled by a bevy of Platonic Guardians, even if I knew how to choose them, which I assuredly do not.' Hand's statement directly confronts the perennial paradox of constitutional democracy, a paradox unresolved in 1789, and a paradox unresolved today." Discuss.

END OF EXAM