

FINAL EXAM
LEGAL SYSTEMS
PROF. REYNOLDS
DEC-1990

INSTRUCTIONS

This is a three hour exam. You may use your personal notes and textbooks in answering the exam questions. The test consists of six essay questions. You are to select three of the six questions to answer. Your answers must be confined to one bluebook. You may write on both sides of a page. Please take time to plan and organize your answers before writing. Good luck.

1. Discuss fully the "meaning" of the notions "the death of contract" and "the death of negligence" and their relationship to the formalist v. instrumentalist dispute over the nature and function of law.

2. Critically discuss Bodenheimer's notion that law is essentially a process of categorization or classification in the light of our discussions about legal concepts and their functioning.

3. In the classroom discussions I have spoken of the paradoxes of law which the realist and instrumentalist perspective has forced into our consciousness. State and discuss the paradoxes we have considered in the course of this semester.

4. Discuss the relationship of promissory estoppel to the Holmes-Williston theory of contract and to the formalist v. instrumentalist controversy.

5. Contrast the formalist approach to the interpretation of statutes and contracts with that of the instrumentalist.

6. Contrast the neutral craftsman notion of law and lawyering with the humanistic notion of law and lawyering.