

THE UNIVERSITY OF BRITISH COLUMBIA
PETER A. ALLARD SCHOOL OF LAW

DECEMBER EXAMINATION- 2020

LAW 211.002
Contracts

Professor Marcus Moore

EXAM PASSWORD: 6UTLuB
RESUME CODE: ABB054

TOTAL MARKS: 100

(8:50 AM PST) **PREPARATION TIME ALLOWED: 10 MINUTES**

(9:00 AM PST) **WRITING (INCLUSIVE OF 15 MINUTES READING) TIME ALLOWED: 90 MINUTES**

8:50-9:00 AM Preparation Time (Exam writing not permitted) – This time is given to students to download/print your exam questions once the exam has been made available online on Canvas, to read the Exam Password on this exam coversheet, to enter the Exam Password for the exam in Exemplify, and to progress in Exemplify until you see the **STOP SIGN**, where you will **WAIT until 9:00 AM. DO NOT proceed past the STOP SIGN. DO NOT begin typing your exam answers in Exemplify until 9:00 AM!**

9:00 AM Exam Writing Time – At 9:00 AM, you may proceed past the **STOP SIGN** in Exemplify and begin typing your exam answers. Students are required to calculate and monitor their own time for writing exams. All exam answer uploads will be monitored to ensure that typing of answers only occurred during the allotted Exam Writing Time.

This is an open book examination. Students are permitted to access the Casebook and other course readings, the instructor's slides and course materials, self-prepared course outlines or notes.

If you think you have discovered an error or potential error in a question on this exam, please make a realistic assumption, set out that assumption clearly in writing for your professor, and continue answering the question. Do not email your professor or anyone else about this while the exam is in progress.

ACADEMIC INTEGRITY

Any exam answers that raise suspicion of breaking any restrictions outlined on this cover page may be subject to being processed through academic integrity software. Students typing exam answers before or after the allocated exam writing time may receive a grade penalty.

CONFIDENTIALITY REGULATIONS – READ CAREFULLY

As this exam is being written off-campus and is unsupervised, any communication whatsoever (including, but not limited to in person, telephone, e-mail, text, social media, etc.) concerning the contents of this examination with anyone (other than the Student Services staff of the Allard School of Law) is strictly prohibited.

In the event any information comes to your attention regarding a breach of these regulations (by others, or inadvertently by you), please immediately contact Student Academic Services (studentservices@allard.ubc.ca) and make full disclosure.

A breach of these regulations may constitute student misconduct, and you may be subject to penalty or discipline under UBC's Academic Misconduct policies.

EXAMINABLE MATERIAL

Per the course Syllabus: "All required reading is examinable (including all material assigned from the Casebook, and all Other Required Readings)... Besides required readings, all material from lectures and course-related communications or discussion are also examinable [including information communicated electronically such as material on the course website]. As a result, students are strongly encouraged to attend all classes (whether online or in-person at permitted times), take detailed notes, and to keep abreast of information provided electronically including on the course website. Also note that each legal text/source and each instructor have interpretations of the law that differ on various points. Examination answers should reflect the account presented in the course, where it conflicts with accounts from assigned or optional reading, unless indicated otherwise. However, the fact that there are differing perspectives will itself sometimes be relevant. Students are advised to follow the instructor's guidance as to what issues are matters of fact, debate, opinion, etc. as in courses in any other discipline." By contrast the texts listed under "Further Reading (Optional)" are not examinable materials and their content should not be cited.

USE OF SOURCES

Your exam answers should incorporate or cite (as applicable) supporting material drawn from the set of Examinable Material. However, answers should only incorporate or cite aspects of the Examinable Material that are relevant. Part of the judgment you are expected to exercise is determining materials' relevance in answering a question. Although the exam is open-book, students should not research outside sources. Do not reference or cite as supporting material on this examination any material drawn from sources outside the set of Examinable Material for the course (specified above).

ADDITIONAL NOTES

Good luck!

What Do I Do If:

- **I cannot access the exam questions on Canvas**

If you experience technical difficulties accessing the exam questions on Canvas, email studentservices@allard.ubc.ca and the exam questions will be emailed to you. Please provide your phone number when emailing Student Services.

- **I'm experiencing technical difficulties DURING THE WRITING of the exam**

If you experience technical difficulties with Exemplify at the very beginning or during an exam, you may attempt to solve your problem/reboot your computer **BY YOURSELF**. You are **STRONGLY** encouraged to spend **NO MORE THAN 5 minutes** attempting to do so. You will **NOT BE GIVEN ANY EXTRA TIME** to complete the exam. **If your attempt to solve the problem is unsuccessful**, or if you choose not to make such an attempt, you **MUST** immediately **begin hand-writing** your exam answers with pen on lined paper. **You may NOT type your exam answer in word-processing software.**

When you have finished writing the exam, you must upload the exam answers that you completed in Exemplify (if you are prompted for a Resume Code, it is on the coversheet of the exam questions). Email Bernie Flinn, flinn@allard.ubc.ca, for help with this. Please provide your phone number in the email. Bernie or another IT Support staff person will then help you to upload any answers that you typed in Exemplify.

You must also upload to Canvas your hand-written exam answers into the "Exam Answer File Upload (Word Processor or Hand-written ONLY)" folder. Scan or take a picture of each page (.jpg) of your exam and put them into one folder to upload.

Your answer file should be named, and the coversheet of your answers should be titled with:
Your Exam Code, Course Number, Name of Course, and Instructor Name
i.e., **9999 LAW 100.001 Law of Exam Taking - Galileo**

- **I'm experiencing technical difficulties EXITING and UPLOADING the exam**

If you experience any difficulty exiting and uploading your Exemplify exam answers, you must wait until the allocated time period specified on the coversheet of the exam has ended, then email Bernie Flinn, flinn@allard.ubc.ca, and he or another IT Support staff person will help you to upload your Exemplify exam file. Please provide your phone number in the email.

If you have approved accommodations to type your answers using Word Processing Software, and experience difficulties uploading your exam answer file to Canvas, email your exam answer file to studentservices@ubc.ca.

- **I fall ill in the middle of an exam, or am otherwise interrupted such that I'm unable to continue writing my exam**

Please stop writing, note the time that you stopped, and email studentservices@allard.ubc.ca immediately to notify them and discuss options. Please provide your phone number when emailing Student Services.

LAW 211, Section 2

MARKS

60 1.

Suppose that the Carbolic Smokeball affair took place this virus season, not that of 1891-92, and was addressed to the covid pandemic, not influenza. Suppose the following additional differences in the facts: The bank deposit was not said to show “sincerity”, but “good faith” in the matter. The bottom of the ad said in fine print: “Terms and conditions apply. Visit: covidsmokeball.co.uk.” That website included a page entitled “Offer Terms and Conditions” containing a lengthy list of typical standard form clauses. Clause 10 was a condition that the claimant “register” via the website, and include proof of purchase, to accept the offer. Clause 77 said that the offer is non-transferable. Clause 38 said “***DISCLAIMER: THE COMPANY MAKES NO REPRESENTATION THAT THE SMOKEBALL CONFERS IMMUNITY AGAINST COVID, AND SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE IN CONNECTION WITH THIS PROMOTION, HOWSOEVER CAUSED.***” Mrs. Carlill, 93, is a resident of BC. The company shipped her a ball, ordered in her name and paid for by her grandson Sheridan, a medical doctor in England. Mrs. Carlill used the ball as directed. A day after concluding the prescribed course of use, she heard about the ad and reward from her neighbour Nigel, and registered, without providing proof of purchase. Although asymptomatic at the time she registered, two days later she was diagnosed with covid. After a lengthy hospital stay, Mrs. Carlill recovered. She now wants to sue the Smokeball Company for the advertised reward plus \$75,000 CAD in necessary healthcare expenses in her recovery. Assess Mrs. Carlill’s legal situation and advise her on the prospects of her intended claims. (60 MARKS)

40 2.

Reflecting on this course, your expectations about the legal profession, and your personal career goals or hopes, are there things you learned in this course that will help you in your future legal career? Write a reflective essay of approximately 1 page (single-spaced). Justify your answer with reference to the basic elements of the course (§4 of the Syllabus), broad themes in the course, and specific material covered, as these relate to your expectations about the legal profession and personal goals or hopes for your future legal career. (40 MARKS)

END OF EXAMINATION