

MORNING SESSION

Tuesday, February 24, 2026

QUESTION NUMBER 1

(Use bright blue booklet for essay answer)

Lisa owns a single-family home, which she rents to Nick. Four years ago, Lisa and Nick signed a written lease agreement that required Nick to pay Lisa \$1,200 monthly rent. The term of the original lease was one calendar year. After the lease expired, Lisa allowed Nick to stay, and Nick has continued to rent the home on the same terms.

On September 1, a severe storm damaged the home's roof. Nick reported the damage to Lisa the day after the storm in a text message, and Lisa contacted Roof Repair, Inc. ("RRI") to fix the roof. RRI gave Lisa a written contract stating that RRI would fix the roof on September 15 for \$10,000. The contract required Lisa to pay a deposit of \$1,000 to RRI to reserve RRI's services and the necessary materials. Further, the contract stated that if Lisa canceled, she would forfeit the deposit as a cancellation fee. Lisa and an authorized representative of RRI signed the contract, and Lisa paid the deposit.

On September 8, RRI called Lisa to tell her that roof supplies were scarce because of the storm and that RRI may not be able to fix her roof on September 15. Lisa fired RRI on the spot and demanded her deposit back. RRI told Lisa that RRI would retain the deposit as a cancellation fee. Outraged, Lisa hung up the phone.

Meanwhile, the damaged roof allowed rainwater into half of the home, including one of the two bathrooms, office, and dining room, rendering those rooms unusable. On September 13, Nick texted Lisa about the roof, asking her to fix it. Lisa refused and told Nick to handle it himself.

Nick immediately replied that he would either move out or stop paying rent if Lisa did not fix the roof in a week. After hearing nothing for a week, Nick texted Lisa to inform her that he would pay only \$600 per month in rent until she fixed the roof. Lisa replied that if Nick refused to pay the full rent, she would evict him. Lisa has not communicated with Nick since then but did receive \$600 from Nick on October 1.

On October 10, Lisa spoke with Attorney, who works for your law firm. Lisa is interested in suing RRI for breach of contract and she wants to recover the \$1,000 deposit. She also explained that Nick is still in her home. Lisa wants Nick to pay the past-due rent and move out as soon as possible. Lisa wants to

Question 1 continues on next page

end the lease primarily because she has been trying to get out of the landlord business. Over the previous six months before the hurricane, Lisa sold her other three rental properties.

During the initial client consultation, Lisa and Attorney also discussed the firm's hourly rates. Lisa stated that her sister, Susan, promised to pay Lisa's attorney's fees. Lisa added: "Susan has made lots of money in the landlord business. I wouldn't be surprised if she calls you and offers good suggestions for how to handle my problems."

For this question, assume that it is October 15. Attorney asks you to prepare a memorandum as follows:

- A. Evaluate whether Lisa is likely to succeed on a claim against RRI for breaching the roof repair agreement.
- B. Evaluate whether RRI is entitled to keep the \$1,000 deposit.
- C. Discuss Lisa's options against Nick to recover past-due rent and possession of the home. Your discussion should include any actions Lisa must take before suing, any defenses Nick might raise, and whether Lisa could be liable for Nick's attorney's fees if she is unsuccessful in her suit against Nick.
- D. Discuss any ethical concerns with Lisa's proposal regarding attorney's fees.

END OF QUESTION NUMBER 1

QUESTION NUMBER 2

(Use bright green booklet for essay answer)

Andrew and his wife, Diana, were drinking vodka heavily all day. Both were over age 21. They wanted more vodka, but had no money. They walked to a liquor store and agreed that Andrew would distract the clerk so that Diana could steal a bottle of vodka.

When they entered the liquor store, Diana noticed Valerie, a store clerk, enter the sales floor from a rear room with a door labeled: "Employees Only." When that door swung open, Diana noted an interior sign that stated, "Employees Must Store All Personal Items in This Breakroom." Valerie was the only other person in the building.

Andrew began distracting Valerie, while Diana went to the back of the store and quietly opened the "Employees Only" door. Inside the breakroom, Diana found a purse containing a small polka-dotted pouch with the letter "V." Inside the pouch was \$400 in cash. Diana took the pouch with the cash and returned to Andrew, who was still talking to Valerie. They left the store. On the way back to their apartment, Diana told Andrew the details of how she took the cash. That evening, they spent all the cash at a bar.

Back at the liquor store, Valerie returned to the breakroom. She saw her purse had been opened and her pouch was missing. She contacted law enforcement.

A police officer ("Officer") was assigned to the case. He responded to the store and took Valerie's sworn victim statement. Valerie told Officer that she had seen the suspected pair in the store many times and would recognize them again.

The next day, Officer asked a detective to create a photographic lineup. Based on the clerk's description of the pair and being familiar with the area, the detective believed she knew who took the pouch. The detective generated a computer-based lineup with photographs of Diana and five other women of similar age, complexion, hair styles, and facial characteristics to Diana. Of the six photographs, only Diana's had blonde hair. The detective did not tell Officer whether the lineup contained the woman that the detective suspected, or what position the suspect was in.

Later that day, Officer returned to Valerie and administered the lineup. Officer gave her all the required instructions for a lineup, and she signed an acknowledgment that she received the instructions. Officer ensured that only Valerie could see the lineup photos. He also advised Valerie not to be concerned with hair or makeup colors because they were easily changeable. Valerie

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immediately selected Diana's photo and said she was 100% certain in her selection.

Officer went to Diana's apartment complex, parked, and walked up the path to her front door. Soon after he knocked, Diana opened the door and stepped outside. Officer advised Diana that she was under arrest. Before handcuffing her, Officer searched her outer clothing. In her jacket, he located an empty small polka-dotted pouch with a "V."

Rather than charge Andrew criminally, the prosecutor agreed with Andrew that he would testify as a state witness as to what Diana told him and what he saw on the day of the liquor store incident. The prosecutor properly disclosed this agreement to Diana's counsel.

You are an associate at the law firm that represents Diana. Prepare a memorandum discussing:

- A. The criminal offenses that Diana and Andrew committed;
- B. Any legal impact of Diana's and Andrew's alcohol use on the offenses;
- C. Any constitutional issues regarding the lineup, arrest, or search; and
- D. Whether Diana can prevent Andrew from testifying or limit the scope of his testimony.

END OF QUESTION NUMBER 2

QUESTION NUMBER 3

(Use bright orange booklet for essay answer)

Father took Son skateboarding at the parking garage that Father uses at work. Father is an attorney and his law firm pays the monthly parking fee for the garage. Son was ten years old and had been skateboarding for five years; he was a very good skateboarder for his age and had skated the parking garage with Father two times in the past. Though the garage's steep ramps challenged Son's ability, he never had a serious fall on his past trips, and Son was excited to ride the garage again. Son wore a helmet and pads. Father had been using the garage for approximately eight years, but had never seen anyone else skateboarding there.

Father and Son took several trips down the parking garage ramps before Son had an accident. On the third floor, the right front wheel of Son's skateboard shattered after it hit a large gap in the seam of the pavement. Son fell off his board and broke his arm. Son's fall was particularly awkward, resulting in a severe break of his arm. Also, during the fall, a small part of the shattered wheel hit and injured Son's eye, which required surgery. The total medical costs exceeded \$100,000.

A few days after the accident, Father investigated the accident scene with Contractor and they saw that the gap in the pavement where Son fell was abnormally large. Contractor found other large gaps in the pavement throughout the garage. However, the gaps were not big enough to cause problems for cars or pedestrians, and the garage never received any complaints about the gaps.

Father also looked into who made the skateboard wheel. Father purchased the wheel as a part of a set from Store, which is part of a large, national chain. The wheels were made by another company, Wheels, Inc. Wheels knew that a batch of 20,000 wheels, including the four purchased by Father, might break if they landed at odd angles due to a fabricating problem. Wheels also determined that a tiny percentage of the wheels sold would land at such angles and that recalling the wheels would be very expensive, so it did not recall the wheels.

Father met with Partner at his law firm and asked Partner to represent him. Partner proposed that he will take the case on a 10% contingency fee plus expenses. To avoid paperwork at the firm, Partner also proposed to Father that any settlement amounts from the case be paid to Partner's personal bank account. Father told Partner that he agrees to the proposed fee arrangement and the use of Partner's personal bank account.

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Prepare a memorandum discussing the causes of action available to Father and Son and their likelihood of success, including issues of standing, potential defendants, and any defenses that may be raised. Also discuss any issues related to Partner's representation of Father under the Florida Rules of Professional Conduct.

END OF QUESTION NUMBER 3

END OF MORNING SESSION