

MORNING SESSION

Tuesday, July 28, 2026

QUESTION NUMBER 1

(Use bright blue booklet for essay answer)

Husband and Wife were married 20 years ago in Orlando, Florida, and have continued living there to this day. Shortly before their wedding, Husband discovered Wife had years of unpaid taxes. Two days before the wedding, Husband presented a prenuptial agreement to Wife for the first time in which she waived any alimony if they later divorced. He told Wife he would report her to the Internal Revenue Service unless she signed the agreement. Wife knew Husband owned his own business and asked whether he would provide records showing the business's profits. Husband told her the business was barely profitable and refused to share the records. Wife did not have time to consult with an attorney but signed the agreement so they could move forward with the wedding, which they had been planning for months.

After the wedding, Wife learned that Husband's business was incredibly profitable, but required Husband to travel internationally for weeks at a time several times per year.

Ten years ago, Husband and Wife had their only child. Wife had been employed as a teacher at a local elementary school for most of the marriage. However, five years ago, due to Husband's frequent travel for work, Wife stopped working so she could care for their child full time. She has remained unemployed to this day.

Recently, Wife learned that on the business trips, Husband was frequently losing large sums of money at casinos while also using illegal drugs. Husband's behavior at home has also become more erratic. Two months ago, Husband and Wife got into an argument while Husband was intoxicated. Husband shoved Wife during the argument, and she suffered minor bruising.

The police arrested Husband for the incident. Wife went to Husband's first appearance and told the judge she wanted a chance to explain her concerns about Husband's recent behavior before the court decided Husband's bond. The judge denied her request because there were a lot of defendants scheduled for first appearance that morning, but told her to contact the assigned prosecutor later if she had any concerns. The judge set a bond for Husband and did not order any other pretrial release conditions.

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Husband returned home that evening after first appearance. A few days ago, Husband told Wife that he was considering a plea agreement the state offered him. Wife has not received any other information about the case.

Wife has come to your law office seeking a divorce. She wants alimony and sole parental responsibility and timesharing over their child based on Husband's irresponsible behavior. Wife is 42 years old and does not want to return to the stress of teaching. She would like to receive alimony for the rest of her life or at least until she is able to receive Social Security retirement benefits at age 62. Husband is 45 years old.

Wife explains that she does not have any money to pay your firm's legal fees, but she can pay 25% of any alimony she receives. After running a conflict check, you discover that your firm represented Husband three years ago in a contract dispute about the Husband's business's failure to pay a vendor. During the representation, an attorney at your firm learned that Husband's business failed to pay the vendor in part because Husband had been using business funds to gamble during trips.

1. Discuss the merits of Wife's request for alimony, Husband's likely arguments in opposition, and, if the court decided to grant alimony, what type(s) of alimony Wife would likely be awarded.
2. Discuss the merits of Wife's request for sole parental responsibility and timesharing over the parties' child.
3. Discuss whether any of Wife's rights under the Florida Constitution may have been violated in relation to Husband's criminal proceedings.
4. Discuss any ethical issues with your law firm representing Wife and her proposed method of paying her legal fees.

END OF QUESTION NUMBER 1

QUESTION NUMBER 2
(Use bright green booklet for essay answer)

Albert placed an online ad seeking a room to lease for his residence. Junior responded and called Albert to discuss. Junior and Albert verbally agreed that Albert could live with Junior for the next nine months at the house that Junior was renting from Chuck. They agreed that Albert would pay Junior \$700 per month and Junior would be responsible for utilities.

Shortly after Albert moved into the home, friction arose between Junior and him. However, Albert's payments to Junior were always on time.

Three months after Albert moved in, Albert went out of town for two days. While Albert was gone, Junior moved out and turned off the utilities to the house with the city's utility company.

When Albert returned home, he discovered the home had no electricity or running water. Albert called Junior and told Junior that if he did not immediately reinstate the utilities, he would stop paying rent and move out. Junior threatened to sue Albert if he stopped paying rent for the remaining six months under their agreement.

Albert began searching for a new place to live and found a rental property listing by Daniel. Daniel told Albert that the house was still available for rent, however, Daniel's lender had filed a foreclosure action involving the property because Daniel had not paid the mortgage. Daniel assured Albert that the courts were backlogged, so the new rental property would likely stay in his possession for a long time while the foreclosure action was litigated. Daniel offered to lease the new property to Albert for one year and sent him a written lease agreement to review and sign.

Albert is seeking legal advice from your firm. You instructed your paralegal to conduct an initial interview with Albert outside of your presence, where she gleaned the above information. Your paralegal later found case law she believes is highly relevant. She would like to send the case law along with a letter analyzing the cases to Albert. Your paralegal stated that the cases are straightforward, so she will draft the letter and send it to the client without your review, which will allow you to work on more pressing matters.

Prepare a memorandum discussing the following:

1. Discuss Junior's available remedies, legal claims against Albert, and potential recoverable damages if Albert chooses to move out and stop paying rent. Also discuss Albert's potential defenses to Junior's lawsuit.

Question 2 continues on next page

2. Albert is considering signing the one-year lease agreement from Daniel but he is concerned about the foreclosure action. If Albert decided to sign the lease, discuss whether Albert could continue to reside in the house after the court enters a foreclosure judgment and the property is sold to a new owner.
3. Finally, discuss any ethical issues arising from your paralegal's conduct.

END OF QUESTION NUMBER 2

QUESTION NUMBER 3
(Use bright orange booklet for essay answer)

Donna is a receptionist at Law Firm. As she was leaving for work on Friday morning, she discovered that her car had a flat tire. Donna's father let Donna borrow his car so she could get to work.

That afternoon, Donna decided to surprise her co-workers by buying them cupcakes. She asked another receptionist, Ryan, to cover for her while she briefly stepped out of the office, but no one else knew that she left. She drove to a nearby bakery and purchased two dozen cupcakes.

On the way back to the office, Donna was driving on Palm Street, a busy road with a 45-mph speed limit. Donna was rushing to return to the office before anyone noticed that she left and was driving approximately 50 mph. She approached a school bus stop on Palm Street where a bus had just dropped off several children.

As she neared the bus stop, Donna received a text message from Ryan: "Where are you? The office manager is looking for you! I can't lie to our supervisor!" Donna read the message on her phone and typed a response: "Will be there soon! Hang on!"

Donna looked up from her phone and saw Pete, a 12-year-old, crossing the street in front of her car. Pete was one of the children who had just stepped off the school bus. Pete was not in a marked crosswalk and did not hear Donna's car approaching because he was listening to music on his earbuds.

Donna unsuccessfully tried to swerve out of Pete's way. The car struck Pete, and Pete suffered broken limbs and a concussion.

Pete's mother seeks your advice after having an initial consultation with Lawyer. Lawyer advised bringing a lawsuit against Donna, Donna's father, and Law Firm. Lawyer also recommended suing the School Board and the individual members of the School Board in their personal capacities for negligently locating a school bus stop on a busy road.

Prepare a memorandum as follows:

1. Discuss whether Pete or Pete's mother can bring a lawsuit arising from Pete's injuries.
2. Evaluate the merits of the claims against Donna, Donna's father, and Law Firm along with any defenses that may be raised.

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3. Evaluate the merits of the claims against the School Board and its individual members along with any defenses that may be raised.

END OF QUESTION NUMBER 3

END OF MORNING SESSION