Sample Short Essay Law School Exam Question

VIC AND DAN: BURGLARY QUESTION

RULE:

  In this jurisdiction, burglary means the breaking and entering of a dwelling of another, in the nighttime, with the intent to commit a felony therein.

FACTS:

   One night, when it was raining lightly, Dan went looking for Vic saying, "I'll get that guy for cheating me out of $100."   Dan took a loaded pistol with him. Not knowing where Vic lived, Dan wandered around the city for several hours. Suddenly, it began to rain heavily. Dan smashed a window in the very first house he saw, and entered. He remained inside the house until the rain stopped. As Dan was about to leave, Vic came in the front door. Startled, Dan pulled out his gun and fired one shot, missing Vic. Dan then ran out the door. As it turned out, Dan had broken into Vic's house; Dan did not know whose house it was when he broke in.

   Dan has been charged with burglary. What result?

Step One: Know what you're being asked to do.

Read the question at the end of the facts.
What do you think the professor means by "What result?"

Step Two: Identify the conflict pairs or lawsuit/s & ask what does each party want? This can be determined ahead of time for each class because the parties' goals tend to be predictable for different classes: $/ not pay $ in Torts or Remedies (K), Enforce Promise/Not enforce Promise for K, Put D in Jail/ Not go to Jail or go to Jail less time for Criminal law/ Litigate case/ Not litigate case for Civil Procedure.

Here it's <u>State v. Dan</u> (write that on your scrap paper)

If the professor did not tell you, you would read through the facts, looking for them and identifying them. If there is more than one conflict pair, write them separately on your scrap paper.

Step Three: Use your Issues checklist (that you've written down as soon as you turned over the exam and pulled out the scrap paper), to identify what "legal tools" from your shopping list will help the parties on each side of the v. attain their goals. (next page)

State	Dan
Burglary • <u>Breaking (short)</u> • <u>Entering (short)</u> • <u>Into a Dwelling House (short)</u> • <u>Of Another (short)</u> • <u>In the Nightime (?) address longer</u> • <u>With intent to commit a felony therein (?) Address longer</u>	**Not Burglary**
Call asks for just Burglary	<u>Affirmative Defense?</u> <u>(probably not any affirmative defenses here0</u>

Step Four: Read through the fact pattern **again** matching the elements of burglary with their corresponding relevant facts circling words and noting which elements and issues these facts apply to.

Step Five: Begin to Write your discussion of burglary using your notes on the exam to guide you.
State v. Dan for Burglary
> **Define burglary here.**
> **Breaking**? – define - simple analysis using evidence given (facts)
>
> **Entering?** – define - simple analysis using evidence given (facts)
> **Into a dwelling house**? – define- simple analysis using evidence given (facts)
> **In the nighttime**?– define -use evidence given (facts) to address if it is nighttime when he broke in
> **With the intent to commit a felony therein** – define - use evidence given (facts) to address if the evidence shows he had the intent to commit a felony therein

Example of using evidence (analysis):
> **With the intent to commit a felony therein** – a felony is a crime that is punishable by at least a year in prison. Here, it's likely that Dan did not break into the house to commit a felony but instead broke into the house to get shelter from the rain because *he entered the first house he saw when it began to rain heavily*, and *he tried to leave when the rain stoppe*d. This is probably not a felony.

Use the facts - began to rain heavily + first house he saw; rain stopped + tried to leave.