

# 2009 Law Review

## Write-on Competition

### Instruction Packet

#### REMINDERS:

- If you are submitting your entry *via e-mail* (sharonj@smu.edu), please make sure ALL of the information required on the write-on competition entry form is included in the e-mail message of your submission.
- By submitting your entry, you represent that you have not sought, nor received any outside assistance with the write-on competition. Such assistance includes, but is not limited to, any assistance from current law journal members, faculty members, other entrants, attorneys, or other law students.
- Only submit your entry *once* (i.e. do not email your submission and deliver a hardcopy).

## RULES AND REGULATIONS

**The Write-On Problem Packet information will be available beginning at 9 am CST, Thursday, May 14, 2009.**

There are a two ways you may obtain a packet:

- (1) Download the Word or PDF files for the packet and sources located at:  
<http://www.smu.edu/lra/About/CurrentCompetition.asp>
- (2) Pick up a Problem Packet at Alpha Graphics by the SMU Bookstore. Please note that you will be responsible for the copying expenses if you choose this option.

There are a number of ways you may submit your entry:

- (1) If you are in Dallas, return hardcopies and a **disk** of your entry to Sharon Johnson (or slide under her door if during non-business hours), Room 5 on the bottom floor of Storey Hall. Entries must be received by 9 am CST, Monday, May 18, 2009.
- (2) You may send your entry via "regular mail." Your entry must be **marked for AM delivery** on Monday, May 18, 2009.
- (3) You may e-mail your entry to [sharonj@smu.edu](mailto:sharonj@smu.edu). Your message must be **received** by 9 am CST, Monday, May 18, 2009. We will NOT look at the time it was sent.

**All Entries must be submitted by 9 am CST, Monday, May 18, 2009.**

**Sharon Johnson  
sharonj@smu.edu  
SMU Dedman School of Law  
3315 Daniel, Storey Hall, Room 5  
Dallas, TX 75205**

**NO LATE ENTRIES WILL BE ACCEPTED!**

## Format of Entry

### (1) The Editing Exercise:

- a. If you are turning in a *hardcopy*, please make your edits by hand in red ink.
- b. If you are turning in an *electronic copy*, please make your edits by hand in red ink, scan your entry into a computer, and attach the file to your email. Alternatively, you can make your edits directly to the Word document by making the necessary changes in red font and highlighting the entire edited word, phrase, or punctuation mark. See below for an example. **YOU CANNOT USE THE “TRACK CHANGES” FEATURE IN MICROSOFT WORD TO MAKE YOUR EDITS.**
- c. Example of proper electronic edit:
  - i. Sentence in article: “I like the color red.”
  - ii. Edited sentence: “I like the **color** red.”
    - A. If you add an *item* that should be there (such as a comma), then use the above red font/highlight combination to denote the addition.
    - B. If you delete something that shouldn’t be there (such as a comma) the highlight function will not permit you to highlight blank spaces. Instead use the underscore key\_ to indicate when you have deleted something such as comma or space. Highlight the underscore and change its color to red.
      - i. Sentence in article: “I like, the color red.”
      - ii. Edited sentence: “I like\_ the color red.”
    - C. If you need to *insert a space*, please use the # sign to indicate that you did so. Highlight the # and change its color to red.
      - i. Sentence in article: “He wentout.”
      - ii. Edited sentence: “He went#out.”
    - B. **Please don’t stress over how you are formatting this red font/highlight combination.** Above all, make sure your edits are accurate, clear, and well-marked. We had a huge problem with the “track changes” feature in the past.

### (2) The Bluebooking Exercise:

- a. Please list the proper citation for each of the sources included in this closed memo packet. Although you will refer primarily to the Bluebook, you should also refer to the Texas Rules of Form (the “Greenbook”) when citing Texas cases. If there are discrepancies between the two, cite all Texas cases according to the rules found in the Greenbook. The subsequent history information for Texas appellate court cases has been provided for you below the citation. Only use normal typeface, italics, or underline. You may refer to the practitioners guide in the Bluebook. You may use either italics or you may underline, but please pick one or the other and stick with it.

### (3) The Memo Exercise:

- a. Your entry may not exceed 6 pages (footnotes included), double-spaced, 12 point Times New Roman font, one inch margins on all sides. Please lay out the contents of this memo similar to that of your first year LRWA memo.
- b. All citations **must** be given in footnotes. Your footnotes must be in 12 point Times New Roman font, but should be single-spaced.

(4) Your entry must be an individual effort. By submitting your entry, you represent that you have not sought, nor received any outside assistance with the Write-On Competition. Such assistance includes, but is not limited to, any assistance from current law journal members, faculty members, other entrants, attorneys, or other law students.

(5) **Only include your name and SMU Student ID # on the Entry Form above. DO NOT place your name, student number, or any other identifying mark on any other page of your entry, or you will be automatically disqualified from the write-on competition.**

## PART I: EDITING EXERCISE

Instructions: This is an exercise to determine your ability to edit text and citations. Please be sure that you correct all four article excerpts below. **You are only responsible for making format, punctuation, and grammatical changes.** *Please do not alter the style of the articles, for this will be counted as a mistake. Such prohibited stylistic changes include corrections made to the passive voice.* When editing the footnotes, please use the Bluebook rules specific to practitioners – the same rules you used in your first year legal writing class (italics and underlining are equivalent and may be used interchangeably). Please note that if the Bluebook instructs you to use LARGE AND SMALL CAPS you may use ordinary Roman (plain text) typeface instead.

If you are submitting a hard copy of this editing exercise, make all changes in red ink and make sure your edits are clear and easy to read. If you are submitting the editing exercise electronically, please make all edits on a hard copy as described above, then scan that copy into a computer, and attach the document with your e-mail submission. Alternatively, you can make your edits directly to this Word document by making the necessary changes in red font and highlighting the entire edited word, phrase, or punctuation mark (see example above). You **MAY NOT** use the “track changes” feature to make your edits.

## PART II: BLUEBOOKING EXERCISE

Instructions: Included in the separate source packet, you will find 17 sources (numbered in the upper left-hand corner). Please list them *in order* and in proper Bluebook/Greenbook form. For example:

1. Sharp v. Stacy, 535 S.W.2d 345 (Tex. 1976).
2. Thornton v. Cent. Loan Co., 164 S.W.2d 248 (Tex. Civ. App.—Austin 1942, writ ref’d).
3. Tex. Loc. Gov’t Code Ann. § 374.003(3) (Vernon 2007).

Although you will refer primarily to the Bluebook, you should also refer to the Greenbook when citing Texas cases. If there are discrepancies between the two, cite all Texas cases according to the rules found in the Greenbook. The petition/writ status and history has been provided for the Texas appellate court cases just as it appears in the Texas Subsequent History Table. When using the Bluebook, please use the rules specific to practitioners – the same rules you used in your first year legal writing class (i.e., you may use either underlining or italics, but **NO** large and small caps). You may list the sources/cites below or you may create your own list – just make sure they are in order.

## PART III: THE MEMO

1. Use the included sources, and **ONLY** the included sources, to address the italicized issue(s) below (it is not necessary to use all of the included sources though). **DO NOT do any additional research or your entry will be disqualified.**
2. Your memo should be no more than 6 pages, double-spaced, 12-point Times New Roman font, one-inch margins on all sides. Please lay out the contents of this memo similar to

that of your first year LRWA memo (meaning some combination of Issue(s), Brief Answer, Facts, and Discussion/Analysis).

3. Please include your memo answer in the space provided on the
4. You *must* use footnotes for all citations. Your footnotes should also be in 12-point Times New Roman font, but should be single-spaced. Footnotes are *included* in the page limit.
5. You may download a sample memo at: [www.smu.edu/lra/About/PriorCompetition.asp](http://www.smu.edu/lra/About/PriorCompetition.asp)  
Please remember that there are many ways to approach a memo and this is only one example – please do not use it as a template for your memo if the format is not the best one for this question.

# Memo

To: Junior Associate  
From: Senior Partner  
Date: May 14, 2009  
RE: Blue v. King

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Our clients, Carol and Don King are about to be sued by William Blue. The Kings own a small ranch in Dallas County. They mostly use their ranch for relaxation purposes but they have some chickens and two horses for their own enjoyment and to take advantage of tax savings available for farm property owners. They maintain a comfortable home furnished with state of the art appliances, furniture, and a high-tech security system on their ranch. Although King Ranch has every comfort one could imagine, the Kings spend most of their time in downtown Dallas where they maintain a luxury condo that is close to Mr. King's place of employment.

Prior to March 2009, the Kings did not lease their property to anyone. However, on February 10, 2009, a representative for Britney Arrows approached the Kings and asked them if they would be interested in leasing King Ranch to Ms. Arrows for two months, from March 1, 2009 through April 30, 2009. He explained that Ms. Arrows would be in Dallas for her tour "The Big Top Starring Britney Arrows with Special Guests the Kittykat Dolls." The Dallas performance was to take place on March 31, 2009. As a special surprise for her Dallas fans attending the concert, Ms. Arrows was going to add a segment to the standard concert lineup where she appeared as a circus performer and jumped through a ring of fire on horseback while wearing a tight black number with sequined flames. For this special task, Ms. Arrows selected her favorite horse, Bubba, as her lucky partner. Bubba had no previous experience jumping through fiery rings, so the horse trainers were working virtually around the clock with him at one of Arrows's homes in Louisiana. But as the concert date approached, Ms. Arrows realized she needed a place in Dallas where her animal trainers could work with Bubba. When she heard about the Kings' luxury ranch and top-of-the-line security system, Arrows thought it might be a good idea to lease the Kings' entire property so that she could personally use the comfortable ranch house and so that she could securely store all the animals used in the "The Big Top."

The Kings were at first very reluctant to accept Arrows's offer. Arrows's representatives warned that, for security purposes, the Kings would not be permitted on the ranch property for the duration of the lease for any reason. When the Kings voiced concern about the well-being of their horses and chickens, Arrows's camp assured them both orally and in writing that they would assume all responsibility for the animals at King Ranch during the term of the lease and that the animals would be cared for by trained professionals. Since caretakers usually looked after the animals, the Kings felt reassured that their property would be treated well. On February 17, 2009, Arrows and the Kings signed a lease agreement. Under the terms of the lease, Arrows would have complete control and dominion over King Ranch for two months and the Kings would receive \$200,000.00 over two months in exchange.

On March 1, 2009, Arrows took control of the Kings' premises. Prior to releasing any of Arrows's animals onto the ranch, her team of animal trainers and ranch hands did a thorough inspection of all the fences and pens on King Ranch. The trainers and ranch hands were very impressed with the condition of the fences and pens. Not a single fence post was in need of repair. After Arrows's employees determined that everything was in proper working order, the animals were released onto the ranch property. At first everything went smoothly. The animals adapted nicely to their temporary homes, and Arrows loved the security and privacy of the ranch house. But as the concert approached, things started to get a little stressful at King Ranch. Both Bubba and Britney did not seem prepared to take plunge into a fiery ring. The trainers tripled the amount of practice time Bubba and Ms. Arrows spent each day preparing for the show. This grueling schedule seemed to be taking a toll on both Ms. Arrows and Bubba.

After all the trainers left a particularly stressful practice session on the evening of March 24, 2009, Ms. Arrows remained alone in Bubba's pen. She felt that the stress she was putting on Bubba was causing him heartache. In order to show him she cared, she decided to free him from his confining pen that evening. When she left him, she purposefully left the gate open so that he could roam freely. She knew the ranch hands and trainers would disapprove, but she did not care. Bubba had always been so loyal to her. She thought he would simply enjoy exploring the grounds of King Ranch and then return to his pen.

Unfortunately, Bubba never returned. Sometime after Ms. Arrows left his pen he exited through the open gate and found his way to Texas State Highway 636. King Ranch abuts on Texas State Highway 636. Just after dusk Bubba jumped out of some brush on the side of the highway and landed on the windshield of William Blue's 1998 Ford F-150 pickup truck. Bubba was killed instantly. Mr. Blue's truck flipped three times and landed on its roof. Mr. Blue was badly injured. He broke six ribs, his collar bone, and both his legs. He had some internal bleeding that required remedial surgeries and incurred several cuts and bruises. He has terrible nightmares of the event and sees a therapist three times a week to help him cope with the accident. No other animal has ever escaped from King Ranch to State Highway 636. After the accident the ranch hands determined that Bubba did in fact exit his pen from the open gate. They found no signs of any negligent design or maintenance of the pen.

Blue recently stated in a television interview that he is about to file a lawsuit against Ms. Arrows and the Kings in Texas for various claims arising out his accident with Bubba. I would like you to evaluate the strength of his claim against our clients, the Kings, as the owners of the ranch. *Specifically, please write a memo that solely focuses on whether the Kings are liable as the owners of the premises from which Bubba escaped.* Please explain why they are or are not liable for the accident Bubba caused. It is not necessary for you to address any other claim. I already had another associate pull all the relevant sources for your memo. Prepare the memo

using *only* the sources provided and format it according to the instructions provided to you in the instruction packet.

**END OF PART III**