

Cases for Analysis

1. William Stevenson offered to help Rayford LeBlanc remove his truck from the mud. At first, LeBlanc refused. However, later, when the towing company that LeBlanc had called proved to be unavailable, he accepted Stevenson's offer of assistance. LeBlanc then bought a towing strap from a nearby store to help in the removal of his truck from the mud. The first two attempts at removing the truck failed. On the third attempt, while LeBlanc was still in the process of connecting the straps to his truck, Stevenson, apparently without warning, pulled his vehicle forward. This movement caught LeBlanc by surprise. His hand was still wrapped up in the strap, and therefore, as Stevenson's vehicle moved forward, LeBlanc's hand was severely injured. LeBlanc sued Stevenson for damages related to the injuries to his hand. The jury decided that Stevenson was not at fault, and LeBlanc found himself on the losing end of the lawsuit. Accordingly, he appealed the case. The appellate court threw out the jury's factual finding and awarded LeBlanc over \$190,000 in damages. Stevenson hollered "foul" and asked the Supreme Court of Louisiana to hear his request to have the decision reversed. The high court accepted the case. One of the central issues involved the question of whether, and under what circumstances, an appellate court can overturn decisions of fact made by a jury. Should the supreme court uphold the appellate court's decision? What standard of review should be involved here? Explain. [See: *LeBlanc v. Stevenson*, 770 So.2d 766 (Sup. Ct. LA).]
2. On October 12, 2000, an American naval vessel, the U.S.S. *Cole*, was bombed while it was berthed in Aden Harbor in Yemen in the Middle East. The bombing, which killed 17 American sailors, was planned and executed by Al-Qaeda. Relatives of those 17 sailors brought a lawsuit in U.S. District Court against the foreign state of the Republic of Sudan, alleging that Sudan was responsible for the bombing because that government supported al-Qaeda in general and the terrorists who carried off this assault in particular. The government of the Republic of Sudan moved to dismiss the case, arguing that the court lacked subject matter jurisdiction. The argument was based on the fact that the case involved citizens of states of the United States in an attempt to sue a foreign government, something not permitted under federal law. Is the government of Sudan correct in this case? Explain. [See: *Rux v. Republic of Sudan*, 461 F.3d. 461 (4th Cir. 2006).]
3. The state of Alabama was required under the provisions of its own constitution to reapportion its electoral districts every 10 years; however, the state had failed to reapportion districts for more than half a century. Since then, the population of Alabama had grown to such an extent that severe inequalities existed among the electoral districts. The inequalities were so great in some cases that the votes of citizens in some parts of the state carried as much as 10 times the weight of the votes of citizens in other parts of the state. A suit was brought in federal court on the grounds that the

- inequalities in voting power violated certain guarantees found in the U.S. Constitution. The defendants argued that the federal court should not interfere in what is essentially a state matter and that by doing so, it would upset the delicate balance between the states and the federal government. Nevertheless, the federal district court struck down the apportionment scheme as unconstitutional. Does this case belong in the U.S. Supreme Court? Explain the reasons for your response. Should the Supreme Court uphold or overturn the federal district court's decision? Explain. [See: *Reynolds v. Sims*, 377 U.S. 533 (U.S. Sup. Ct.).]
4. Speculate on which of the following cases the U.S. Supreme Court might decide to review: a case involving a dispute over whether computer software can be copyrighted; a case involving an appeal of a zoning board's decision to limit the number of adult book stores on any single city block; a case involving the constitutionality of an abortion statute; a case involving an antitrust suit based on a violation of a federal antitrust statute between the National Football League and a former seller of NFL sports gear; a libel case against a small town newspaper involving allegations of the mayor's dishonesty; a case involving the placement of a religious scene on city property; a case brought by a steel company to enjoin employees from going on strike; a case involving the distribution of anti-war flyers at a private shopping mall; and a case involving the search of a high school student's locker without her permission. In each case, give reasons for your answer.
 5. Eight limited partners filed a lawsuit in the Lucas County Court of Common Pleas, alleging that the general partners in 10 different limited partnerships had engaged in an extensive pattern of self-dealing that had involved converting partnership property for their own personal use. Also named in the lawsuit was the accounting firm of Donald J. Goldstein, CPA, a resident of Florida, and Goldstein, Lewis, and Company, a professional corporation located in Florida. The plaintiffs claimed that the accountant and the accounting firm had known of the general partners' misconduct and were therefore liable to the plaintiff for that malpractice. The accountant and the accounting firm decided to end the suit as quickly as possible. Consequently, they filed a motion for dismissal.

The motion stated that the courts of Ohio lacked personal jurisdiction over them because they were from Florida. They further stated that they did not solicit business in Ohio, maintained no place of business in Ohio, had no license to act as accountants in Ohio, owned no property in Ohio, provided all services from Florida, and filed no documents with the state of Ohio. Thus, they concluded that they fell outside the power of Ohio's long-arm statute. Conversely, the plaintiffs argued that the defendants transacted business in the state of Ohio on a continuing and ongoing basis by regularly submitting financial statements to the limited partners in Ohio and by being actively involved in the decisions of the general partnership. Did the activities of the accountant and the accounting firm place them under the jurisdiction of the Ohio court, according to the state "long-arm" statute? Explain. [See: *Goldstein v. Christiansen*, 638 N.E.2d 541 (OH).]
 6. The criminal defendant in this case, a man named Gideon, broke into a pool room in Florida with the objective of committing a minor crime. Because Gideon was without any means of financial support, he could not afford an attorney. He asked for but was denied representation by a court-appointed attorney. Consequently, he represented himself at trial. Ultimately, he was found guilty and sentenced to five years in prison. Gideon later challenged his conviction on the grounds that he had been deprived of his constitutional right to representation by an attorney. In opposition, Florida argued that, though all fundamental rights guaranteed by the federal government through the Bill of Rights should also be guaranteed by state governments, the right to legal representation was not such a fundamental right. In fact, the right to a court-appointed attorney arose only when the criminal defendant had been accused of a very serious crime. The U.S. Supreme Court agreed to hear the case. How should the Supreme Court rule in this case? Is the right to an attorney a fundamental right that should be guaranteed to criminal defendants by the states, regardless of the seriousness of the crime? Explain. Examine the Constitution and find the amendment that guarantees the right to representation by an attorney. Examine the Constitution and find the amendment that extends that right to defendants in state criminal actions. [See: *Gideon v. Wainwright*, 372 U.S. 355 (U.S. Sup. Ct.).]

7. Ernesto Miranda was arrested in his own home for a serious crime and held in an interrogation room. He was not informed of his right to remain silent, nor was he informed that he could be represented by an attorney. Eventually, after a two-hour interrogation conducted by two police officers, Miranda signed a statement that indicated he had voluntarily confessed to the crime of which he was accused. On the basis of the confession, Miranda was found guilty. He appealed to the Arizona Supreme Court, which affirmed the guilty verdict.

Miranda asked the U.S. Supreme Court to hear his appeal. Is this the type of case that belongs in the U.S. Supreme Court? Explain the reasons for your response. Should the Supreme Court uphold or overturn the state court's conviction of Miranda? Explain the Constitution and find the amendment that guarantees the right to remain silent when arrested for a criminal action. Examine the Constitution and find the amendment that extends that right to defendants in state criminal actions. [See: *Miranda v. Arizona*, 384 U.S. 436 (U.S. Sup. Ct.).]

quick quiz Answers

3-1

1. T

2. T

3. T

3-2

1. F

2. F

3. F

3-3

1. T

2. F

3. F

3-4

1. T

2. T

3. F