

**OUT-OF-STATE
ATTORNEY'S EXAMINATION
MARYLAND BAR EXAMINATION
TUESDAY, JULY 24, 2018
(100 POINTS – 3 HOURS)**

IMPORTANT

1. **Sit in your assigned seat.** Be sure you are occupying the place marked with your assigned seat number. Check your answer book at once to be sure that it does bear the same number. If it does not, contact a Proctor at once.
2. **Allocate the suggested writing time as you desire.** The questions will indicate the number of points allotted and the time estimated to answer each one. The maximum score for the examination is 100 points. The estimate of time on each question is merely suggested.
3. **Use one answer book for the entire test.** Begin each answer at the top of a page. Do not copy the questions. Use one side of page only until you have filled the book. Then turn the book over and write from back to front if you need more pages. **Do not tear pages from your book. You may use the test questions for scratch work.**
4. **Develop your reasoning fully and write legibly.** The Board will not grade an illegible answer. Print your answers if your handwriting is difficult to read.
5. **Cite the applicable rules and statutes.** Since this is an open-book examination, you will be expected to make a reference in your answer to the Rule(s) or statutory source(s) upon which your answer is based.

YOU MAY KEEP THIS PAPER.

Point Values and Suggested Time for Questions

	<i>Point Values</i>	<i>Suggested Time</i>
Question 1	5 points	9 minutes
Question 2	10 points	18 minutes
Question 3	5 points	9 minutes
Question 4	5 points	9 minutes
Question 5	25 points	45 minutes
Question 6	5 points	9 minutes
Question 7	10 points	18 minutes
Question 8	10 points	18 minutes
Question 9	10 points	18 minutes
Question 10	15 points	27 minutes
TOTALS FOR EXAMINATION	100 POINTS	180 MINUTES (3 HOURS)

PRELIMINARY FACTS FOR QUESTIONS 1-5

Alexander and Benjamin are drug dealers who live in Langley Park, Maryland. They were selling heroin to Calvin for \$100. Instead of paying for his drugs, Calvin grabbed the heroin and ran. Alexander and Benjamin chased Calvin in their car. They caught up to him, took a baseball bat out of the back seat of the car, and beat him to death. Alexander and Benjamin heard sirens, then saw a police cruiser approaching in the distance. They jumped into their car and tried to escape. Alexander gunned the engine, but the tire hit the curb and immediately went flat. Alexander and Benjamin jumped out of the car. One police officer stopped his police car, turned on his lights, and ordered them to freeze. Alexander tried to escape by running away. Another officer arrived on the scene in his police car, jumped out, and arrested Benjamin who was frozen in the headlights. Alexander ran into a garden apartment, chased by the first officer. The police officer found Alexander in a trash bin.

Calvin died in the middle of University Boulevard, the dividing line between Montgomery County, Maryland, and Prince George's County, Maryland. The Prince George's County Police arrived at the scene and declined to prosecute. Therefore, Montgomery County Police proceeded to arrest Alexander and Benjamin.

Alexander and Benjamin were charged with murder. Alexander and Benjamin were transported to the detention center and brought before a commissioner. The "Application for Statement of Charges" outlines the underlying facts for the charge of homicide, a felony. The commissioner ordered both Alexander and Benjamin to be held without bond.

Question 1

(5 points – 9 minutes)

According to Maryland law, at what point in the proceedings are Alexander and Benjamin entitled to be represented by an attorney?

ADDITIONAL FACTS FOR QUESTION 2

Benjamin does not wish to stay at the Detention Center and wishes to return home and resume his employment.

Question 2

(10 points – 18 minutes)

As Benjamin's defense attorney, describe what, if any, motion(s) you might file, the relief sought, and the factor(s) that might influence the Court's ruling.

ADDITIONAL FACTS FOR QUESTION 3

Alexander and Benjamin are charged with Murder in the First Degree in violation of Maryland Criminal Law, §2-201. The portion of University Boulevard where the body was found is outside of the boundary of Montgomery County, and within Prince George's County.

Question 3

(5 points – 9 minutes)

Based on these additional facts only, state what, if any, motion(s) should be filed, the appropriate time to file, and the relief sought.

ADDITIONAL FACTS FOR QUESTION 4

The prosecution requests that both Alexander and Benjamin proceed to trial at the same time.

Question 4

(5 points – 9 minutes)

State the rule and the factor(s) upon which the prosecution should base this request.

ADDITIONAL FACTS FOR QUESTION 5

Alexander and Benjamin are both convicted of first degree murder by a jury, and sentenced to life and a period of five years supervised probation upon their release.

Question 5

(25 points – 45 minutes)

Discuss remedies that might be available to Alexander and Benjamin to reduce their sentences and/or overturn the convictions and the appropriate time to seek each such remedy.

PRELIMINARY FACTS FOR QUESTIONS 6-10

Wife learns Husband is having an affair as she has tape recorded his conversations and hacked into his email. Wife is convinced Husband is hiding money in the Cayman Islands. Wife wants to divorce Husband immediately.

Wife hires a Maryland attorney to help her obtain a divorce from Husband. Wife's attorney files a Complaint in an appropriate Maryland court. Wife's attorney hires a process server and directs the process server to find Husband at the home of Mistress, the woman with whom Husband is having an affair. Husband has slept at Mistress's house every night for the past six months, but does not receive mail there. Mistress accepts service of the documents and signs the Affidavit of Service.

Husband hires you, a licensed Maryland attorney, to represent him in the divorce proceedings.

Question 6

(5 points – 9 minutes)

How and when should Husband respond to the Complaint? Explain fully.

ADDITIONAL FACTS FOR QUESTION 7

It has now been six months since Husband left the marital home to live with Mistress. Husband and Wife have been exchanging physical custody of their children on a weekly basis, but Husband wants full custody of the children. Husband tells you that Wife has been verbally abusive to Husband and the children during the exchanges. Husband asks you if he can use his phone to record what Wife says and does during the custody exchanges, so that the evidence can be used at trial to help him obtain full custody.

Question 7

(10 points – 18 minutes)

A. Discuss whether the audio and visual recordings are admissible in court.

B. Discuss which Professional Rules of Responsibility, if any, are implicated by this question.

ADDITIONAL FACTS FOR QUESTION 8

Husband wants to find out how much money Wife has spent on spas and gambling when she goes to Las Vegas with her girlfriends.

Question 8

(10 points – 18 minutes)

A. What methods of discovery are available for Husband to obtain the financial information he seeks?

B. If Wife fails to respond to discovery, what motion(s) can be filed, what information must Husband put before the Court, and what remedies may he seek?

ADDITIONAL FACTS FOR QUESTION 9

While preparing Husband for trial, you come across documents which indicate that Husband has been lying to you about his financial resources. You want to withdraw from the case.

Question 9

(10 points – 18 minutes)

A. What is the procedure for striking your line of appearance?

B. If you are unsuccessful in striking your appearance from the matter, what are your obligations to the Court if Husband testifies?

ADDITIONAL FACTS FOR QUESTION 10

Following the entry of the final divorce decree, Husband retained the former family home, his Mercedes automobile, and over \$1,000,000 in a local credit union account. Husband refuses to pay his legal fees owed to you, which total over \$100,000.

Question 10

(15 points – 27 minutes)

State what legal recourse is available, the process that must be followed, and for how long you can attempt to collect the money.