

FAMILY LAW EXAM  
PART II: ESSAY

QUESTION I  
(suggested time 45-60 minutes)

Gepetto and Olive Leafy made a strange family. Olive was fairly wooden and insisted on living in the forest. "Like to be near my roots!" was what she always said. Gepetto, on the other hand, liked a few creature comforts, and he lived in his workshop in the village. For a while this arrangement worked out OK, but Gepetto was really quite lonesome and secretly prayed for a son.

One day while visiting Olive, he discovered that he did have a son! Olive had given him the unusual name "Pinocchio" and had kept him mostly hidden. Pinocchio was not of pleasing countenance, but Gepetto was so overjoyed that he even forgot to be angry with Olive for not telling him about his son. "I could easily get him shaped up," Gepetto pleaded with Olive. She was reluctant, but Gepetto produced some sort of weapon and actually hacked the boy free from Olive's clutches. Disgusted, Olive obtained a legal separation.

Every day Gepetto worked with the boy. "I'll smooth off your rough edges," Gepetto lovingly told him. Some rather tough boys lived in the neighborhood; Gepetto kept Pinocchio tied to his apron strings so he wouldn't associate with that bad crowd.

Who knows how these things happen? Pinocchio managed to connect with the hoodlums anyway. Gepetto is certain that that was when the lying began. Pinocchio would come home with tales of having been turned into a donkey or swallowed by a whale. He also talked about the large, invisible cricket that gave him advice.

Word of these things did reach Olive. What concerned her the most, however, was concern for Pinocchio's health. By all accounts, he was developing a severe deformity of his nose. Instead of taking it seriously, Gepetto attributed it to the boy's evil behavior.

Olive sued to have Pinocchio returned to her care. Gepetto pointed out to the court that he could teach Pinocchio a trade; they would live in the village where Pinocchio would one day find a wife and his work. By the time Olive forced the issue, Pinocchio was nearly twelve years old and had been with Gepetto for nine years.

Make a custody determination, fully explaining your reasons.

QUESTION II  
(suggested time 45-60 minutes)

When Donald and Daisy divorced, they had the following assets:

- a large home where they lived comfortably with Donald's three nephews, Huey, Dewey, and Louie. Donald purchased the home just prior to the marriage because his "bachelor pad" was too small for the couple, never mind three energetic young males; market value \$230,000
- a small beach house where Donald lived prior to the marriage; market value \$90,000

- a vintage Corvette Donald bought as a surprise birthday present for Daisy. They have not yet taken the time to change the title, so it is still in Donald's name; market value \$17,000
- a top-of-the-line Jeep (including the Eddie Bauer add-on features) that Donald uses for his (almost daily) fishing trips; market value \$19,000
- a joint checking account with a balance of \$8,000, primarily funded by Donald's paychecks
- an investment portfolio that Donald inherited from his Uncle Scrooge; market value \$150,000
- a rambunctious but lovable dog named Pluto; no market value

Donald and Daisy were married for 21 years. She had worked briefly as a sales clerk in the shoe department at Sears prior to the marriage. During the marriage, she devoted herself to the care of Donald, his three nephews, and the home.

Explain (i.e., give reasons) how you would divide the property:

- A. an unmodified, i.e., pure, common law property jurisdiction, and
- B. how you would do it in a traditional (unmodified) community property jurisdiction.