EXAM NUMBER: _________________

INSTRUCTIONS: This is a 50-point exam. At the beginning of the test, an electronic version of the exam will be uploaded into TWEN. Use this WORD document to record your answers, and at the conclusion of the exam send to calvin.groves@uky.edu.

To receive credit, you must follow these directions: For each question, identify the source of your information. You are expected to provide the most formal, official source possible for the requested information. If asked only for the “source,” it must be from something other than WestlawNext or Lexis Advance; if asked for the “source+,” it can come from anywhere. Your use of WLN and LA, however, must be balanced; the final count for each must not differ by more than one (1). For each question for which you did NOT use WLN or LA, in the source field copy the page link into the space provided.

When asked to identify the authority for your answer, provide a complete citation.

Full credit for each question requires finding the requested information. If you are unable to identify something you believe is a satisfactory answer, you may receive partial credit by showing in good detail what process you followed in your search.

1. The Kentucky Senate recently honored a UK law professor. Provide the following information for the relevant action. [2 points]

   Number:
   Professor honored:
   Date adopted:
   Sponsor:

   Source:

   a. The document cites to two books he has published. How many copies of the second does the UK Law Library own? [1 point]

      Book Title:
      Copies owned:

      Source:

   b. Where can I find a copy in Danville [2 points]?

      Answer:

      Source:

   c. What is the sponsor’s home address? [2 points]
2. According to the U.S. Code, what is the smallest fraction of a dollar that is authorized? [2 points]

   Answer:
   Code Section:

   Source+:

   a. What is the Public Law source for this code section? [1 point]

      Citation:

      Source+:

   b. Provide the following information from this law's legislative history [3 pts]:

      i. Bill Number:
      ii. Date introduced:
      iii. Date and number of associated House Report:

      Source:

   c. This section is not new law, and existed prior to this public law. Using no more than 10 words, explain why the Code does not reference those previous public laws? [3 points]

3. Who owns tedcruz.com? When does this registration expire? [2 points]

   Owner:

   Expiration:

   Source:

4. For what purpose was Avista ordered to play a game of rock, papers, scissors? [2 points]
5. To Brooklyn bar owner Andrew Muchmore, New York City's 89-year-old cabaret law—which prohibits dancing in a venue that does not have a specific cabaret license—shows shades of *Footloose*-style censorship.

Muchmore, who also happens to be an attorney, is challenging the law on the grounds that it violates the First and 14th amendments. "This stands out as the most absurd law in New York City," says the owner of the eponymous bar/coffeehouse that regularly hosts live music. Other city laws and codes address the noise, crowding and safety issues that the cabaret law also purports to address, he says.

"The only practical effect of the cabaret law is to prohibit dancing and render dancing by more than two persons simultaneously unlawful in more than 99.9 percent of the eating and drinking establishments in New York City," states Muchmore's complaint, filed in a Brooklyn federal court.

Obtaining a cabaret license is also unnecessarily cumbersome, Muchmore says, requiring community hearings and the installation of expensive surveillance equipment. Fines for unlicensed activity such as dancing are $100 a day.

Because the law has Muchmore worrying about crossing the line between swaying and dancing at his club, he's considered avoiding acts like deejays, and hip-hop and salsa artists because their music is inherently danceable, he says.

But Robert Bookman, general and legislative counsel for the New York City Hospitality Alliance, says the law is worthwhile. Licenses are not hard to get "once you meet the zoning and safety requirements," he says. "Dance clubs have a different land use than restaurants or small bars do, so they're zoned more strictly. People's attention to their surroundings is different in a restaurant than it is in a nightclub. It makes sense."

Muchmore is not the first to challenge the cabaret license on First Amendment grounds. Bookman says others have failed because the U.S. Supreme Court does not consider patron dancing a constitutional right. "You can disagree, but that is the law," he says.
Muchmore hopes he'll be more successful by arguing that it's performing musicians whose rights are being violated. "This law prohibits the expression of musicians and of the venues by prohibiting certain types of danceable music," he says.

a. Provide a citation to the aforementioned “cabaret law.” [3 points]

Citation:
Source+:

b. In 2005 a New York City club was fined $27,900 because it allowed dancing, under the charge of running an unlicensed cabaret. Provide a citation to this incident. [2 pts]

Citation:
Source+:

c. The cabaret law requires a license for incidental music performed by more than three musicians. A 1988 case suggests this may be unconstitutional.

i. What is the citation for this case? [1 points]

Citation:
Source+:

ii. The lead attorney for the plaintiffs wrote a monograph on the NYC cabaret laws. What is the title? [1 point]

Title:
Source:

6. According to the original patent, should toilet paper fall over or under the roll? [1 points]

Patent:
Answer:
Source:

7. According to the most recent official report you can find, what percentage of federal appellate decisions are designated as “unpublished”? [2 points]
Recently Justice Thomas dissented from the denial of cert to review an unpublished opinion. Find his dissent. [1 point]

Citation:

Source:

8. Woman Faces Jail Time for Planting Organic Vegetable Garden
   By Brad Tuttle @bradrtuttle July 08, 2011

“A Michigan woman is being charged with a misdemeanor offense and is facing up to 93 days in jail. Her crime? Planting a vegetable garden—in her own yard. Her front yard, that is.

Like many consumers today, Julie Bass, of Oak Park, Mich., appreciates the taste and healthfulness of organic vegetables, but isn’t much of a fan of how much going organic costs at the store. So, like many health-minded consumers, she planted a vegetable garden on her property.

But Bass chose to take the unusual step of installing neatly arranged raised beds of vegetables in her front, rather than back, yard. Bass explained her unorthodox garden location (and showed off how neat and organized it is, for those curious) to a local TV station:

“We thought it’d be really cool to do it so the neighbors could see. The kids love it. The kids from the neighborhood all come and help,” she said.

Front yard or back, it’s her property, and she’s allowed to do with it what she pleases, right? Wrong, say the local authorities, citing local codes that require front yards to have only “suitable” live plant material. City planners say that vegetables, for some reason, don’t qualify for the standard, even though they are certainly alive, and certainly are planted. To some, this sort of code enforcement makes the restrictions against drying clothes on a clothesline seem reasonable.

Bass was given a warning, then a ticket, and now she has been charged with a misdemeanor for violating the City of Oak Park’s planning code. A pretrial hearing is scheduled for July 26, and Bass is facing up to 93 days in jail.”

Find the mentioned local ordinance. [2 points]

Ordinance:
9. According to the final caselaw, was the NCAA’s Final Four ticket drawing, in which people paid a fee to be entered into a drawing to see the finals, an illegal lottery? [2 points]

Answer:

Citation:

Source+:

Find a law review piece arguing that the court got this question wrong. [2 points]

Citation:

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10. A. What is the renewal date for this trademark? [2 points]

Date:

Source:

B. Answer the following questions concerning the owner of the trademark [1 points]:

a. Who is the owner:

b. When was it founded?

Source:

This entity was sued in 2012 under the ADA. [2 points]

a. Who was the plaintiff?

b. What was the outcome of the suit?

Source:
11. Is it legal to send a live scorpion through the U.S. mails? [1 point]

   Answer:

   Authority:

   Source+

12. In 1976 George Washington was promoted to what military rank? [1 point]

   Answer:

   Authority:

   Source:

   Who argued against the motion saying that it is “equivalent to having a drunken house painter touch up the works of Michelangelo.” [2 points]

   Speaker:

   Authority:

   Source:

13. What is the penalty for creating a disturbance in a Massachusetts public library? [1 points]

   Answer:

   Authority:

   Source+

14. During oral arguments for the first question in Obergefell v. Hodges, how many times was the discussion interrupted by laughter? [2 points]

   Answer:

   Source: