



Legal History
Fall 1992
Final Take Home Exam

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Law School

INSTRUCTIONS

Examination essays are due no later than 12:00 m. on December 19, 1992. Essays must be typed, double spaced, and must not exceed ten pages. Papers will not be read (or graded) past the tenth page. Law and History are literate professions and grades will be affected adversely by bad English.

You may not talk to anyone except the instructor about this exam. You are not required, advised, or expected to use sources other than the course materials, but you may consult any published sources. You must properly cite, quote, and attribute nonoriginal language and ideas. Failure properly to acknowledge such sources will result in a failing grade. If you do consult sources that are not available at the library, you must be prepared to have a copy of such sources available to the instructor upon request.

Identify yourself on the exam answer only by your exam number. By placing the exam number on your essay and by submitting your essay for credit, you are agreeing to the following pledge (as required by law school policy):

"On my honor I have neither given nor received improper assistance. And I will report any improper assistance that I am made aware of."

QUESTION

Legal historian John P. Dawson writes, "The English legal tradition was carried forward by [a] small elite group, in which judges were acknowledged leaders. . . . This group acquired a dominant role by expertise in a very special and narrow function and did much to ensure that the common law would be narrow, insular, and incapable of responding to newly emerging needs." J. Dawson, The Oracles of the Law 1 (1968). Your task is to compose an essay that either agrees or disagrees with Professor Dawson's argument that the history of the common law was marked by a judicial inability to respond to new problems and needs.

A good essay will define terms clearly and state its thesis concisely; it will be supported by ample reference to specific historical developments that were addressed by readings and in class. A strong argument will not neglect important historical events that may seem to contradict its thesis but will rather explain how apparent contradictions or anomalies are consistent with its thesis.