

Contracts II
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Spring 2004

Sample Exam Question #3

Lestrade, an unusually virtuous insurance defense attorney, found Watson lying gravely injured and unconscious by the side of the road, where Watson had apparently crawled from his overturned car. The car was leaking fuel and appeared to be at risk of catching fire. Lestrade carefully placed Watson in the back of Lestrade's Range Rover and drove Watson to the local hospital, where Lestrade had Watson admitted and promised to pay Watson's expenses if he was unable to do so himself. Word of Lestrade's good deed soon spread, and the local DEF network affiliate ran a story on the evening news that was picked up a few days later by the network news. Watson's cousin, Holmes, saw the story and tracked down Lestrade, who told Holmes where to find Watson. Unable to attend to Watson personally, Holmes told both Lestrade and hospital officials to spare no effort or expense to return Watson to good health. Holmes promised to pay the hospital, or reimburse Lestrade, whatever the arrangement between Lestrade and the hospital might be, for all expenses. Alas, Watson did not recover, and Holmes met an untimely end while mountain climbing. The hospital sent Lestrade a bill for Watson's room and care, which Lestrade paid as he had promised to do. Lestrade has come to you seeking legal advice. Assume that Holmes's estate is equally liable to Lestrade or the hospital as Holmes would be were he still alive, and that Watson died without any estate or kin to sue.

- A. Does Lestrade have a viable claim against Holmes's estate for the expenses he incurred in seeing to Watson's care *before* Holmes promised to reimburse him? Please explain.
- B. Does Lestrade have a viable claim against Holmes's estate for the expenses he incurred in seeing to Watson's care *after* Holmes promised to reimburse him? Please explain.
- C. Suppose that Lestrade did not pay the hospital bill. If the hospital elected to sue Holmes's estate rather than Lestrade, would the hospital have a viable claim against Holmes's estate for the reasonable expenses of Watson's care *before* Holmes promised to reimburse the hospital? Please explain.
- D. Same facts as subpart "C." If the hospital elected to sue Holmes's estate rather than Lestrade, would the hospital have a viable claim against Holmes's estate for the reasonable expenses of Watson's care *after* Holmes promised to reimburse the hospital? Please explain.
- E. Return to the facts of subpart "A," but now suppose that Holmes never told Lestrade and the hospital that he would pay for Watson's care, but that Holmes was Watson's sole heir; and, under applicable state law, Holmes's estate would be liable to the same extent as Watson (if he had survived) or Watson's estate (if there was one). Would Lestrade

have a viable claim against Holmes's estate for the expenses he incurred in seeing to Watson's care? Please explain.

- F. Same facts as subpart "E." Would the hospital have a viable claim against Holmes's estate for the expenses incurred in seeing to Watson's care? Please explain.