

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF PUERTO RICO**  
**FEDERAL BAR EXAMINATION**  
**SAMPLE ESSAY QUESTIONS**

The Federal Bar Examination will include a **mandatory essay question** to assess the candidate's certification of his/her ability to read, write and understand the English language. The Court must be satisfied that candidates can provide effective assistance of counsel to their clients under the Sixth Amendment of the Constitution of the United States. This essay question will be graded as "pass" or "fail" and, thus, no particular score will be given to the same. Candidates who fail the essay question will not pass the examination.

**QUESTION I:**

Should Congress amend those federal criminal statutes which impose the death penalty or allow wiretapping so that such statutes be deemed "locally inapplicable" to the Commonwealth of Puerto Rico under the Federal Relations Act (48 U.S.C. 734) in view of their prohibition in the Puerto Rico Bill of Rights (P.R. Constitution, Art. II, §§ 7 and 10)? Explain your answer.

*You must develop a written essay of at least 200 words. Remember that your writing must be legible.*

**QUESTION II:**

Under Commonwealth law, a parent who fails to make court-ordered payments for child support may be incarcerated for civil contempt. Claims of inability to pay due to indigency are routinely rejected because "sooner or later he/she or one of his/her relatives will come up with the "dough" and "he/she always holds the key to the jailhouse." If an indigent party is unable to afford legal representation for such a civil contempt proceeding, does such an indigent individual have a constitutional right to court-appointed counsel given that such proceeding may result in his/her incarceration?

*You must develop a written essay of at least 200 words. Remember that your writing must be legible.*

**QUESTION III:**

Should all political campaign spending limits be abolished? Or, to the contrary, should campaign spending by political parties and candidates be strictly and exclusively limited to a specific fund established and administered by the State Elections Commission?

*You must develop a written essay of at least 200 words. Remember that your writing must be legible.*

**QUESTION IV:**

Every day one sees more and more electronically stored information (“ESI”) presented as evidence in federal courtrooms throughout the Nation: monthly credit card billing statements, e-mails, fax transmission reports, text messages, instant messages, electronic bills of lading, website postings, chat room logs, information contained in blogs and social networking websites, information from Facebook, digital photographs, etc., etc., etc.

Are the present Federal Rules of Evidence, in particular those dealing with authenticity and hearsay, adequate to deal with ESI, so as “to secure fairness in administration, elimination of unjustifiable expense and delay, and promote growth and development of the law of evidence to the end that the truth be ascertained and proceedings justly determined” (F.R.Evid. 102)? Should the Federal Rules of Evidence be amended to deal specifically with ESI, and, if so, how?

*You must develop a written essay of at least 200 words. Remember that your writing must be legible.*

**QUESTION V:**

After a First Circuit Judicial Conference evening function, you are sharing drinks at the hotel bar with fellow attorneys and some judges from the United States District Court for the District of Puerto Rico. One of the judges states: “We should get rid of the hearsay rules. Admit all hearsay. Those hearsay rules are just obstacles to finding the truth which, after all, is the purpose of any trial. If there’s a problem, I can always give limiting instructions to the jury. I’m going to include that in my standard ISC order. If any attorney raises a hearsay objection in my courtroom, THERE WILL BE SANCTIONS!” You exclaim: “Judge, with all due respect, you must be kidding! Oceans of ink have been spent over the centuries writing about hearsay!!” The judge looks you straight in the eye and, in his best deadpan, replies, “**I kid you not.**” Suddenly, all other conversations have stopped and the room turns eerily silent as all eyes are now turned to you.

What would be the best argument in support of preserving the hearsay rule?

*You must elaborate a written essay of at least 200 words. Remember that your writing must be legible.*