TRACING AND COMMINGLING

I. Jack misappropriates $500 from the plaintiff, Paula. What relief is available to the plaintiff in the following examples? (Consider pages 857-867). Assume other general creditors have claims against Jack.

A) Jack opens a new bank account and deposits all the money, but later withdraws the $500 and loses it all at the race track.

B) Same as (A), but Jack withdraws only $400, which he loses at the race track.

C) Same as (A), but after losing the entire sum at the race track, Jack obtains $600 from another source and places it in the bank account.

D) Same as (C), but the $600 comes from his own assets.

E) Into a new bank account Jack places the misappropriated $500 and (a few days later) $500 of his own funds. He then withdraws and loses $900. Next week he adds $600 of his own funds to the account, thus creating a balance of $700.

F) Into the bank account Jack places the misappropriated $500 and $500 of his own funds. He withdraws $900 for his trip to Hot Springs, and returns the same day with $200, creating a balance of $300.

G) Same as (F), but he returns with $9900, creating a balance of $10,000.

H) Same as (G), but on his way home, he is robbed and loses the $9900.

I) Same as (F), but he withdraws $500 and returns with $2000, creating a balance of $2500.

J) Same as (F), but Jack withdraws $700 to pay for legal services for a divorce. Does the plaintiff have any relief against the attorney?

K) Jack misappropriates $600 from Alice, $300 from Barbara and takes $100 of his own money, creating a balance of $1000. Jack then withdraws $700, leaving $300. Who has priority?

II. Jack misappropriates $1 from Carol and combines it with $1 of his own money to buy one lottery ticket. The ticket is the grand prize winner, paying $100,000 for the next ten years. Carol comes to your office for assistance.