

Succeeding in Law School

The Torts Workbook

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SUFFOLK UNIVERSITY LAW SCHOOL

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Contents

Acknowledgments	xi
Introduction	xiii
Chapter 1 • Answering Questions on Law School Exams	3
I-R-A-C	3
Predicting Examination Questions	5
The Skeletal (or Checklist) Outline	7
Chapter 2 • The Intentional Torts	9
Intent	9
Governing Rule	9
Testable Points	9
Exercise #1 — Short Answer Intent Hypotheticals	11
Battery	12
Governing Rules	12
Testable Points	12
<i>Be on the lookout for . . .</i>	15
Exercise #2 — Short Answer Hypotheticals, Battery	16
Exercise #3 — The Snowball Fight	16
Assault	17
Governing Rules	17
Testable Points	17
<i>Be on the lookout for . . .</i>	20
Exercise #4 — Short Answer Assault Hypotheticals	20
Exercise #5 — Why Is Everybody Always Picking on Me?	21
Exercise #6	22
False Imprisonment	22
Governing Rules	22
Testable Points	23
<i>Be on the lookout for . . .</i>	25
Exercise #7 — Darlene Needs a Study Break	25
Exercise #8 — Darlene Needs a Study Break, Take 2	26
Trespass to Land, Private Necessity, and Public Necessity	27

Governing Rules	27
Trespass to Land	27
Private Necessity	27
Public Necessity	27
Testable Points	28
<i>Be on the lookout for . . .</i>	30
Exercise #9 — Corn, Coffee, and Crashing Planes	31
Chapter 3 • Defenses to the Intentional Torts	33
Self Defense	33
Governing Rules	33
Self Defense	33
Deadly Force	33
Duty to Retreat	33
Testable Points, Self Defense	34
Defense of Others	36
Governing Rule	36
Testable Points, Defense of Others	36
<i>Be on the lookout for . . .</i>	37
Exercise #10 — True/False Questions: Self Defense and Defense of Others	37
Consent	38
Governing Rules	38
Testable Points	39
<i>Be on the lookout for . . .</i>	40
Exercise #11 — The Stolen Kiss	41
Exercise #12 — The Stolen Kiss, Act 2	41
Chapter 4 • Negligence	43
Governing Rules	43
Testable Points	43
<i>Be on the lookout for . . .</i>	49
Exercise #13 — True/False Questions: Negligence	49
Exercise #14 — Driving to Endanger	51
Exercise #15 — Driving to Endanger, Take 2	51
Exercise #16 — Ignore a Problem and Maybe It Will Go Away . . . But Probably Not	52
Chapter 5 • Negligence <i>Per se</i>	53
Governing Rules	53
Testable Points	53
Hypo — School Bus Accident	57
<i>Be on the lookout for . . .</i>	58
Exercise #17 — Sell Me Some Gas	58

Exercise #18 — Short Answer Questions, Negligence <i>Per se</i>	59
Exercise #19 — The Winter Blues	60
Chapter 6 • <i>Res Ipsa Loquitur</i>	63
Governing Rules	63
<i>Majority Approach</i>	63
<i>Restatement Approach</i>	63
Testable Points	63
<i>Be on the lookout for . . .</i>	67
Exercise #20 — Short Answer Questions: <i>Res ipsa</i>	67
Chapter 7 • Emotional Injury and Bystander Recovery	71
Governing Rules	71
Testable Points	72
<i>Be on the lookout for . . .</i>	77
Exercise #21 — Family Matters	77
Exercise #22 — Dad to the Rescue	78
Chapter 8 • Defenses to Negligence: Contributory Negligence, Comparative Negligence, and Assumption of Risk	81
Contributory Negligence	81
Governing Rules	81
Testable Points	82
<i>Be on the lookout for . . .</i>	83
Exercise #23 — Cross at Your Own Risk	84
Comparative Negligence	85
Governing Rules	85
Testable Points	85
<i>Be on the lookout for . . .</i>	88
Exercise #24 — Short Answer Hypos, Comparative Negligence	88
Assumption of Risk	88
Governing Rules	88
Testable Points	89
<i>Be on the lookout for . . .</i>	92
Exercise #25 — Short Answer Hypos: Assumption of Risk	93
Chapter 9 • Multiple Choice Questions	97
Question 1	97
Question 2	97
Question 3	98
Question 4	98
Question 5	99
Question 6	99
Question 7	100

Question 8	100
Question 9	101
Question 10	101
Question 11	102
Question 12	102
Question 13	103
Question 14	103
Question 15	104
Question 16	105
Question 17	105
Question 18	106
Question 19	107
Question 20	107
Question 21	108
Question 22	108
Question 23	109
Question 24	110
Question 25	110
Question 26	111
Answer Key	113
Exercise #1 — Short Answers on Intent	113
Exercise #2 — Short Answer Hypotheticals, Battery	114
Exercise #3 — The Snowball Fight	116
Pre-Answer Thoughts	116
Sample Answer A	117
Sample Answer B	117
Sample Answer C	118
Exercise #4 — Short Answer Assault Hypos	120
Exercise #5 — Why Is Everybody Always Picking on Me?	121
Exercise #6 — Will Darlene be liable for an assault?	122
Sample Answer A	122
Sample Answer B	123
Exercise #7 — Darlene Needs a Study Break	124
Issue Spotting Exercise — False Imprisonment	124
Exercise #8 — Darlene Needs a Study Break, Take 2	125
Sample Answer A	125
Sample Answer B	126
Exercise #9 — Corn, Coffee, and Crashing Planes	128
Sample Answer A	128
Sample Answer B	129
Darlene's Trespass	129
Darlene and Private Necessity	130
Darlene and Public Necessity	130

Daphne's Trespass	131
Daphne and Private Necessity	131
Exercise #10 — True/False Questions: Self Defense and Defense of Others	132
Exercise #11 — Consent — The Stolen Kiss	134
Sample Answer A	134
Sample Answer B	135
Exercise #12 — Consent — The Stolen Kiss, Act 2	136
Exercise #13 — True/False Questions — Negligence	137
Exercise #14 — Driving to Endanger, Sample Answer	139
Exercise #15 — Driving to Endanger, Take 2	140
Exercise #16 — Ignore a Problem and Maybe It Will Go Away . . . But Probably Not	141
Exercise #17 — Sell Me Some Gas	142
Exercise #18 — Short Answers, Negligence <i>Per Se</i>	144
Exercise #19 — The Winter Blues — Negligence <i>Per Se</i>	147
Exercise #20 — Short Answer Questions, <i>Res Ipsa</i>	149
Exercise #21 — Family Matters	153
Exercise #22 — Dad to the Rescue	154
Serious Emotional Harm	155
Closely Related	155
Zone of Danger	156
California Rule	156
Exercise #23 — Cross at Your Own Risk	158
Exercise #24 — Short Answer Hypos, Comparative Negligence	160
Exercise #25 — Short Answer Hypos, Assumption of Risk	161
Answer Key, Multiple Choice Questions	164
 Index	 173

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Introduction

When I teach, I try to keep in mind the following quote attributed to the Chinese philosopher Confucius: “*I hear and I forget, I see and I remember, I do and I understand.*” The quote reminds me that good teachers regularly incorporate exercises into their classes so that students can apply what they have learned. With that in mind, I created the following exercises to test how well you truly understand the concepts being taught in your torts class.

First and foremost, this is a torts *workbook*, not a textbook or treatise. While I start each section with a basic explanation of governing legal principles, I do this because torts courses at different schools are not carbon copies of each other. Since torts courses vary from school to school, I want to be sure that we are working from the same starting place.

I address some concepts that your professors may skip, and I have excluded others that they may cover in depth. What is important for purposes of this workbook is that I address the legal principles that you must know in order to complete my exercises. Even when I do review a particular legal principle, my discussion of the law is relatively brief, and is not intended to take the place of your professor’s instruction or your own independent research of these ideas. **If my discussion of a legal principle is at odds with what you are learning in class, always defer to what your professors are teaching you.**

After each legal principle, you will find a “**testable points**” section. In these sections, I delve more deeply into the respective aspects of a legal principle, and address some of the common scenarios that students are likely to encounter on a law school exam. I wrap up each testable points section under the heading “**Be on the lookout for . . .**” This section is essentially a list of issues related to each legal principle that seem to pop up on exams again and again. This list can help you prepare to analyze these issues *before* your torts exam even begins.

Next, you will find one or more exercises designed to hone your analytical skills. The exercises become progressively more difficult throughout the chapters so that you will continue to be challenged as your skills improve. Finally, the last chapter of this book is comprised of a series of multiple choice questions. Each question includes a detailed discussion of both the correct and incorrect options. The answers and explanations to all of these exercises are located at the end of the book in the Answer Key.

When reviewing your answer to any of these exercises, carefully examine my suggested answer and the supporting reasoning. As you work to improve your analytical abilities, note that understanding the reasoning behind an answer is in many ways more important than choosing the correct response. If you understand *why* an answer is correct, you will be able to answer a similar question correctly on an actual examination. Simply choosing the correct response, particularly with multiple choice questions, can be the product of guessing, and a good guess can be hard to replicate on an exam.