

**Chapter 4 Test – Tort Law****Part 1 – Multiple Choice/True False (2 points each)**

1. Which of the following court cases involves a tort?

- a. Indiana v. Clair
- b. Hatfield v. Blair
- c. Missouri v. Jones
- d. Florida v. McGinny

2. Torts are grounded in the concept of

- a. law
- b. court
- c. rights
- d. sincerity

3. Which of the following is *not* an element of an intentional tort?

- a. An intentional tort occurred.
- b. An injury resulted from the tort.
- c. The tort did not cause the injury.
- d. The injury caused damages to the person.

4. What is the essential difference that makes the crime of assault differ from the tort of assault?

- a. The victim of a tort assault knew the person committing the tort meant to cause harm.
- b. The victim of a tort assault did not know the person committing the tort meant to cause harm.
- c. In a criminal assault, the defendant uses a weapon.
- d. There is no tort of assault. All assaults are crimes.

\*Why? (1 point extra credit) Violating the right to be free from bodily harm. Person will be compensated for personal anguish or stress suffered.

5. What main element differentiates the crime of battery from the tort of battery?

- a. In a criminal battery, two or more people must be present.
- b. In a criminal battery, a person is actually injured. In a tort battery, the person is not hurt.
- c. The unwanted touch; we have a right to be free from bodily harm.
- d. There is no tort of battery. All batteries are crimes.

Name:

\_\_\_\_\_/ 71 points

6. Which of the following is an example of trespass?

- a. Sue walks in front of Ron's house, staying on the sidewalk.
- b. Jim hunts on David's land without David's permission. While there, Jim shoots one of David's cows, mistaking the cow for a deer. David sells his cows to make a living.
- c. Josh borrows Luke's car after Josh asks Luke to run to the store to pick up some milk.
- d. Lisa walks into Heather's house, who has invited her over for lunch.

7. A loud bass beat that can be heard through an apartment wall (from another apartment) at midnight can be classified as

- a. Nuisance
- b. Trespass
- c. Interference with contractual relations
- d. Conversion

8. A private nuisance affects only one family.

- a. True
- b. False

9. Defamation involves:

- a. using a weapon.
- b. at least 5 people to be present.
- c. a contract.
- d. making false statements about someone.

10. Why is defamation a tort?

- a. Individuals have the right to be free from bodily harm.
- b. Individuals have the right to conduct business without interference.
- c. Individuals have the right to own property.
- d. Individuals have the right to enjoy a good reputation.

11. A written statement that damages someone's reputation is not considered libel if it is never communicated to another person than the person who wrote the statement. In other words, the person who wrote the statement never showed it to anyone.

- a. True
- b. False

Name:

\_\_\_\_\_/ 71 points

12. Which of the following constitutes slander?

a. Melissa tells Roger that Connie stole \$500 from the cash register at work, even though Melissa knows this is not true.

b. Melissa writes an e-mail to Roger falsely stating that Connie stole \$500.

c. Diane calls Melissa a liar in court.

d. Dan tells Roger, his boss, that Melissa stole \$500 from the cash register at work. Dan and two other employees saw this.

13. Credit bureaus must inform you about the information they have about you when you ask.

a. True

b. False

\*If true, which government act authorized this? (1 point extra credit) Fair Credit Reporting Act

14. If you purchase an item on-line from American Eagle, American Eagle can keep your credit or debit card information even if you do not want them to keep it on file.

a. True

b. False

15. Negligence involves:

a. a crime

b. carelessness

c. assault

d. trespass

16. This tort occurs most often in society.

a. Assault

b. Nuisance

c. Defamation

d. Negligence

17. Why is a reasonable person test used to determine breach of duty in a negligence case?

a. Because each tort case is quite similar.

b. Because negligence involves being reasonable.

c. Because a breach of duty occurs when a person does not exercise the degree of care that a reasonable person would in the same situation.

d. Because only reasonable persons are involved in breaches of duty.

18. If an injury that occurred as a result of negligence was *not* foreseeable at the time the defendant engaged in unreasonable actions, there was no proximate cause in the tort case. With no proximate cause, negligence will not hold up in court.

a. True

b. False

19. Jill ran five miles yesterday, and right before she was done she fell and cut her arm so badly it required stitches. Today, Carl bumped into Jill in the office because he was carelessly not watching where he was going as he was spinning around and around in a hallway. The impact caused Jill's stitches to bleed. Jill then sued Carl for negligence, trying to recover the cost of her doctor's bill. Jill's negligence will not hold in court because:

a. It lacks duty of care.

b. It lacks a breach of duty.

c. It lacks proximate cause.

d. It lacks actual harm.

20. Which of the following involves comparative negligence?

a. Ashley ran a red light because she was changing the song on her iPod. Ashley hit Jan head on.

b. Ashley failed to stop at a four-way-stop because she was changing the song on her iPod. Jan only looked one way before leaving the same four-way-stop. Ashley and Jan crashed into each other.

c. Jan stopped at a four-way-stop and looked both ways two times before proceeding.

d. Ashley stopped at a four-way-stop only briefly and hit Jan, who was crossing the intersection after stopping fully at her stop sign and looking all ways before proceeding.

21. Which of the following illustrates the assumption of risk negligence defense?

a. Yancy goes for a ride with Jim and they crash. Jim is known for speeding.

b. Tracy goes for a ride with Clara. Clara was once pulled over for failing to stop at a stop sign. The two are in an accident in which Tracy was injured.

c. Bob offers Jake a ride. Jake knows that Bob has been in three car accidents, so declines the offer.

d. Bob offers Jake a ride. Jake knows that Bob is a safe driver so accepts the ride.

22. Sarah and Nathan have been keeping a lion in their back yard. They found it as an abandoned cub that had somehow escaped from its cage at a local zoo. The couple decided to sneak the lion home and raise it. Sarah and Nathan were very careful to keep the lion within their strong fence, but as a full grown lion it escapes and bits a neighborhood child. Can Sarah and Nathan be sued for strict liability?

- a. No, because they were so careful with the lion it was simply an unfortunate accident.
- b. Yes, even though they were careful they are still liable for the injury.
- c. Yes, because they did not follow a local ordinance that required at least two fences for lion pets.
- d. No, the zoo is held liable because the lion was from the zoo.

## Part 2 – Short Answer

1. Describe the difference between a tort and a crime. Include:

- The wrong action that was committed
  - Crime – Harm a specific person and the welfare of society
  - Tort – A private wrong between at least two people
- The main interference involved
  - Crime – Interferes with the well-being of society
  - Tort – Interferes with a person's rights
- What the victim wants to recover
  - Crime – wants the defendant to be punished by jail or fine – want justice
  - Tort – money to compensate loss or injury
- How the defendant is punished.
  - Crime – Jail/fines
  - Tort – have to pay money (remedy)
- 8 points

2. In what cases does an arrest result in false imprisonment? (2 points)

If a law enforcement officer makes an arrest w/o probable cause or a warrant.

3. Write an example of libel. (1 point)

Anything involving a written/printed/permanent statement.

4. Write an example of slander. (1 point)

Anything involving an spoken statement.

Name:

\_\_\_\_\_/ 71 points

5. Why are people in the public limelight (celebrities, politicians) held to a more difficult standard than “average” people? (2 points)

- They have voluntarily chosen a lifestyle that exposes them to scrutiny by the press
- They can respond to damaging statements in a way average people can't: appear on tv, news conference, press releases, air time

6. What are the differences among negligence, strict liability, and intentional torts? How are the three similar? (4 points)

#### Differences

- Intentional torts occur when a person knows what they are doing and want the consequences of the act to occur. Negligence and strict liability do not involve intent.
- Negligence involves carelessness. Intentional torts are intentional, and strict liability can occur no matter how careful or careless a person was.
- Strict liability involves ultrahazardous behavior. The other two do not necessarily involve ultrahazardous behavior.

#### Similarities

- They all interfere with the rights of others.

7. What are the four elements that must be present for a negligence tort plaintiff to succeed in court? (4 points)

Duty of care, breach of duty, proximate cause, actual harm/injury

8. Write an example of a business being negligent. Include all four elements. (5 points)

Answers will vary.