

Chapter 1

TRUE/FALSE

1. A remedy is a means by which a right is enforced or the violation of a right is prevented, compensated for, or otherwise redressed.

ANS: T PTS: 1 DIF: 2

2. The two major kinds of disputes over which courts have jurisdiction are criminal disputes and civil disputes.

ANS: T PTS: 1 DIF: 2

3. The primary focus of criminal law is to vindicate a private wrong. The primary focus of civil law is to vindicate a public wrong.

ANS: F PTS: 1 DIF: 2

4. An intentional tort is committed solely because a party fails to use reasonable care.

ANS: F PTS: 1 DIF: 2

5. Negligence is committed because a party knew with substantial certainty that harm would result.

ANS: F PTS: 1 DIF: 2

MULTIPLE CHOICE

6. The approximate total annual cost to society of accidental or unintentional injuries is _____.

- a. \$1 billion
- b. \$150 billion
- c. \$652 billion

ANS: C PTS: 1 DIF: 1

7. To state a tort cause of action, you _____.

- a. Explain to the court why it has jurisdiction over the tort.
- b. List the facts that give you a right to judicial relief against the wrongdoer.
- c. Send the tortfeasor notice of the cause of action to be filed.

ANS: B PTS: 1 DIF: 1

8. Strict liability means _____.

- a. The defendant intended the harm he or she caused.
- b. The defendant carelessly caused the harm.

- c. The defendant is liable whether he or she caused the harm intentionally, carelessly, or innocently.

ANS: C PTS: 1 DIF: 1

9. A major difference between a tort case and a criminal case is that _____.
- a. Only in tort cases are defendants guaranteed the right to counsel.
b. The standard of proof in most tort cases is preponderance of the evidence, whereas in criminal cases it is beyond a reasonable doubt.
c. Jury verdicts must be unanimous only in tort cases.

ANS: B PTS: 1 DIF: 1

COMPLETION

10. An award of _____ is a money judgment.

ANS: damages

PTS: 1

11. A/an _____ is someone who has committed a tort.

ANS: tortfeasor

PTS: 1

12. The two major fee-based online legal services are _____ and _____.

ANS: Westlaw, LexisNexis

PTS: 1

MATCHING

- | | |
|--------------------|---------------------|
| a. remedy | i. prima facie case |
| b. jurisdiction | j. negligence |
| c. criminal law | k. strict liability |
| d. civil law | l. but-for test |
| e. tort | m. common law |
| f. damages | n. www.cpsc.gov |
| g. make whole | o. online |
| h. cause of action | |
13. an offering of evidence that will prevail unless the other side presents more convincing evidence
14. failure to use reasonable care
15. a money judgment

16. liability without fault
17. judge-made law
18. power of a court to resolve a dispute
19. determining causation
20. connected to other computers
21. a civil wrong
22. an online site relevant to tort law
23. means to enforce a right
24. law that governs rights between persons
25. restore someone to a prior position
26. a legally acceptable reason to sue
27. law that governs crimes

- | | |
|------------|--------|
| 13. ANS: I | PTS: 1 |
| 14. ANS: J | PTS: 1 |
| 15. ANS: F | PTS: 1 |
| 16. ANS: K | PTS: 1 |
| 17. ANS: M | PTS: 1 |
| 18. ANS: B | PTS: 1 |
| 19. ANS: L | PTS: 1 |
| 20. ANS: O | PTS: 1 |
| 21. ANS: E | PTS: 1 |
| 22. ANS: N | PTS: 1 |
| 23. ANS: A | PTS: 1 |
| 24. ANS: D | PTS: 1 |
| 25. ANS: G | PTS: 1 |
| 26. ANS: H | PTS: 1 |
| 27. ANS: D | PTS: 1 |

SHORT ANSWER

28. Name some of the categories of losses that can result from accidental or unintentional injuries.

ANS:

medical expenses, property damage, wage losses, productivity losses, legal costs, police costs, related administrative expenses

PTS: 1

29. Briefly describe the four major purposes of tort law.

ANS:

to provide a peaceful means for adjusting the rights of parties, to deter wrongful conduct, to try to restore injured parties to their original position, and to identify who in fairness should be accountable (responsible) for the harm that resulted

PTS: 1

30. How do the following three categories of torts differ: intentional torts, negligence, and strict liability torts?

ANS:

In an intentional tort, the actor desires the result or knows with substantial certainty that it will occur; in negligence, the actor creates an unreasonable risk of harm; and in a strict liability tort, the actor engages in certain conduct for which the law imposes liability regardless of intent or reasonableness

PTS: 1

31. Give an example of the kind of factual research you might try to do on the Internet.

ANS:

obtaining information about the manufacturer of a product, the weather conditions on the day of an accident, the assets of a defendant, or the location of a potential witness

PTS: 1