

Chapter_01_Introduction_to_Torts_and_Legal_Analysis

True / False

1. Tort law is a combination of English and American common law, plus statutory law.

- a. True
- b. False

ANSWER: True

2. Tort law is largely composed of minimum standards of conduct.

- a. True
- b. False

ANSWER: True

3. Strict liability is the tortfeasor's responsibility regardless of fault, but negligence must be proven.

- a. True
- b. False

ANSWER: False

4. Tort analysis should go from the general to the specific.

- a. True
- b. False

ANSWER: True

5. Intent to do harm is required for negligence.

- a. True
- b. False

ANSWER: False

6. An example of an affirmative defense is to claim that the statute of limitations has elapsed.

- a. True
- b. False

ANSWER: True

7. Parties to a lawsuit cannot be required by the judge to try alternative dispute resolution in an effort to settle their dispute.

- a. True
- b. False

ANSWER: False

8. In arbitration, a dispute is resolved by a person other than a judge, and the decision is

binding.

a. True

b. False

ANSWER: True

9. To prove that intentional tort has been committed, the plaintiff does not have to prove actual harm.

a. True

b. False

ANSWER: False

10. The first pleading filed by the defendant in a lawsuit is the complaint.

a. True

b. False

ANSWER: False

Multiple Choice

11. A tort is

a. a French pastry.

b. a wrongful injury to a person or a person's property.

c. a disagreement between two litigants.

d. a part of contract law.

ANSWER: b

12. The person committing a tort is called

a. the tortfeasor.

b. the tortor.

c. the defendant.

d. the plaintiff.

ANSWER: a

13. All of the following are intentional torts except

a. battery.

b. fraud.

c. defamation.

d. negligence.

ANSWER: d

The first pleading filed in a civil lawsuit, which contains the statement of wrong done to the plaintiff, is called the

14. The first pleading filed in a civil lawsuit...

a. answer.

- b. discovery.
- c. complaint.
- d. motion.

ANSWER: c

Parties to a dispute who opt for alternate dispute resolution instead of a formal court trial

15. Parties to a dispute who opt for alternate dispute resolution...

- a. cannot choose to have a trial if the alternative dispute resolution is unsuccessful.
- b. avoid a costly court proceeding.
- c. have their dispute be a matter of public record.
- d. air their dispute in front of a jury.

ANSWER: c

16. Discovery is the stage in a civil proceeding where the

- a. defendant responds to the complaint.
- b. summons is served.
- c. parties exchange information and narrow the issues.
- d. defendant tries to collect on a judgment.

ANSWER: c

17. A lawsuit can be settled

- a. after the complaint is served.
- b. before the answer is served.
- c. during discovery.
- d. All of these choices.

ANSWER: d

18. Negligence is defined as

- a. failure to exercise reasonable care to avoid injuring others.
- b. liability regardless of fault or intent.
- c. failure to exercise all possible care to avoid injuring others.
- d. None of these choices.

ANSWER: a

19. An example of strict liability is

- a. battery.
- b. products liability.
- c. conversion.
- d. slander.

ANSWER: b

20. The public policy objectives served by tort law include

- a. protecting persons and property from unjust injury.

- b. allocating losses among different participants in the social arena.
- c. encouraging minimum standards of social conduct.
- d. All of these choices.

ANSWER: d

Which of the following is not an element of the analytical framework known as IRAC?

21. Which of the following is not an element of...

- a. Issue
- b. Rules of law
- c. Application of the rules to the facts
- d. Cause

ANSWER: d

When a lawsuit is decided by someone other than a judge, and the decision is binding, the procedure is called

22. When a lawsuit is decided by someone other than a judge,...

- a. negotiation.
- b. arbitration.
- c. mediation.
- d. None of these choices.

ANSWER: b

23. The pretrial conference occurs after

- a. discovery.
- b. the trial date has been set.
- c. the complaint has been served.
- d. the jury has been selected.

ANSWER: c

In a summary jury trial, all of the following are true except

24. In a summary jury trial,...

- a. the parties decide in advance if the decision is binding.
- b. the parties can use the jury's advice to aid in settlement negotiations.
- c. the attorneys are not required to follow the rules of evidence and procedure followed in a court trial.
- d. None of these choices.

ANSWER: d

25. When a defendant brings a claim against the plaintiff, this is called

- a. a complaint.
- b. an answer.
- c. a claim

d. a counter-claim.

ANSWER: d