

ANSWER KEY TO TORT SAMPLE EXAM

PART ONE (20 marks; 20 answer blanks)

1. Tort is not an easy term to define. It is essentially associated with wrongdoings and breaches of obligations.
2. The Canadian legal system acknowledges multiple forms of wrongdoings, however, only some of these will fall within the realm of tort (i.e. others may be criminal in nature).
3. Tort law is focused on private wrongs. In this context, a person breaches an obligation owed to an individual, instead of the public (i.e. society as a whole).
4. Punishment and deterrence are not one in the same. The former takes a backward-looking approach; whereas, the latter is forward thinking.
5. Deterrence is about prevention and discouraging wrongful behaviour. To be an effectual deterrent, tort law has to explicitly define the detrimental conduct and then offer adequate incentives for discouraging it. Deterrence operates and functions best when the defendant is cognizant or aware of both the mandatory legal standard and the sanctions for its violations.
6. Intent does not involve "motive"; thus, the reason for bringing about a specific result is irrelevant when dealing with intent.
7. It is critical to distinguish between legal and evidentiary burdens of proof. In a civil action (civil law), the legal burden of proof is "balance of probabilities". This is a lower standard than "beyond a reasonable doubt" in criminal law.
8. False imprisonment and malicious prosecution both offer reparation for unfounded interference with individual freedom and the humiliation, harm to reputation and other losses that flow from it. Nonetheless, malicious prosecution originated from trespass on the case.

Sample Torts Exam Answer

Victor M. Corman



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Carolyn Nygren,1998 Like every title in the legal analysis series Starting Off Right in by the same author the book starts with a short introduction that discusses how this subject matter is different from studying any other course Chapter Two Intentional Torts covers battery assault false imprisonment intentional infliction of severe emotional distress and defamation

How I Beat Law School At Its Own Game, And You Can Too Brent McDonald,2014-10-21 Some books cover everything from getting into law school to going to your first interview or even how to practice law Others focus solely on taking your exams This book is about one thing getting A s in law school But it starts at the beginning of school and ends at your final exam It is the complete package of what you need to get A s without discussing off topic items such as interviewing skills This isn t another work harder or be more intelligent type of book Instead it teaches anyone how to get A s by playing the game correctly The techniques in the book have been tested and proven by numerous law students and will work for you too Here is what you will find in this book What to expect in the classroom Want to know what law school is really like Ease your pre law school nerves by understanding how each class will be conducted and understanding the different types of professors you will encounter You will also learn how the court systems are structured and understand why you will read and brief cases in law school The psychological game Unfortunately law school is a psychological game that you must be prepared to deal with The book covers the games played by your professors and some of your fellow students so that you can take it in stride and focus on getting good grades instead Getting a jump start There is a simple technique that you can follow to buy yourself an extra week of studying at exam time This technique is covered in detail Getting the big picture One of the most frustrating things about law school is that professors intentionally or unintentionally hide the ball Luckily for you there is a simple technique that won t require digging through hundreds of pages of expensive supplements This book shares that technique

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Tort Law Kirsty Horsey,Erika Rackley,2013-07-18 Combining a lively and engaging writing style with a critical approach to the subject Tort Law is an ideal main text for undergraduate courses Innovative features include pause for reflection and counterpoint boxes and annotated problem questions Tort Law is accompanied by an extensive Online Resource Centre

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