

Torts Quiz

Prof. Pi

1. Which of the following is the most *logically rigorous* argument?
 - (a)
 - i. If Socrates is a man, then Socrates is mortal.
 - ii. Socrates is a Greek man.
 - iii. Therefore, Socrates is a man. (i, ii)
 - (b)
 - i. Wittgenstein is dead.
 - ii. Therefore, Wittgenstein is not alive. (i)
 - (c)
 - i. If Socrates is green, then Socrates is a frog.
 - ii. Socrates is green.
 - iii. Therefore, Socrates can swim. (i, ii)
 - (d)
 - i. Socrates is mortal.
 - ii. Socrates is a man.
 - iii. Therefore, if Socrates is a man, then Socrates is mortal. (i, ii)
 - (e)
 - i. Socrates is mortal.
 - ii. Socrates is a man.
 - iii. Therefore, if Socrates is mortal, then Socrates is a man. (i, ii)
 - (f)
 - i. If elephants are pink, then New Hampshire is north of Maine.
 - ii. Elephants are pink.
 - iii. Therefore, New Hampshire is north of Maine. (i, ii)
 - (g)
 - i. If Kermit can't add $2+2$, then Kermit is an idiot.
 - ii. Kermit is an idiot.
 - iii. Therefore, Kermit can't add $2+2$. (i, ii)
2. In what sense(s) is "negligence" a standard (rather than a rule)?
 - (a) Failure to act as a reasonable person.

- (b) Failure to observe the level of care customary for a profession (e.g., doctors or lawyers).
 - (c) Failure to invest in precautionary care up to the point where marginal B is equal to or greater than marginal $P \times L$.
 - (d) When there exists a *duty*, which was *breached*, which *caused* a *harm*.
3. What is the purpose of the law?
- (a) Justice.
 - (b) To compensate people who have been harmed.
 - (c) To protect people's rights.
 - (d) To incentivize efficient behavior.
4. What is the purpose of tort law (excluding intentional torts)?
- (a) To maximize the value of risky activities.
 - (b) To minimize the cost of accidents.
 - (c) To make victims whole.
 - (d) Justice.
5. What does the term "negligence" mean?
- (a) That a duty has been breached, causing a victim harm.
 - (b) That a duty has been breached.
 - (c) That a person has failed to take reasonable precautions.
 - (d) That a person has failed to invest in precautionary care up to the point where marginal B is equal to or greater than marginal $P \times L$.
6. Arrange the following propositions into logical arguments and identify the "levels" (i.e., rule-application, identifying-legal-sources, and policy) at which the arguments operate. You should organize the propositions, such that each is either labeled "premise" or is inferable from premises. For example:
- (a) If snow is white, then grass is green. (premise)
 - (b) Snow is white. (premise)
 - (c) Therefore, grass is green (from a, b).

You should be able to organize the propositions into four connected arguments: (1) Jones' argument, (2) Smith's argument, (3) Jones' counterargument, and (4) Smith's counterargument. It may be possible to group them into more or fewer connected chains. My suggestion is that the propositions should cleve neatly into four. All propositions must be used at least once. Some propositions may be reused in multiple arguments.

- A. For any cases C and D , and rules R and S , if R explains C , and S explains D , and R increases the value of risky activities more than S , then there exists a reason why D should not be a precedent case.
- B. Smith is a person.
- C. Smith was mowing his lawn.
- D. Smith was not watching where he was going.
- E. Jones is a person.
- F. Jones was on Smith's property.
- G. Jones was sunbathing on Smith's lawn while Smith was mowing.
- H. Jones is harmed because Smith ran over him with his lawnmower.
- I. For any x and y , if x is a person, and y is a person, and x had a duty to y , and x breached his duty to y , and x caused y harm, then x is liable to y .
- J. For any x and y , if x is a person, and y is a person, if x failed to exercise due care, then y is not liable to x .
- K. Jones failed to exercise due care.
- L. Smith had a duty to Jones.
- M. If Jones is harmed because Smith ran over him with his lawnmower, then Smith caused Jones harm.
- N. Smith is liable to Jones.
- O. Smith is not liable to Jones.
- P. If Jones was on Smith's property, then Smith had a duty to Jones.
- Q. Smith caused Jones harm.
- R. If Smith was mowing his lawn and Smith was not watching where he was going, then Smith breached his duty to Jones.

- S. If Jones was sunbathing on Smith's lawn while Smith was mowing, then Jones failed to exercise due care.
- T. Smith breached his duty to Jones.
- U. For any rule $\lceil x \implies y \rceil$, and precedent case C , if $\lceil x \implies y \rceil$ explains C , then $x \implies y$.
- V. For any C , if C is a case, and there does not exist a reason why C should *not* be a precedent case, then C is a precedent case.
- X. *Anderson* is a case.
- Y. *Anderson* involved the following facts: Anderson hit Flanderson with his car while texting and driving, causing harm.
- Z. *Anderson* involved the following result: Anderson was liable to Flanderson.
- AA. *Gunderson* is a case.
- BB. *Gunderson* involved the following facts: Gunderson hit Blunderson with his airplane while Blunderson was hang-gliding near the airport, causing harm.
- CC. *Gunderson* involved the following result: Gunderson was not liable to Blunderson.
- DD. For any case C involving fact F and result R , if $\lceil x \implies y \rceil$ implies $F \implies R$, then $\lceil x \implies y \rceil$ explains C .
- EE. (J) explains *Gunderson*.
- FF. (I) explains *Anderson*.
- GG. (J) is a rule.
- HH. (I) is a rule.
 - II. (I) implies that if Anderson hit Flanderson with his car while texting and driving, causing harm, then Anderson was liable to Flanderson.
- JJ. *Anderson* is a precedent case.
- KK. *Gunderson* is a precedent case.
- LL. There does not exist any reason why *Anderson* should *not* be a precedent case.
- MM. There does not exist any reason why *Gunderson* should *not* be a precedent case.

- NN. (J) implies that if Gunderson hit Blunderson with his airplane while Blunderson was hang-gliding near the airport, causing harm, then Gunderson was not liable to Blunderson.
- OO. (I) increases the value of risky activities more than (J).
- PP. (J) increases the value of risky activities more than (I).
- QQ. There exists a reason why *Gunderson* should not be a precedent case.
- RR. There exists a reason why *Anderson* should not be a precedent case.