

Name: _____

Torts Quiz

Prof. Pi

1. Order the course objectives according to importance:
____ Knowledge of tort rules.
____ Instill rigor in argumentation.
____ Understanding the structure of legal system.
2. There is a “right answer” to every legal question.
 - (a) True.
 - (b) False.
3. What is the purpose of the law of negligence?
 - (a) To make the victim whole.
 - (b) “Justice.”
 - (c) To minimize the social cost of accidents.
 - (d) To maximize the social value of risky activities.
4. Some valid arguments can’t be forced into a rigid *modus ponens* framework.
 - (a) True.
 - (b) False.
5. What are the elements of negligence?

FOR QUESTIONS 6–10, CONSIDER THE FOLLOWING ARGUMENTS:

- Plaintiff’s argument:
 - i. If x has a duty to y , and x breaches his duty to y , causing harm, then x is liable to y .
 - ii. If a , b , and c , then x has a duty to y .
 - iii. a .
 - iv. b .
 - v. c .
 - vi. Therefore, x has a duty to y . (from ii, iii, iv, v)
 - vii. If d , then x breached his duty to y .
 - viii. d .
 - ix. Therefore, x breached his duty to y . (from vii, viii)
 - x. If e , then y was harmed.
 - xi. e .
 - xii. Therefore, y was harmed. (from x, xi)
 - xiii. If f , then x ’s breach caused the harm to y .
 - xiv. f .
 - xv. Therefore, x ’s breach caused the harm to y . (from xiii, xiv)
 - xvi. Therefore, x is liable to y . (from i, vi, ix, xii, xv).
- Defendant’s counterargument:

b is false.

6. What are the “facts of the case”?
7. Which lines are *legal rules*?
8. Which of the following would constitute a “Level 1” argument?
 - (a) Lines (ii)–(vi) constitute a Level 1 argument.
 - (b) The plaintiff and defendant’s arguments given above are *both* Level 1 arguments.
 - (c) “ x is liable to y ,” is a Level 1 argument.
 - (d) “If x is negligent, then x is liable to y ,” is a Level 1 argument.

9. Which of the following would constitute a “Level 2” argument?

- (a) Lines (vii)–(ix) constitute a Level 2 argument.
- (b) The plaintiff and defendant’s arguments given above are *both* Level 2 arguments.
- (c) “If the incentives created by a rule do not maximize social welfare, then that rule ought not be the law. Line (xiii) creates inefficient incentives. Therefore, Line (xiii) should not be the law,” is a Level 2 argument.
- (d) “If there exists a precedent case which holds that Line (xiii) is *not* the law, then Line (xiii) is not the law. There exists a precedent that holds Line (xiii) is not the law. Therefore, Line (xiii) is not the law,” is a Level 2 argument.

10. Which of the following would constitute a “Level 3” argument?

- (a) Lines (i)–(xvi) constitute a Level 3 argument.
- (b) The plaintiff and defendant’s arguments given above are *both* Level 3 arguments.
- (c) “If the incentives created by a rule do not maximize social welfare, then that rule ought not be the law. Line (xiii) creates inefficient incentives. Therefore, Line (xiii) should not be the law,” is a Level 3 argument.
- (d) “If there exists a precedent case which holds that Line (xiii) is *not* the law, then Line (xiii) is not the law. There exists a precedent that holds Line (xiii) is not the law. Therefore, Line (xiii) is not the law,” is a Level 3 argument.