

# Torts Quiz

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1. Order the course objectives according to importance:

- 3 Knowledge of tort rules.
- 1 Instill rigor in argumentation.
- 2 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?

DUTY, BREACH, CAUTION, HARM

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”?  $a, c, d, e, f$ , and maybe  $b$
7. Which lines are *legal rules*?  $i, ii, vii, x, xiii$
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.