

**ADMINISTRATION OF JUSTICE**  
**Homework Exam Review**

**TORTS: DUTIES TO OTHERS**

Name: \_\_\_\_\_ Period: \_\_\_\_\_ Row: \_\_\_\_\_

**WHAT IS A TORT?**

1. A tort is any unreasonable action that \_\_\_\_\_ someone or does \_\_\_\_\_ to a person's \_\_\_\_\_.
2. Under tort law, we have a duty to act reasonably at all times in order to ensure the safety of other \_\_\_\_\_.
3. Everyone has a \_\_\_\_\_ to others that involves:
  4. not intentionally causing \_\_\_\_\_;
  5. not causing damage to a \_\_\_\_\_;
  6. not acting in a \_\_\_\_\_ or \_\_\_\_\_ way that causes injury or \_\_\_\_\_.
7. Some people have special \_\_\_\_\_.
8. A doctor, for example, has the duty to perform certain tests when a patient \_\_\_\_\_.
9. The manufacturer of a \_\_\_\_\_ has a duty to ensure that the product \_\_\_\_\_.
10. A store owner has a duty to keep the floor \_\_\_\_\_ so shoppers won't \_\_\_\_\_.
11. People who don't exercise \_\_\_\_\_ care may be \_\_\_\_\_, or legally responsible for \_\_\_\_\_.

**TORT LAW GIVES US CERTAIN RIGHTS.**

12. We have the right to go about our daily lives \_\_\_\_\_ of being injured by \_\_\_\_\_.
13. If we are injured because of someone's \_\_\_\_\_, wrongful actions, tort law gives us the \_\_\_\_\_.
14. Compensation is payment for an \_\_\_\_\_.
15. The earliest tort laws came from medieval \_\_\_\_\_.
16. Offering a legal procedure for settling \_\_\_\_\_, these \_\_\_\_\_ laws kept citizens from "taking the law \_\_\_\_\_,"

**INTENTIONAL TORTS**

17. An intentional tort is a wrong done to \_\_\_\_\_.

18. For an \_\_\_\_\_ tort to take place, the following elements must be present:
  19. The defendant \_\_\_\_\_.
  20. The defendant means to \_\_\_\_\_.
  21. The defendant's act causes \_\_\_\_\_.
22. John injures a neighbor by moving a \_\_\_\_\_ the neighbor was about to sit in causing the neighbor \_\_\_\_\_.
23. John's action was \_\_\_\_\_ (that is, he did it on \_\_\_\_\_);
24. John's action caused \_\_\_\_\_.
25. John's action clearly fits the definition of an \_\_\_\_\_.
26. In the law of torts, to do something intentionally means to do it \_\_\_\_\_.
27. The \_\_\_\_\_, or motive, for the action doesn't \_\_\_\_\_.
28. What matters is that something was done and that it \_\_\_\_\_.
27. Some criminal acts also violate \_\_\_\_\_.
28. Assault and battery are good examples of \_\_\_\_\_.
29. Under tort law, \_\_\_\_\_ is defined as physical contact with someone against \_\_\_\_\_.
30. An assault is an act that puts someone in \_\_\_\_\_ that he or she will be a \_\_\_\_\_.
31. The single phrase assault and \_\_\_\_\_ is often used because these acts frequently \_\_\_\_\_.
32. The intentional tort of false \_\_\_\_\_ means keeping someone in a confined space \_\_\_\_\_.
33. A boy locks his sister in her \_\_\_\_\_ so she would leave him alone. This would be \_\_\_\_\_.
34. Intentional infliction of \_\_\_\_\_ is another common intentional tort.
35. Because Sam's joke was responsible for a heart \_\_\_\_\_, a court could hold Sam liable for Bob's \_\_\_\_\_ care.
36. To make sure that the courts aren't \_\_\_\_\_ with cases of hurt feelings, the law strictly limits the definition of \_\_\_\_\_.
37. The action must be \_\_\_\_\_, and the damage must be \_\_\_\_\_ distress.
38. Just because someone is rude to you or \_\_\_\_\_ you does not mean you can take that \_\_\_\_\_.
39. An intentional tort may harm property or cause \_\_\_\_\_.

40. These torts include \_\_\_\_\_ on someone's property and taking, keeping, or \_\_\_\_\_ property that belongs to \_\_\_\_\_ else.
41. Invasion of privacy is another tort that may cause \_\_\_\_\_ injury or \_\_\_\_\_.

***These intrusions may include;***

42. spying, \_\_\_\_\_,
43. electronic \_\_\_\_\_,
44. reading someone's \_\_\_\_\_ or diary,
45. going through someone's \_\_\_\_\_.
46. The most common defense is consent, or \_\_\_\_\_.
47. Consent is a valid defense only if it is \_\_\_\_\_.
48. Consent doesn't always have to be \_\_\_\_\_.
49. One type of implied consent is \_\_\_\_\_ through actions.
50. A second type of implied consent is assumed when a person cannot \_\_\_\_\_.

***Legal defenses to intentional torts include:***

51. self-\_\_\_\_\_,
52. defense of \_\_\_\_\_,
53. defense of \_\_\_\_\_.
54. The law of torts recognizes that if someone \_\_\_\_\_ you or another person, you have the right to defend yourself or the other person in a \_\_\_\_\_.
55. As in criminal law, you have the right to use as much force as is \_\_\_\_\_ but no more than is \_\_\_\_\_.
56. Because property is considered less valuable than \_\_\_\_\_ life, the right to protect it is quite \_\_\_\_\_.
57. When law enforcement officers follow proper criminal \_\_\_\_\_, their actions are not \_\_\_\_\_.
58. Parents have the right to use reasonable \_\_\_\_\_ force to discipline their \_\_\_\_\_.
59. "I made a mistake." Error, no matter how \_\_\_\_\_, is never a \_\_\_\_\_.

**NEGLIGENCE**

60. Negligence is the failure to act with \_\_\_\_\_ of care for the \_\_\_\_\_ of others.
61. In reviewing a negligence case a court would have to ask \_\_\_\_\_ questions:
62. Did the defendant \_\_\_\_\_?

63. Did the defendant \_\_\_\_\_?
64. Did the defendant \_\_\_\_\_?
65. Did the plaintiff \_\_\_\_\_?
66. In order to decide whether someone \_\_\_\_\_ to do a duty, a \_\_\_\_\_ asks what a reasonable person would have \_\_\_\_\_.
67. Under tort law, a "\_\_\_\_\_ person" is one who takes care not to injure others and acts \_\_\_\_\_.
68. A reasonable person isn't the same as an ordinary person or an \_\_\_\_\_.
69. Once the court has determined that a person is \_\_\_\_\_, the court must decide two things:
70. Did the defendant \_\_\_\_\_?
71. Whether the plaintiff \_\_\_\_\_.
72. The courts have found that it is unfair to expect small \_\_\_\_\_ to behave like \_\_\_\_\_.
73. Courts use a slightly \_\_\_\_\_ when children are involved.
74. Courts look at what a reasonable person of similar age, \_\_\_\_\_, and \_\_\_\_\_ would have done.
75. A jury might find a child's parents \_\_\_\_\_ in not properly \_\_\_\_\_ a child.
76. If the child is engaged in an \_\_\_\_\_ activity, such as \_\_\_\_\_ a car the child is held to adult \_\_\_\_\_.
77. Some people are expected to know more than the \_\_\_\_\_.
78. All professionals, such as doctors, \_\_\_\_\_, lawyers, and \_\_\_\_\_, are held to higher levels of what is \_\_\_\_\_.

### **FAILURE TO ACT**

79. There is no general "duty to act," failure to do something is \_\_\_\_\_.
80. Someone who begins to rescue another person may not give up and \_\_\_\_\_.
81. People whose job it is to protect safety and \_\_\_\_\_ aid to people in trouble also have a \_\_\_\_\_.

### **DEFENSES TO NEGLIGENCE TORTS**

82. If the defendant can show that his or her actions were \_\_\_\_\_ or necessary, that defendant \_\_\_\_\_.
83. Defendants often try to show that any \_\_\_\_\_ would have done what the defendant did.

84. Another common defense is to show that both the \_\_\_\_\_ and the defendant were at \_\_\_\_\_.

85. Some courts will say that one \_\_\_\_\_ person can't be compensated for the \_\_\_\_\_.

### OTHER TYPES OF LIABILITY

86. People may be held \_\_\_\_\_ for damage caused by acts that are by their very \_\_\_\_\_.

87. Strict liability is the liability for \_\_\_\_\_ that involve no negligence or \_\_\_\_\_.

88. Keeping dangerous \_\_\_\_\_ is one common activity for which people may be held \_\_\_\_\_.

89. Products \_\_\_\_\_ is another area of tort law.

90. It protects consumers from being injured by defects in the \_\_\_\_\_.

91. When manufacturers make a \_\_\_\_\_ product,

92. even if they don't know the product is defective they are liable for any injuries \_\_\_\_\_.

93. Manufacturers cannot be held liable for a \_\_\_\_\_ that has been altered or \_\_\_\_\_.

94. The law requires that products be able to withstand any "reasonably \_\_\_\_\_" use, even if it's not the use that the \_\_\_\_\_.

95. Even when a product is \_\_\_\_\_ and made properly, a manufacturer may be required to warn consumers about the \_\_\_\_\_ the product.

96. Defamation means telling lies that hurt someone's \_\_\_\_\_.

97. The lies may be spoken ( \_\_\_\_\_ ) or written ( \_\_\_\_\_ ).

98. Someone else must hear or read the statement in order for a statement to be \_\_\_\_\_.

99. A statement is considered \_\_\_\_\_ only if it is clear who is being named in the \_\_\_\_\_.

100. Defamation can come in the form of \_\_\_\_\_, actions, or even \_\_\_\_\_.

101. Another defense is called privilege, or \_\_\_\_\_.

102. Fair comment permits the media to make a broad range of statements about public officials, and \_\_\_\_\_.

103. Political commentators are free to state their \_\_\_\_\_.