

Pete Maltese-Alternative Guest Speaker Assignment for Torts

Short Answer

1. What is negligence?
2. What are the four elements of negligence?
3. The warning on Tim's medication states that when taking this medication, one should not drive or operate heavy equipment. Tim takes the medication and then drives to the store. Tim crashes his car into another car because he was not able to pay attention due to how sleepy he felt. Explain how the reasonable person standard relates to this situation.
4. Under what circumstances are minors liable for torts using the standard of the reasonably prudent minors of the same age, intelligence and experience.
5. Why was Mrs. O'Leary not responsible for the burning of the entire city of Chicago when her cow kicked over the lantern that she had placed too close to the cow's leg?
6. What types of non-economic harm might a plaintiff win in a negligence suit?
7. If you were sued for negligence and you believed that the plaintiff had also been negligent, which type of defense would you want to have available to you—contributory negligence or comparative negligence? Explain your answer.
8. What is assumption of risk?

Essay

9. As part of his sentence for armed robbery, Michael was sent to a boot camp for youth offenders. However, Michael's medical records showed that he had serious problems with asthma and was not capable of performing strenuous physical labor. During boot camp, he was placed on a forced march for 20 miles in the hot desert. He collapsed during the march and died. Analyze whether the four elements of negligence are present.
10. Dracula, Inc. makes a wide variety of Halloween costumes and accessories. One item are contact lenses that are placed on the eye to change the eye color to a bright red. Kristy buys a pair of these lenses and wears them. However, after wearing them for four hours, she cannot get them off. She goes to the emergency room, where they are moved. She has permanent damage to her eyes. Analyze whether the four elements of negligence are present.