

QUESTION 1
One Hour

Henry, age 12, went to Lincoln Middle School, and had Ms. Monroe as his mathematics teacher. He thought Ms. Monroe often tried to embarrass him in class, and to get back at her he brought his slingshot from home. He meant to scare her by shooting a macadamia nut at her as she faced the white board at the front of the class, but instead the nut hit her on the back of her head. Immediately before the contact one of the other students, Jimmie, yelled “Duck, Ms. Monroe”, and afterwards identified Henry as the culprit.

Henry was given detention for a week for his conduct. He held Jimmie responsible for being punished, and used his detention time to figure out how to get back at him. For starters, he slashed Jimmie’s bicycle tires. He also took one of his school books and burned it. Realizing what Henry had done, at the end of school one day Jimmie shoved Henry into a classroom closet and locked the door. A maintenance person heard him yelling and banging on the door one hour later and let him out.

What rights, if any, does Ms. Monroe have against Henry? Discuss.

What rights, if any, does Jimmie have against Henry? Discuss.

What rights, if any, does Henry have against Jimmie? Discuss.

Empire College School of Law
Professor Gould
Torts – Final Exam
Spring 2010
Thursday, April 22, 2010

QUESTION #2
One Hour

Jim, Fred and Kelly regularly carpooled together to work, sharing driving and expenses. One morning when Fred was driving at a negligent rate of speed he collided with another vehicle driven by Herb. No one was injured in Fred's car, but Herb suffered a broken left leg.

Herb was taken to County General Hospital and treated by Doctor Newby, whose medical license had expired, and who improperly set his leg which resulted in a permanent limited range of motion. Medical bills totaled \$7,000.00, and Herb lost three weeks of work from the initial injury where he earned \$800.00 a week. His medical bills were paid in full by Green Shield Insurance Company, but he had no insurance for the \$1,500.00 damage to his vehicle.

Discuss the rights and liabilities of Herb, Jim, Fred, Kelly and Doctor Newby.

Note: Do not consider any possible contributory negligence or comparative fault on the part of Herb.