

INTRODUCTION TO LAW L116NOV

Issues Outline for Short Essays on Fall 2011 Final Exam

Part I, Question 1(a)

1) a) Write a short opinion upholding the trial judge's decision.

Main Issue = Lack of sufficient "Provocation."

Subordinate Issues= Reasoned Discussion (IRAC) of each of the elements of the Cause of Action under the Dog Bite Statute in favor of Plaintiff.

Injury caused by a dog owned or harbored by the defendant;

Lack of provocation;

Peaceful conduct of the person injured;

Presence of the person injured in a place where they have a lawful right to be

Analogize or Distinguish the two cases provided used by the trial judge.

Public Policy Argument that the economic losses suffered are more appropriately borne by the owner of the dog.

1) b) Write a short opinion reversing the trial judge's decision.

Main Issue = Sufficient "Provocation."

Subordinate Issues= Reasoned Discussion (IRAC) of all the elements of the Cause of Action under the Dog Bite Statute in favor of Plaintiff.

Injury caused by a dog owned or harbored by the defendant;

Presence of provocation;

Non-Peaceful conduct of the person injured;

Presence of the person injured in a place where they have a lawful right to be

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Analogize or Distinguish the two cases provided used by the trial judge.

Public Policy Argument that the economic losses suffered are more appropriately borne by the owner of the dog.

Part II, Question 1 a)

Rewrite the statute to remove any ambiguity regarding the “provocation” element of NB Rev. Stat. Title 4, section 117.