

Example #1

In the State of X an assault is defined as an attempt to commit a battery. As Pete was walking down Main Street, he dropped his cell phone. As he went to grab the phone while in the process of dropping to the ground he hit Mary, who was jogging down Main Street, in the butt. Mary thought Pete was being fresh and pushed Pete away. If Pete is charged with assault he will be found:

- A. Guilty, because he caused apprehension in Mary.
- B. Guilty, because he should have been aware of others around him.
- C. Not guilty, because he had no intent to touch Mary.
- D. Not guilty, because he did not intend to touch Mary.

Example # 2

Tammy is a chemical engineer. She has no interest or connection with Chemco. Tammy noticed that Chemco's most recent publicly issued financial statement listed as part of the assets a large inventory of a special chemical compound. The asset was listed at a cost of \$100,000, but Tammy knew that the ingredients of the compound were in short supply and that the current market value was 1,000,000. Chemco's stock is currently selling for \$5.00. However, if the true value of the chemical was known then the stock would sell for \$30. Tammy approaches Sam and offers him \$6 a share for his 1,000 shares of Chemco stock. If Sam asserts a claim based on misrepresentation against Tammy, will Sam prevail?

- A. Yes, because Tammy knew of the true value of the inventory.
- B. Yes, if Tammy did not inform Sam of the true value of the inventory.
- C. No unless, Tammy told Sam that the stock was not worth more than \$6 a share.
- D. No, if Chemco's financial statement was available to Sam.

Example #3

Tillie Taylor was a member of the Children of the Earth. During one of the organization's group encounter sessions, Raj Reel, the groups leader who knew that Tillie was a paranoid schizophrenic accused Tillie of being disloyal to her fellow "brothers and sisters". Tillie's disloyalty stemmed from the fact that she had telephoned her parents in disobedience of the group's code of conduct. Ostracized from the group, Tillie fled the commune and returned to her parent's home that evening.

After unsuccessfully trying to lure Tillie back to the group's movement, Raj decided to employ a "last ditch" effort to secure her return. Raj leased a billboard located across the street from Tillie's house. Raj had the billboard printed to read:

"TILLIE, THE CHILDREN OF THE EARTH COMMAND YOUR RETURN"

As a result of the billboard, Tillie suffered a nervous shock and refused to leave her house, fearful that she would be abducted by her former "brothers and sisters."

In an action for false imprisonment against Raj and Children of the Earth, Tillie will most likely

- A. Recover, since Tillie's confinement resulted from the implicit threat on the billboard.
- B. Recover, since Tillie confinement was psychological and Raj knew that Tillie was a paranoid schizophrenic
- C. Not recover, since the defendants did not intend for her to be confined in her home.
- D. Not recover, since Tillie was under no constraint to remain in her house

Test Questions:

Question 1 is based on the following facts:

On November 1, 2009 Mozart entered into a contract with Thomas to play the piano in his nightclub for New Year's Eve. The agreement was for \$25, 000 for the evening. Mozart is very popular and Thomas knew he had a big following and would pack the nightclub with Mozart as the headliner. On December 29, 2009 Mozart called Thomas and told him he has been offered more money to play at another club and would not be playing. May Thomas bring the lawsuit now?

- (A) No, because Thomas must wait until December 31, 2009 to see if Mozart performs.
- (B) No, since the contract was no executor.
- (C) Yes, because Mozart repudiated the contract
- (D) Yes, since Thomas will lose profit without a headliner.

Question 2 is based on the following facts:

Biff goes to Jackson's house at 3:30 p.m. intending to break in and take Jackson's TV. When he arrives, he finds the door wide open and no one home. He walks in and takes the TV. The most serious crime that Biff could be convicted of is:

- (A) Larceny.
- (B) Robbery.
- (C) Burglary.
- (D) Embezzlement.

Question 3 is based on the following facts:

Mel is painting his car in his garage, surrounded by flammable chemicals. He steps outside to take a smoke break, and falls asleep with a cigarette in his hand. The cigarette ignites some fumes and burns the garage down. Charges with arson under most modern statutes, Mel will likely be:

- (A) Convicted, because his actions were reckless, sufficient mens rea for arson.
- (B) Acquitted, because he did not burn down a dwelling.
- (C) Acquitted, because the garage was his own property.
- (D) Acquitted, because he did not intend to start the fire or manifest extreme disregard for the danger.

Question 4 is based on the following facts:

A man went into a high school and took an unattended backpack. As he was slowly driving his car out of the school parking lot, he accidentally hit and Killed a student who ran out from behind a parked car. Is the man guilty of murder?

- (A) No, because the man did not intend to hit the student.
- (B) No, because larceny of a backpack is not an inherently dangerous felony.
- (C) Yes, because the man killed the student while leaving a crime scene.
- (D) Yes, because the man could not have hit a student without being grossly reckless.

Question 5 is based on the following facts:

Liz and her boyfriend, Lucas, were having dinner at the Golden Dragon Chinese restaurant in Chinatown when she excused herself to go to the bathroom. The restaurant was owned and operated by Wong. As Liz was walking past a table where Elliot, another customer, was seated, she slipped and fell on an egg roll that was lying on the floor. When she fell, her head struck a serving tray, which was located in the aisle. The fall caused Liz to suffer a severe concussion. Elliot knew that the egg roll was on the floor and, although he could have done so, he did not warn Liz. If Liz asserts a claim against Wong for the injuries she suffered from the fall, she will most likely:

- (A) Recover, because the egg roll on the floor constituted an unsafe condition of the premises
- (B) Recover, if the egg roll was on the floor for a substantial period of time before the accident
- (C) Not recover, unless Wong knew that the egg roll was on the floor
- (D) Not recover, if Elliot was responsible for knocking the egg roll off his table.

Question 6 is based on the following facts:

On October 1, Arthur mailed to Madison an offer to sell a tract of land located in Summerville for \$13,000. Acceptance was to be not later than October 10. Madison posted his acceptance on the 3rd of October. The acceptance arrived on October 7. On October 4, Arthur sold the tract in question to Larson and mailed to Madison notice of the sale. That letter arrived on the 6th of October, but after Madison had dispatched his letter of acceptance. Which of the following is correct?

- (A) There was a valid acceptance of the Arthur offer on the day Madison posted his acceptance.
- (B) Arthur's offer was effectively revoked by the sale of the tract of land to Larson on the 4th of October.
- (C) Arthur could not revoke the offer to sell the land until after October 10.
- (D) Madison's acceptance was not valid since he was deemed to have notice of revocation prior to the acceptance.