

Torts
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IN-CLASS EXAM WRITING EXERCISE
Paavo v. Darielle

FACTS: Darielle employed Paavo as a production assistant for her small video production company in San Frangeles. One day, Darielle was very angry at Paavo for showing up to work an hour late. To teach him a lesson, she told him he would have to stay late after work. He resisted, saying he had to drive home to his sick wife, and that if he didn't leave within 10 minutes to beat the traffic, it would take him an hour and a half to drive home instead of 45 minutes. Darielle responded by taking Paavo's car keys and locking them inside a safe in her office. "Now you can't go anywhere," Darielle snarled. Paavo cried quietly. Then, after only five minutes had passed, Darielle took the keys out of the safe and gave them to Paavo. "I'm going to let you off easy this time," Darielle said, "But don't ever be late again."

QUESTION: Evaluate whether Paavo has a claim for false imprisonment.

LAW*: A plaintiff can establish a prima facie case of false imprisonment by showing the defendant (1) intentionally (2) confined the plaintiff, and that the plaintiff (3) was aware of the confinement.

The intent required for false imprisonment is the intent to confine.

To be confined for the purpose of false imprisonment, the plaintiff must be restricted to some closed, bounded area for some appreciable amount of time. There is no minimum amount of time for a valid confinement. Typically, courts will say that the confinement need only be for an "appreciable time."

In a false imprisonment case, the confinement can be accomplished by a number of means. The most straightforward is by physical barriers, such as with walls or fences.

The barriers, force, or threat need not be directed at persons, but can also be aimed at the plaintiff's property. A plaintiff who is "free" to walk away only by surrendering chattels is not free at all under the eyes of false-imprisonment law.

* This text has been copied from the casebook.

RESPONSE: (done in class)

Paavo will likely succeed in proving a prima facie case for false imprisonment, because he can satisfy all of the elements. Paavo can show intent because D showed an intent to confine when she said "Now you can't go anywhere." Paavo was aware of his confinement because he cried after D locked his keys in the safe. P was confined because it wouldn't have been reasonable for him to leave without his car. Even though D gave the keys back this is still false imprisonment because there is no minimum time for a valid confinement therefore the barrier need not be against P but his keys were his property, therefore he was not free to leave or walk away. The barrier that D put was taking the keys from P creating a situation where P would have to surrender a chattel – this chattel was not one that it would be reasonable to leave without.

SOME ADDITIONAL RESPONSES (evaluated in class):

Sam Pulle

Paavo has a good claim for false imprisonment. Darielle intended to take Paavo's keys away. Paavo would have had to surrender his keys to leave, so he wasn't free to go. His crying proves he was aware of the confinement.

Our critique in class:

- No because - it didn't explain any of the points. It never used the word because in any of it's analysis.
- There's some facts, but there's no combining those with law to make purple.
- It kind of goes in the order of the elements, but it isn't explicit about the elements.

Improving in class:

Paavo has a good claim for false imprisonment. Darielle intended to take Paavo's keys away, therefore she showed intent to confine. She did in fact take his keys, and thus. Paavo would have had to surrender his keys to leave, ~~so he wasn't free to go~~therefore he was confined. His crying proves he ~~was aware~~he had awareness of the confinement.

Vor Heckzampool

Paavo has a strong case for false imprisonment. Darielle intentionally locked his car keys in a safe. Darielle said he couldn't leave. Paavo cried because he was not able to leave with his car. After five minutes passed, Darielle returned the keys to Paavo.

Our critique in class:

- There's no law. It's all facts.
- They did slip a because in there, but it's just a factual because, it's not a legal-analysis because.
- They used the word intent in the second sentence, but they are talking about the intent to lock the keys in the safe -- not the intent to confine, which is what is crucial for the prima facie case.

Fahrin Stanz

Paavo has a solid claim for false imprisonment against Darielle. We know that Darielle had intent because she said that she was punishing him for being late. Paavo was confined in the eyes of the law because he would have had to surrender his chattels – in this case his cars keys and thereby his car – in order to be able to leave. We know that Paavo was aware of his confinement because he cried while Darielle had his keys in the safe.

Our critique in class:

- It's better.
- The intent analysis is not ideal. They are talking about the intent to punish, which is not relevant. What's relevant is intent to confine. If this student were to stick the words "to confine" after "intent" in the second sentence, that would make that portion of the analysis much better.
- They wrote it very nicely. There are lots of because!
- The last sentence is particularly good.
- Don't love the wording, it's a little wordy. But the analysis is there.

X.M. Paul

Paavo has a claim for false imprisonment against Darielle if she intended to confine Paavo and if he was confined in all directions and was aware of that confinement. Darielle said she was holding his keys to punish Paavo, and so you could say he really wasn't free to leave unless he left his car at work — which he could have done if he took an Uber. He did seem very upset by what Darielle was doing to him, and this could be seen as "being messed with," which is what the intentional torts are designed to protect people against. I think Paavo should be able to recover, but it depends on the law of the particular jurisdiction and it depends on what a jury thinks.

Our critique in class:

- This is really problematic.
- There's a lack of analysis.
- There's an "if" problem. This student is creating their own facts.
- There's another "if" problem in the first sentence, they are not applying the facts, they are just stating the rule and putting if in front of it. It's like that property example from the exam writing memo -- the one about the rule against perpetuities.
- They go off on a tangent -- saying some true things, but they ignore tying that in to legal analysis. And ultimately they don't take a stance on what will happen saying it's up to a jury.