

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW  
Torts II  
Spring 2009

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Assistant Professor of Law

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FINAL EXAMINATION

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**Limited open-book. Three hours.**

**Write your exam number here: \_\_\_\_\_**

**All exam materials (including this booklet and your response) must be turned in at the end of the period. You will not receive credit unless you return this booklet with your exam number written above. Do not turn the page until instructed to begin.**

Notes and Instructions

1. Assume that today's date is May 6, 2009.
2. You may write anywhere on the examination materials – e.g., for use as scratch paper. Only answers and material recorded in the proper places, however, will be graded.
3. Your goal is to show your mastery of the material presented in the Torts II course and your skills in analyzing legal problems. It is upon these bases that you will be graded.
4. Do not dwell on prima facie negligence or other concepts from Torts I.
5. During the exam: You may not consult with anyone – necessary communications with the proctors being the exception. You may not view, attempt to view, or use information obtained from viewing materials other than your own.
6. After the exam: You may discuss the exam with anyone, except that you may not communicate regarding the exam with any enrolled member of the class who has not yet taken the exam, and you must take reasonable precautions to prevent disclosure of exam information to the same.
7. Unless expressly stated otherwise, assume that the facts recited herein occur within one or more hypothetical states within the United States. Base your exam answer on the general state of the common law and typical statutory law in the United States, including all rules, procedures, and cases as presented in class, as well as, where appropriate, the theory and history discussed in class. It is appropriate, if you wish, to note differences between minority and majority approaches in your answer, as well as statutory or other differences among jurisdictions.
8. Note all issues you see. More difficult issues will require more analysis. Spend your time accordingly.
9. Organization counts.
10. Read all exam question subparts before answering any of them – that way you can be sure to put all of your material in the right place.
11. Feel free to use abbreviations, but only if the meaning is entirely clear.
12. **Bluebooks:** Make sure your handwriting is legible. I cannot grade what I cannot read. Skip lines and write on only on one side of the page. Please use a separate bluebook for each subpart.
13. **Computers:** Please clearly label each subpart of your answer.
14. This exam is "limited open book." The only materials to which you may refer during the exam, other than this exam booklet, scratch paper provided as part of the exam administration, and any special references specifically authorized by the Dean of Students office, are: (a) the authorized copy of the Torts Wypadki, which will be distributed to you in the exam session, and (b) a "reference sheet," consisting of a single 8.5-inch-by-11-inch sheet of paper, upon which anything may be written and/or printed, including on both sides, front and back. You may not consult or access any other piece of paper, including, but not limited to, a copy of the Torts Wypadki that you have printed out yourself. No materials may be shared during the exam.
15. Do not write your name on any part of the exam response or identify yourself in any way, other than to use your examination I.D. number appropriately. Self-identification on the exam will, at a minimum, result in a lower grade, and may result in disciplinary action.
16. Good luck!