

Booklet
Control No.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW
Torts II
Spring 2010

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PART

1

FINAL EXAMINATION - MULTIPLE CHOICE

Closed-book. One hour.

Write your exam number here: _____

All exam materials (including this booklet and the answer sheet) 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.

General Notes and Instructions

1. Assume that today's date is April 29, 2010, unless indicated otherwise.
 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 course and your skills in analyzing legal problems. It is upon these bases that you will be graded.
 4. 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 other student examinations or from viewing materials other than your own.
 5. 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.
- Specific Notes and Instructions for PART ONE:**
- a. All facts take place in the United States, unless otherwise noted. Except where a question (including the responses offered therefor) specifically identifies the name of a real state, e.g., North Dakota, you must answer the question based on the prevailing 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.
 - b. A reference to "can sue" or "can bring an action," etc., refers to a plaintiff's ability to properly allege and plead a claim with some promise of success.
 - c. Each correct answer is worth one point. There is no penalty for incorrect answers.
 - d. This section of the examination is "closed book." You may not use any materials at all, other than pencils, the answer sheet, and this examination booklet.
 - e. Do not assume any additional facts not presented in the questions.
 - f. Choose the most correct answer based on the materials assigned and presented in class. Each question has only one most correct answer. For example, where choices (a) through (d) are correct and choice (e) is "All of the above," the last choice (e) would be the most correct answer and the only answer accepted. Where two or more choices are correct, the most correct answer is the answer that refers to each and every one of the correct choices.
 - g. All exam materials, including this booklet and your answer sheet, must be turned in at the conclusion of the period for taking this Part One.
 - h. Subsequent to the exam's administration, in the sole discretion of the instructor, if error or irregularity is discovered, any affected question may be thrown out, or alternative answers may be given credit.
 - i. This Part One is worth approximately 1/3 of your exam grade.

FINAL EXAMINATION - ESSAY

Limited open-book. Two 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

General Notes and Instructions

1. Assume that today's date is April 29, 2010, unless indicated otherwise.
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 course and your skills in analyzing legal problems. It is upon these bases that you will be graded.
4. 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 other student examinations or from viewing materials other than your own.
5. 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.

Specific Notes and Instructions for PART TWO:

- a. 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.
- b. Do not dwell on negligence or other topics from Torts II, to the extent you mention them at all.

- c. Note all issues you see. More difficult issues will require more analysis. Spend your time accordingly.
- d. Organization counts.
- e. Be complete, but avoid redundancy. Specifically, do not repeat the exact same analysis with substituted parties. For instance, computer users should probably not use the cut-and-paste function. Instead, to the extent called for, you may incorporate analysis by reference to another portion of your answer.
- f. Feel free to use abbreviations, but only if the meaning is entirely clear.
- g. **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
- h. 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 Spring 2010 Torts Wypadki, which will be distributed to you in the exam session, (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, and (c) sticky tabs labeled with subject headings to insert into the wypadki, if you so choose. You may not consult or access any other piece of paper, including, but not limited to, a copy of the wypadki that you have printed out yourself. No materials may be shared during the exam.
- i. 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.
- j. This Part Two is worth approximately two-thirds of your overall exam grade.
- k. Good luck!