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# T. C. Williams School of Law, University of Richmond: Torts Exam, 20 May 1970

University of Richmond

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1. Flourishing a revolver, A pursues B down the street and into a crowded store where he is cornered. As A's finger tightens on the trigger, B sinks to the floor so that the bullet strikes C, who is directly behind B. B then picks up a silver tray from a display, using it as a shield. The next bullet pierces the tray but is diverted from B. What, if any, are the liabilities of the parties? Why or why not?

2. The Country Club's pond often freezes over in the winter and it is used for ice skating. A, a member of the Club, in spite of warnings that the ice was unsafe, went skating on the pond, broke through the ice and fell into the water. B, also a member, was standing on the bank with a number of other persons. When he saw A break through the ice, B walked out on the ice and came fairly close to where A had broken through. After some minutes had passed, A lunged forward and grabbed B's leg. B's efforts to free himself from A's grasp were unavailing and ultimately he fell into the water with A. Both were later rescued, but A suffered an illness from his long stay in the water and injuries to his hands inflicted by B in B's efforts to free his leg from A's grasp. Tort liabilities, if any, of A and B? Why or why not?

3. A and B, strangers to the area, were driving north on Route 1 in A's automobile. They left Route 1 for dinner at a roadside restaurant. After dinner, with A driving, they left the restaurant parking lot by a roadway which they believed led back on Route 1 in a northbound direction. At a fork in the road a sign read "Keep Right". A took the left fork. This was not an entrance to the northbound lanes of Route 1, but a one-way exit from the northbound lanes of Route 1. When A reached Route 1, she proceeded on what she believed to be a two lane road with a broken line down the middle indicating two-way traffic. She was in fact driving south in the northbound lanes of Route 1, in the lane next to the median strip that separated the northbound lanes from the southbound lanes.

After A and B had driven about 500 feet, B noticed the word "SLOW" painted upside down on the pavement and told A. Realizing that she was driving in the wrong direction, A immediately stopped her car, put it in reverse, and began to back up at about 20 miles per hour, intending to return to her point of entry. During the back up A and B were looking over their shoulders in the direction of the movement.

C, an unlicensed driver, travelling in the lane away from the median strip, observed A's car, slowed down and nearly came to a halt about 200 feet from A's vehicle. Shortly thereafter D, also travelling north in the lane away from the median strip, came upon the scene. He was travelling about 45 miles per hour. Posted speed limit was 35 miles per hour. When D came upon C's car he swung into the lane next to the median strip. D collided with A's car. In the collision A, B and D were injured.

What are the rights and liabilities of the parties at common law? Give reasons.

Would any of the conclusions you have arrived at above be changed if the state Motor Vehicle Code made it an offense to exceed the posted speed limit, to drive the wrong way on a one-way street and to drive without a valid operator's license? Why or why not?

4. A negligently lost control of his car and ran onto the sidewalk and sideswiped B, a three-year-old child, who had been running along the sidewalk fifteen feet ahead of his mother, C. The car crashed into D's fruit stand. C fainted and fell to the sidewalk upon seeing her child sideswiped. D, who at the time of the happening was standing across the street admiring her arrangement of watermelons, cucumbers, etc., ran back to her stand cursing violently and immediately suffered an apoplectic fit upon seeing her stand and merchandise destroyed. What liability, if any, of A? Why or why not?

5. A was the owner and driver of a Barnett Bullet, an automobile manufactured by Barnett Motor Company and sold to him by James Auto Sales. Driving the automobile, he failed to make a curve, went off the road and into a tree, and was severely injured. For his personal injuries and for the damage to his car, A brings action against Barnett Motor Company alleging that had the steering wheel been collapsible, the interior better padded, the front end and seats better designed, his injuries would have been minor. Liability? Why or why not?

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