

NAME _____

DIRECTIONS: Answer 33 of the following questions. DO NOT ANSWER MORE.

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| 1. One way torts differ from crimes is that torts are <i>private</i> actions, while crimes are <i>public</i> . | T ___ F ___ |
| 2. For Prosser, <i>Recklessness</i> means that you fail to see a risk that you should see. | T ___ F ___ |
| 3. Negligence Law is based on <i>objectivity</i> , rather than <i>subjectivity</i> . | T ___ F ___ |
| 4. We did not recognize negligence as a basis for tort liability until the 20 th century. | T ___ F ___ |
| 5. Prosser believes the standard of behavior in tort law is an <i>external</i> one. | T ___ F ___ |
| 6. Prosser believes in the concept of <i>proximate cause</i> . | T ___ F ___ |
| 7. <i>Future</i> damages (money) cannot be recovered in Tort cases. | T ___ F ___ |
| 8. For Prosser, Negligence law should be defined according to broad, definite rules. | T ___ F ___ |
| 9. <i>Stone v. Bolton</i> was finally decided in favor of the Defendant (the cricket club). | T ___ F ___ |
| 10. The House of Lords decided that the Plaintiff should have prevented the danger herself. | T ___ F ___ |
| 11. In <i>Palsgraf</i> , the Court found that the Railroad was <i>negligent</i> . | T ___ F ___ |
| 12. The Majority Opinion in <i>Palsgraf</i> based its decision on the concept of a <i>duty of care</i> . | T ___ F ___ |
| 13. The Dissent in <i>Palsgraf</i> based its decision on the concept of <i>proximate cause</i> . | T ___ F ___ |
| 14. In <i>Yania v. Bigan</i> , the Court ruled that Yania had behaved <i>recklessly</i> . | T ___ F ___ |
| 15. Bigan was found liable on <i>one</i> of the three charges against him. | T ___ F ___ |
| 16. <i>Farwell v. Keaton</i> concluded that the Defendant owed a duty of care to Farwell. | T ___ F ___ |
| 17. The Rationale in <i>Farwell</i> was based on the notion of "nonfeasance." | T ___ F ___ |
| 18. The Dissent in <i>Farwell</i> claimed that the Defendant had no "affirmative duty" to Farwell. | T ___ F ___ |
| 19. In <i>McFall v. Shimp</i> , the only Precedent the Plaintiff provided was from England. | T ___ F ___ |
| 20. The <i>McFall</i> case <i>broadened</i> the "Good Samaritan" laws in this Country. | T ___ F ___ |
| 21. The <i>Baby M</i> case was based on Contract Law. | T ___ F ___ |
| 22. The <i>Baby M</i> case has been used to prevent all surrogacy contracts to this day. | T ___ F ___ |
| 23. The Court found that the Sterns had <i>defrauded</i> Mary Beth Whitehead. | T ___ F ___ |
| 24. The Court based its decision in <i>Baby M</i> on the "best interests of the child" doctrine. | T ___ F ___ |
| 25. The Court equated Surrogacy Contracts with "Baby Selling." | T ___ F ___ |
| 26. The <i>Lochner v. New York</i> case concerned itself with the concept of "police powers." | T ___ F ___ |
| 27. The <i>Lochner</i> case based its decision on the 14 th Amendment. | T ___ F ___ |
| 28. The Majority in <i>Lochner</i> was in favor of broad police powers. | T ___ F ___ |
| 29. The Dissent in <i>Lochner</i> was in favor of limiting police powers. | T ___ F ___ |
| 30. Regarding police powers, the <i>Muller v. Oregon</i> decision was the opposite of <i>Lochner</i> . | T ___ F ___ |
| 31. Given the date of the <i>Muller</i> case, the decision would probably be different today. | T ___ F ___ |
| 32. <i>Coppage v. Kansas</i> supported broad police powers. | T ___ F ___ |
| 33. The decision in <i>West Coast Hotel Co. v. Parrish</i> was influenced by the time that it occurred. | T ___ F ___ |
| 34. The decision in <i>West Coast Hotel</i> limited "the freedom to contract." | T ___ F ___ |
| 35. The decision in <i>West Coast Hotel</i> was influenced by the concept of Majority Welfare. | T ___ F ___ |

Stone v. Bolton: Mrs. Stone hit on the head by a cricket ball from the cricket club.

Palsgraf v. Long Island Railroad Co.: Plaintiff standing on platform was hit by scales which fell after an explosion of fireworks, dropped by passenger helped by employee.

Yania v. Bigan: Yania jumped from a wall while helping Defendant strip mine, and drowned.

Farwell v. Keaton: Defendant left Farwell, who had been beaten up, in car overnight. Farwell later died.

McFall v. Shimp: Defendant is the only suitable donor for McFall, who needs bone marrow transplant.

In the Matter of Baby M: Surrogacy Contract.

Lochner v. New York: Bakery wanted to contract with employees to work 60 hours/week.

Muller v. Oregon: The state of Oregon limited the number of hours a female employee may work to 10 hours/week.

Coppage v. Kansas: "Yellow Dog" contracts.

West Coast Hotel Co. V. Parrish: Minimum Wage.