

Please put your name here: _____ and return this sheet.

INTENTIONAL TORTS QUIZ

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NOTE: Choose the one best answer to each question, applying the Restatement of Torts (2d) and relevant case law. As on the MBE, you have 1.8 minutes/answer.

Question 1

After a long night of hard drinking, Debra mistakenly parked her car in the driveway of her neighbor, Paul. He found, the following morning, that he could not pull his car out of his garage and into the street. It took him about an hour to rouse Debra into removing her car.

Consider the following torts:

- I. False imprisonment
- II. Trespass to land
- III. Trespass to chattels

Which did Debra commit against Paul?

- (a) I and II, only.
- (b) II and III, only.
- (c) I, II, and III.
- (d) None, because she did not intend to park in the wrong place.

Question 2

Patty unwittingly dropped her iPod onto a public sidewalk. Dwayne found it. Soon thereafter, she saw Dwayne holding the iPod, which she recognized because of some distinctive stickers she had placed on it. When she offered proof of her ownership and demanded the iPod back, however, Dwayne refused, replying, "Finders keepers!" Patty's conversion claim against Dwayne will:

- (a) Succeed because he interfered with her ownership of the iPod when he picked it up.
- (b) Fail because he did not dispossess her of the iPod.
- (c) Succeed because he committed conversion by refusing to return the iPod on her demand.
- (d) Fail because Dwayne had voidable title.

INTENTIONAL TORTS QUIZ--ANSWER KEY

1. Note that the best way to approach this problem is to figure out the truth of each of the propositions.
 - I. She did not commit false imprisonment because Paul could borrow a car, take a taxi, etc.
 - II. She committed trespass to real property by intentionally entering Paul's land and leaving there a thing she is under a duty to remove, R. (2d) § 158(a), (c).
 - III. She *arguably* committed trespass to chattels by depriving Paul of the use of his car for a substantial time. R. (2d) §§ 217(b); 218(c). This is a bit of a stretch, though, because he had *some* use of his car and the dispossession was not long. See, e.g., Illustration 4 to R. (2d) § 218.

The answers follow as a matter of course.

- (a) is wrong because Debra did not commit false imprisonment.
 - (b) is the best answer, even if it makes a daring assumption about trespass to chattels, because the better answer--II, only--is not available.
 - (c) is wrong because Debra did not commit false imprisonment.
 - (d) is wrong because she acted willfully, even if under the influence of alcohol. See R. (2d) § 164 (mistaken beliefs of fact or law do not excuse trespass).
2.
 - (a) is wrong because he did not interfere with her possession at that time; she had no possession, then.
 - (b) is wrong because it states the standard from trespass to chattels--not conversion.
 - (c) is right because his refusal constituted an intentional exercise of dominion or a chattel belonging to Patty.
 - (d) is wrong because, even assuming that we can analogize the finding to a fraud and call Dwayne's title voidable, it would be voidable by Patty.