

# Torts On The Ube Bar Exam: Your Ultimate Guide

**INTENTIONAL TORTS**

**BATTERY:** P must show 1) a harmful or offensive contact, 2) to P's person, 3) D's intent, and 4) causation.

**ASSAULT:** P must show 1) an act by the D which causes reasonable apprehension in P, 2) of immediate harmful or offensive contact to P's person, 3) D's intent, and 4) causation.

**FALSE IMPRISONMENT:** P must show 1) an act or omission by D that confines or restrains P, 2) to a bounded area, 3) D's intent, and 4) causation. NOTE: P must be aware or harmed by confinement.

**INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS:** P must show 1) extreme and outrageous conduct by D; 2) intent or recklessness; 3) causation, and 4) damages in the forum of severe emotional distress.

**BYSTANDER INJURY:** P must show 1) P present when injury occurred, 2) P is a close relative to V; and 3) D knew P was present and a close relative.

**TRESPASS TO LAND:** P must show 1) a physical invasion of P's real property, 2) intent, and 3) causation. NOTE: Negligent or reckless entries are only subject to liability if D causes harm to land.

**TRESPASS TO CHATTEL:** P must show 1) an act by D that interferes with P's right of possession in chattel, 2) intent, 3) causation, and 4) damages.

**CONVERSION:** P must show 1) an act by D that interferes with P's right of possession of chattel, 2) which is so serious that D must pay for chattel's full value, 3) intent, and 4) causation. NOTE: even a BFP of chattel may be guilty when chattel has been stolen from its true owner.

**DEFENSES TO INTENTIONAL TORTS**

**CONSENT:** Req's legal capacity. Express or implied (Apparent - common understanding, custom and usage or D's reasonable interpretation of P's objective conduct, implied by law where necessary to save life).

**SELF DEFENSE AND DEFENSE OF OTHERS:** invasion is imminent or in progress, reasonable mistake does not negate, may use only proportionate force.

**FALSE ARRESTS:**

**Felony Arrest w/o Warrant** - Police → reasonable grounds to believe felony was committed and arrested person committed it; Private → felony was actually committed and private person had reasonable grounds to believe person committed it.

**Misdemeanor Arrest w/o Warrant** - Police and Private → breach of the peace and committed in presence of arrester;

**Crime Prevention w/o Warrant** - Police and Private → if felony or breach of the peace is in progress, or reasonably appears to be. Deadly force only allowable if felony and suspect poses serious harm

**DEFENSE OF PROPERTY:** Must ask to desist; no deadly force allowed.

**Re-entry on land:** wrongdoer → reasonable time and manner; innocent party → reasonable time and peaceful manner with notice; on land through owner's fault → no privilege.

**Re-capture of chattel:** force only if in hot pursuit. May only recapture from tortfeasor or third party with knowledge of wrongful taking.

**Shopkeeper's privilege:** shopkeeper may detain for reasonable time and manner if reasonably believes person committed theft in order to conduct an investigation.

**Public necessity:** protect community as a whole, absolute defense for trespass and damages;

**Private Necessity:** protect own interest only if emergency is not of his own making, only defense for trespass, e.g. D still liable for actual harm.

**DEFAMATION**

**DEFAMATION:** To prove a prima facie case for common law defamation, the P must show:

- 1) defamatory language,
- 2) of or concerning P;
- 3) publication by D to a third person; and
- 4) damages, possibly. If libel or slander per se, then damages are presumed. If any other slander, damages must be proven with some showing of economic harm.

In addition, if this is a matter of public concern (constitutional defamation), P must also prove 1) falsity of the statement; and 2) fault on D's part.

If the P is a **public figure**, she must prove malice (e.g. D knowing of the falsity or acting in reckless disregard), in which case damages are presumed.

If P is a **private figure**, she must only prove negligence, in which case she must prove damages, or demonstrate malice, in which case damages are presumed.

**DEFENSES TO DEFAMATION**

**CONSENT (supra).** **TRUTH.** **PRIVILEGE:** *Absolute* - spouses (no publication); officer of gov't in course of official duties.

**Qualified privilege** - public interest in promoting candor. Speaker must have a reasonable belief that info is true and speech confined to matter at hand.

**INVASION OF RIGHT TO PRIVACY**

**APPROPRIATION OF P'S PICTURE OR NAME:** P must establish an unauthorized use of P's picture or name for D's commercial advantage, unless news worthy publication. Remedies → injunction; damages.

**INTRUSION:** P must show that D's act of prying or intruding into a private affair, in which P has a reasonable expectation of privacy, would be objectionable to a reasonable person.

**FALSE LIGHT:** P must show that D attributed to P certain views that he does not hold or actions that he did not take which would be objectionable to a reasonable person under the circumstances. In addition, there must be publication (must be widespread).

Preparing for the bar exam can be a daunting task, especially when it comes to understanding and mastering the complex realm of torts. With the UBE (Uniform Bar Exam) being adopted by an increasing number of jurisdictions, it is essential for aspiring lawyers to be well-prepared in this area of law.

## The Importance of Tort Law on the UBE Bar Exam

Tort law plays a crucial role in the UBE Bar Exam as it covers a wide range of civil wrongs and liabilities. To succeed on this exam, candidates must have a thorough understanding of tort principles, including negligence, intentional torts, strict liability, and various defenses that may be asserted.



### Torts on the UBE Bar Exam-- Updated and Revised

by Gwen Karella Mathis (Kindle Edition)

★★★★★ 5 out of 5

Language : English

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Text-to-Speech : Enabled

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Print length : 27 pages

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Given its significance, the National Conference of Bar Examiners (NCBE) regularly updates and revises the tort section of the UBE Bar Exam to reflect changes and developments in the field. Therefore, it is vital for candidates to stay updated and well-informed about the latest changes.

### Understanding the Structure of the Torts Section

The torts section of the UBE Bar Exam typically consists of multiple-choice questions, essay questions, or a combination of both. Candidates are tested on their ability to identify legal issues, analyze and apply relevant legal principles, and demonstrate critical thinking skills.

It is essential to familiarize yourself with the structure and requirements of this section to maximize your chances of success. Utilizing reliable study materials, attending review courses, and practicing past exam questions can significantly enhance your performance.

## **Common Topics in Torts on the UBE Bar Exam**

While the exact topics covered in torts may vary from one jurisdiction to another, there are several recurring themes that candidates should focus on:

- **Negligence:** Understanding the elements of negligence, including duty, breach, causation, and damages.
- **Intentional Torts:** Familiarizing yourself with intentional torts such as battery, assault, false imprisonment, trespass, and conversion.
- **Strict Liability:** Grasping the concept of strict liability and its application in certain circumstances like product liability cases.
- **Defenses:** Knowing the various defenses that can be raised in tort cases, such as contributory negligence, assumption of risk, and comparative negligence.

These are just a few examples of the topics that may appear on the UBE Bar Exam. It is essential to study and understand each concept thoroughly, as questions may test your ability to apply them in different scenarios.

## **Preparing for Torts on the UBE Bar Exam**

Effective preparation is the key to success on the UBE Bar Exam's torts section. Here are some tips to boost your performance:

- **Invest in Comprehensive Study Materials:** Acquire reliable study guides and resources that cover the essential elements of tort law thoroughly. Look for materials that include practice questions and explanations to reinforce your understanding.
- **Attend Review Courses:** Consider enrolling in a reputable bar exam review course that offers specialized guidance and strategies for the torts section. These courses often provide valuable insights and exam techniques.
- **Utilize Past Exam Questions:** Practice with past UBE Bar Exam questions to familiarize yourself with the format, identify recurring patterns, and gauge the level of difficulty. Analyze answer explanations to enhance your understanding of legal concepts.
- **Seek Feedback:** Share your practice essays and answers with mentors, professors, or fellow law students to receive constructive criticism and feedback. Incorporate their suggestions to improve your performance.

## **Stay Updated with the Latest Changes**

The UBE Bar Exam, including the torts section, is constantly evolving. It is crucial to stay updated with any new developments, revisions, or modifications announced by the NCBE or your jurisdiction's bar admissions authority.

Identify reputable sources such as official websites, legal publications, or bar association websites that provide the latest information on the UBE Bar Exam. Stay informed about any changes in the UBE's approach to evaluating tort law concepts.

The tort law section of the UBE Bar Exam is a significant component that demands thorough preparation and up-to-date knowledge. By understanding the

structure, focusing on key topics, and adopting effective study strategies, aspiring lawyers can enhance their chances of success.

Remember, the UBE Bar Exam is not only a test of legal knowledge but also an assessment of critical thinking, analysis, and application of legal principles. So, invest your time and effort wisely to conquer the torts section and achieve your goal of becoming a licensed attorney.

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This includes a condensed and revised torts outline for the UBE bar exam. This outline is easy to read and includes the past 14 years of topic breakdown on past MEE's.



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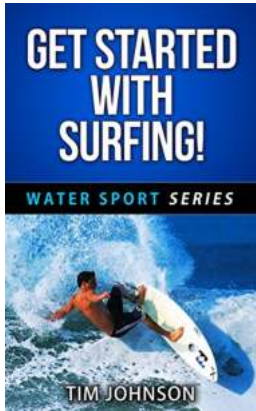
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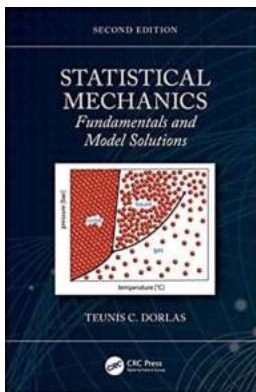
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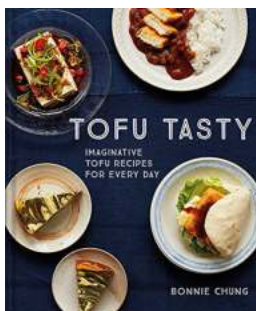
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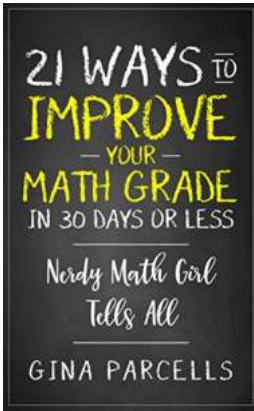
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