

**TORTS LAW
MODEL EXAM**



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IRAC method of completing exams

- Issues** - Outline the issues that you are going to discuss.
- Rules** - Define the legal rules that are relevant to the question.
- Application** - Apply the legal rules to the facts of the question (this is the hard part!).
- Conclusion** - Tie things up, usually in the form of an advice to your hypothetical client.

Always use your reading time wisely to **PLAN YOUR ANSWER** before writing. This is of utmost importance as it will help you clarify your thoughts and ensure that you avoid following desperate exam strategies that unprepared students commonly resort to, such as:

- i) 'the kitchen sink' i.e. spilling all of your knowledge that is vaguely related to the topic onto the exam paper and hoping for the best.
- ii) 'the garden path' i.e. going off on an irrelevant tangent

Remember that the **APPLICATION IS THE MOST IMPORTANT SECTION** of your answer and should take up the bulk of your time. The actual conclusions you reach are often superfluous. Rather, your marker will be most interested in *how you arrived* at your conclusion.

Question One (Negligence)

Johnny is an eccentric and anti social hoarder who owns a large section in Wellington, tucked away from other houses in the area, After receiving a sizeable estate has spent a large proportion of his life collecting various bits of equipment. Jonny has just purchased an old ride on mower and a tractor, which he is going to use to landscape and maintain a large garden. Johnny didn't bother to secure tractor or mower as they were both old and because his people knew of his nature and didn't venture onto his property. In the twenty years he had resided there he had never had anything stolen. A few kilometres down the road is the recently opened "Key Change Youth Reform Camp". This camp tries to set young offenders on the straight and narrow through a military style training scheme. The program has been successfully run elsewhere, but a group of ten young offenders is the first to be put through this facility. One summer night two of the boys managed to escape from the facility. With mischief on their minds they ran down the road in the direction of Johnny's. As they ran past one of them noticed the tractor that Johnny had parked in his shed. The boys decided to take the tractor for a joy ride. They jumped the fence onto Johnny's property and when they got over to the shed they also noticed the ride on mower which was parked next to the tractor. They drove the tractor and the ride on mower out of the shed, down the drive and out onto the road towards the township.

Question Two (Assault)

Nick is a poor law student who needs some work over the summer. Unfortunately due to the recession there is an extreme shortage of work, and the only job he can find is as a door to door salesman selling knives for a company called "Sharks teeth." Nick has only been working with them for a week and is already sick of it. The hours are long and it is tiring work. Nick also struggles to sell anything. One day Nick is visiting a nice street in the suburb of Seetown when an incident occurs. Nick as usual heads up the path to the house knocks on the door, waits for the person to answer then rolls off his prepared spiel. Mike opens the door but instead of listening tells Nick "if you don't leave now there's going to

be trouble!" Nick in a rush grabs his knives and briefcase and bumbles his way back down the path. He closes the gate. As he does he hears Mike shouting at him, "hey come back here." Nick quickly walks back to his car. Nick notices that Mike has followed him and is walking after him brandishing something in his hand. Nick can't make out what it is but feeling that this man seemed pretty annoyed decides to hop in his car and make a quick exit.

QUESTION 3 (Trespass)

Winston Peterson is out walking his dog on a beautiful Wellington day. After all the media harassment he receives during the parliamentary term the quiet and peace of walking is a welcome change of pace. Winston's dog, Sharkie, is a beautiful black Labrador that is excellently trained. While walking down their normal route, a route that takes them through beautiful leafy streets an incident occurs. It seems that water pipes are being replaced, and the resulting roadwork's has meant that the footpath and road has been ripped up. There is also loud machinery, drilling and digging taking place. Winston doesn't bother to put a leash on Sharkie because he's always so well behaved.



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