

Torts
Prof. Eric E. Johnson
Fall 2019 - Section 4

IN-CLASS EXAM WRITING EXERCISE
Paavo v. Darielle

FACTS: Darielle employed Paavo as a production assistant for her small video production company in San Frangeles. One day, Darielle was very angry at Paavo for showing up to work an hour late. To teach him a lesson, she told him he would have to stay late after work. He resisted, saying he had to drive home to his sick wife, and that if he didn't leave within 10 minutes to beat the traffic, it would take him an hour and a half to drive home instead of 45 minutes. Darielle responded by taking Paavo's car keys and locking them inside a safe in her office. "Now you can't go anywhere," Darielle snarled. Paavo cried quietly. Then, after only five minutes had passed, Darielle took the keys out of the safe and gave them to Paavo. "I'm going to let you off easy this time," Darielle said, "But don't ever be late again."

QUESTION: Evaluate whether Paavo has a claim for false imprisonment.

LAW*: A plaintiff can establish a prima facie case of false imprisonment by showing the defendant (1) intentionally (2) confined the plaintiff, and that the plaintiff (3) was aware of the confinement.

The intent required for false imprisonment is the intent to confine.

To be confined for the purpose of false imprisonment, the plaintiff must be restricted to some closed, bounded area for some appreciable amount of time. There is no minimum amount of time for a valid confinement. Typically, courts will say that the confinement need only be for an "appreciable time."

In a false imprisonment case, the confinement can be accomplished by a number of means. The most straightforward is by physical barriers, such as with walls or fences.

The barriers, force, or threat need not be directed at persons, but can also be aimed at the plaintiff's property. A plaintiff who is "free" to walk away only by surrendering chattels is not free at all under the eyes of false-imprisonment law.

* This text has been copied from the casebook.

RESPONSE: (done in class)

Paavo has a viable claim for false imprisonment because Darielle took his keys, and he couldn't reasonably leave without his car, therefore that satisfies the confinement element. We know Paavo was aware of the confinement because he was crying. We know Darielle intended the confinement, because she said now you can't go anywhere.

SAME RESPONSE MARKED UP IN COLOR (red+blue=purple):

Paavo has a viable claim for false imprisonment **because** Darielle took his keys, and he couldn't reasonably leave without his car, **therefore** that satisfies the confinement element. We know Paavo was aware of the confinement **because** he was crying. We know Darielle intended the confinement, **because** she said now you can't go anywhere.

SOME ADDITIONAL RESPONSES (evaluated in class):

Sam Pulle

Paavo has a good claim for false imprisonment. Darielle intended to take Paavo's keys away. Paavo would have had to surrender his keys to leave, so he wasn't free to go. His crying proves he was aware of the confinement.

Improving in class:

Paavo has a good claim for false imprisonment. Darielle intended to confine Paavo, because she took ~~take~~ Paavo's keys away, and also because she said now you can't leave. Paavo would have had to surrender his keys to leave, so he wasn't reasonably free to go, since he would have had to surrender his car, and that counts as a confinementl. ~~His Paavo was~~ crying, therefore ~~proves~~ he was aware of the confinement, .

Vor Heckzampool

Paavo has a strong case for false imprisonment. Darielle intentionally locked his car keys in a safe. Darielle said he couldn't leave. Paavo cried because he was not able to leave with his car. After five minutes passed, Darielle returned the keys to Paavo.

Our critique in class:

- *Except for the broad concouision in the first sentence, there's only facts. No law. No other conclusions.*
- *There's only one occurrence of "because."*

Fahrin Stanz

Paavo has a solid claim for false imprisonment against Darielle. We know that Darielle had intent because she said that she was punishing him for being late. Paavo was confined in the eyes of the law because he would have had to surrender his chattels – in this case his cars keys and thereby his car – in order to be able to leave. We know that Paavo was aware of his confinement because he cried while Darielle had his keys in the safe.

Our critique in class:

- *It's a lengthy. Maybe it could be cut down.*
- *This is very good. Lots of becauses. This person shows that they know false imprisonment.*

X.M. Paul

Paavo has a claim for false imprisonment against Darielle if she intended to confine Paavo and if he was confined in all directions and was aware of that confinement. Darielle said she was holding his keys to punish Paavo, and so you could say he really wasn't free to leave unless he left his car at work -- which he could have done if he took an Uber. He did seem very upset by what Darielle was doing to him, and this could be seen as "being messed with," which is what the intentional torts are designed to protect people against. I think Paavo should be able to recover, but it depends on the law of the particular jurisdiction and it depends on what a jury thinks.

Our critique in class:

- *It's phrased hypothetically. It uses the word "if" to dodge legal analysis at the beginning. And then the thing with the Uber is trying to add facts.*
- *It is giving an opinion based on gut feeling or a moral sense -- that's what's happening with "I think." What it's not doing is legal analysis -- applying law to facts.*
- *There are no becauses -- that's a problem because it's indicative of a lack of analysis and reason-giving.*
- *It doesn't go through the elements methodically -- that probably would have helped.*
- *The "conclusion" is really just another dodge -- avoidance of doing the analysis.*
- *Some of this is an information dump or regurgitation of information from the readings or lecture, which might work for arts and sciences, but isn't the legal analysis that is necessary for a law school exam.*