TORTS
Released Multiple Choice Questions
Set No. 2

Southern Slip-Ups
Answers
1. E
2. D
3. B
4. C
5. D
6. A
7. C
8. E
9. C
10. E
11. B
12. C
13. B

Selected Explanation

Question 8: The answer is E because the engineers are at least licensees, which means at a minimum they are owed a duty to warn of or render safe any known, concealed dangerous condition, whether natural or artificial. Randall knows about the carbon-dioxide seep, so he had a duty to warn them about it. Many people answer C, perhaps thinking that this falls under the doctrine of attractive nuisance. But that only seems to make sense insofar as you might conceive of the doctrine by the common meaning of the words “attractive nuisance.” Remember, attractive nuisance is a term of art. In that regard, note that the children are injured or killed by a natural phenomenon (flash flood), not by an artificial condition. Attractive nuisance is about dangerous artificial conditions.