

## Torts - Practice Exam Questions And Answers With Complete Solutions

The article about Oprah below, if untrue, constitutes defamation as long as it is published with malice or with reckless disregard for the truth.  True

Truth is a complete defense to defamation.  True

Opinion commentary is not defamation.  True

In the AMC TV drama, Better Call Saul, a client tells Attorney Saul Goodman while they are speaking alone, "I thought all lawyers were idiots." Goodman replied, "Only half of us are idiots. The other half are crooks!" Since I am a lawyer, I can sue him for defamation.  False

I have committed defamation if I accuse my neighbor of setting my house on fire when we are speaking alone.  False

The elements of defamation are

- a. A statement about a business' or person's reputation or honesty that is untrue
- b. A statement about a discernable business
- c. Publication to a third party
- d. All of the above.  d. All of the above.

In *Burnett v. National Enquirer, Inc.*, the story in the Enquirer depicting Ms. Burnett as drunk was libel, even though a retraction was printed. The standard of malice was applied, and the evidence clearly established that the article was published with knowledge that part or all of it was not true.  True

John Smith is in the sales department in a large high tech company. In a meeting for all of the sales executives in the company, his manager accused him of inflating his sales figures. What does John need to prove in order to recover?

- a. That the statements were published.
- b. Malice or reckless disregard for the truthfulness of the statements.
- c. That John suffered damages.
- d. Both a and c.
- e. A, b, and c above.  d. Both a and c.

"Car dealers are crooked" is an example of actionable defamation.  False

Which of the following constitutes a defamatory statement (assuming the statements are untrue)?

- a. "I don't think you'll be happy with their work."
- b. "He was dismissed for embezzlement from his last job."
- c. "I don't care for him at all."

# Torts Question And Answers

**Francis Hermann Bohlen**



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