

GEORGIA TORTS BAR PRACTICE EXAM (SAMPLE)

STUDY GUIDE



Prepare with structure. Pass with confidence



Copyright © 2026 by Examzify - A Kaluba Technologies Inc. product.

ALL RIGHTS RESERVED.

No part of this book may be reproduced or transferred in any form or by any means, graphic, electronic, or mechanical, including photocopying, recording, web distribution, taping, or by any information storage retrieval system, without the written permission of the author.

Notice: Examzify makes every reasonable effort to obtain accurate, complete, and timely information about this product from reliable sources.

SAMPLE

Table of Contents

Copyright	1
Table of Contents	2
Introduction	3
How to Use This Guide	4
Questions	5
Answers	8
Explanations	10
Next Steps	16

SAMPLE

Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

SAMPLE

- 1. In a concert of action theory, what is the liability status of the defendants?**
 - A. Each defendant is only liable for their specific actions
 - B. All defendants are jointly and severally liable
 - C. No defendant is liable if there is one innocent party
 - D. Defendants can only be held liable if identified separately

- 2. To whom must the notice of a claim be sent when filing a suit against the State of Georgia?**
 - A. Only to the Governor
 - B. To the Department of Administrative Services and the responsible entity
 - C. Only to the responsible entity
 - D. To a federal court

- 3. Which of the following statements would be considered libel?**
 - A. A spoken accusation in a public place
 - B. A written article containing false claims
 - C. An email sent to a co-worker
 - D. An informal conversation with friends

- 4. According to the 3rd Restatement, when may a factfinder infer negligence?**
 - A. The accident was not caused by negligence
 - B. The accident is common among a certain class of actors
 - C. The defendant was not involved in the accident
 - D. The plaintiff did not prove damages

- 5. Under what condition can emotional distress be included in a negligence claim?**
 - A. With proof of intentional harm
 - B. Alongside a physical injury
 - C. Without any physical evidence
 - D. When it occurs at work

- 6. What is necessary for a plaintiff to recover damages for mental pain and suffering in a wrongful death case?**
- A. Proof of emotional trauma without physical harm
 - B. Physical impact that leads to injury
 - C. Witness testimony of the decedent
 - D. Evidence of financial loss
- 7. What is the standard of proof required for a plaintiff in a negligence case?**
- A. Beyond a reasonable doubt
 - B. Clear and convincing evidence
 - C. Preponderance of the evidence
 - D. Absolute certainty
- 8. What is the effect of brief dispossession of chattels?**
- A. It has no legal impact on ownership
 - B. It could still constitute a trespass to chattels
 - C. Only permanent dispossession counts
 - D. It negates the owner's rights
- 9. In terms of nuisance, what must a defendant's conduct be for it to constitute nuisance?**
- A. It must be intentional, negligent, or reckless
 - B. It must be harmful to society
 - C. It must be non-harmful
 - D. It must involve governmental action
- 10. In a failure to warn claim, what must be proven about the risks of harm?**
- A. The risks need to be obvious to all users
 - B. The risks must be foreseeable and not obvious
 - C. The risks must be completely avoidable
 - D. The risks must be well-documented

Answers

SAMPLE

1. B
2. B
3. B
4. B
5. B
6. B
7. C
8. B
9. A
10. B

SAMPLE

Explanations

SAMPLE

1. In a concert of action theory, what is the liability status of the defendants?

- A. Each defendant is only liable for their specific actions
- B. All defendants are jointly and severally liable**
- C. No defendant is liable if there is one innocent party
- D. Defendants can only be held liable if identified separately

In the context of concert of action theory, the correct status of liability for defendants is that all defendants are jointly and severally liable. This principle applies when multiple parties are found to have acted in concert to commit a tortious act that causes harm to a plaintiff. When defendants are jointly and severally liable, this means that each defendant is individually responsible for the full amount of the plaintiff's damages, regardless of their individual share in the wrongful conduct. This legal framework is particularly useful in tort cases where it may be difficult to determine the exact contribution of each defendant to the harm caused. The plaintiff can pursue the full recovery from any one of the defendants, who in turn may then seek contributions from the other liable parties. This ensures that the plaintiff can potentially recover damages even if one or more defendants are unable to pay. In contrast, the other options do not accurately reflect the concert of action doctrine. Individual liability based solely on specific actions does not apply because, under concert of action, collective behavior is what leads to liability. The notion of an "innocent party" shielding other defendants from liability is not applicable in cases where concerted actions led to the harm. Lastly, identifying defendants separately for liability contradicts the essence of concert of action

2. To whom must the notice of a claim be sent when filing a suit against the State of Georgia?

- A. Only to the Governor
- B. To the Department of Administrative Services and the responsible entity**
- C. Only to the responsible entity
- D. To a federal court

In Georgia, when an individual intends to file a lawsuit against the State, specific procedural requirements must be followed, particularly regarding the notice of claim. The correct answer, which involves sending the notice to both the Department of Administrative Services and the responsible entity, reflects the legal framework set forth in the Georgia Tort Claims Act. This framework is designed to ensure that the state has adequate notice of the claims being made against it, allowing for the possibility of settlement or resolution prior to litigation. Sending notice to the Department of Administrative Services is crucial as it is the state agency responsible for handling tort claims against Georgia. Additionally, notifying the responsible entity (which is the specific department or agency involved in the claim) is important because it ensures that the proper parties are informed and can respond appropriately. The other options do not fulfill the legal requirements outlined in the Georgia Tort Claims Act. Notifying only the Governor would not comply with the necessary procedural steps, nor would sending notice solely to the responsible entity suffice, as both notifications are typically required. Furthermore, sending the notice to a federal court is not applicable, as the matter needs to be addressed within the state system initially. Thus, the requirement to notify both the Department of Administrative Services and the responsible entity aligns with the state's regulations

3. Which of the following statements would be considered libel?

- A. A spoken accusation in a public place
- B. A written article containing false claims**
- C. An email sent to a co-worker
- D. An informal conversation with friends

Libel is a form of defamation that involves making false statements in a permanent medium, typically written, that harm the reputation of an individual or entity. The key characteristic that distinguishes libel from other forms of defamation, such as slander, is its permanence. In this case, the correct choice is a written article containing false claims. This scenario fits the definition of libel because it involves written communication that disseminates untrue statements about someone, which can lead to reputational harm. The permanence of the written medium ensures that the false claims can be widely shared and perpetuate the damage to the individual's reputation over time. Other scenarios provided, such as a spoken accusation in a public place, an email sent to a co-worker, and an informal conversation with friends, do not meet the necessary criteria for libel. Spoken statements would typically be classified as slander, as they lack the enduring nature that written statements have. While an email may have some aspects of permanency, it does not have the same public dissemination aspect that a published article would. Lastly, an informal conversation does not constitute a broader distribution of harmful statements necessary for claiming libel.

4. According to the 3rd Restatement, when may a factfinder infer negligence?

- A. The accident was not caused by negligence
- B. The accident is common among a certain class of actors**
- C. The defendant was not involved in the accident
- D. The plaintiff did not prove damages

The correct choice is that a factfinder may infer negligence when the accident is common among a certain class of actors. This aligns with the principles outlined in the 3rd Restatement of Torts, which addresses the concept of negligence per se, as well as the idea of res ipsa loquitur (the thing speaks for itself). In situations where an accident typically does not occur without negligent behavior, a factfinder can reasonably infer that negligence was involved in the incident. The rationale is that if a particular type of accident is frequently associated with a specific group of individuals who generally engage in similar acts, it provides a strong indication that some form of negligence likely contributed to the occurrence. This understanding is grounded in the social expectations of care and safety among various actors within society, and it allows for an inference of negligence based on the nature of the event rather than requiring direct evidence of negligent behavior. Other choices do not support the premise of inferring negligence as effectively. For instance, asserting that the accident was not caused by negligence contradicts the very idea of inferring negligence, while suggesting that the defendant was not involved in the accident removes them from responsibility altogether. Additionally, saying that the plaintiff did not prove damages is irrelevant to the determination of whether

5. Under what condition can emotional distress be included in a negligence claim?

- A. With proof of intentional harm
- B. Alongside a physical injury**
- C. Without any physical evidence
- D. When it occurs at work

In Georgia, emotional distress can be included in a negligence claim when it is accompanied by a physical injury. This principle stems from the idea that emotional distress resulting from negligence is more readily accepted by courts if there is a tangible physical harm involved. The rationale behind this requirement is to ensure that claims for emotional distress are not overly broad or easily manipulated, allowing for a clearer connection between the negligent act and the emotional suffering. In cases without accompanying physical injury, courts are typically more hesitant to recognize purely emotional distress claims, as they can be difficult to measure and prove. This restriction helps maintain a balance in tort law, ensuring that claims are based on concrete evidence rather than subjective experiences alone. In summary, including emotional distress in a negligence claim is viable in Georgia when there is evidence of a physical injury resulting from the defendant's actions, reinforcing the need for a nexus between the negligence and the harm experienced.

6. What is necessary for a plaintiff to recover damages for mental pain and suffering in a wrongful death case?

- A. Proof of emotional trauma without physical harm
- B. Physical impact that leads to injury**
- C. Witness testimony of the decedent
- D. Evidence of financial loss

In a wrongful death case, a plaintiff's ability to recover damages for mental pain and suffering is typically tied to the demonstration of a physical impact or injury. This requirement stems from traditional tort principles which often establish that emotional distress claims must be linked to a physical event to be compensable. The rationale behind this requirement is rooted in the legal system's hesitation to open the floodgates to subjective claims of emotional distress that are not grounded in some form of physical experience. Therefore, to successfully claim damages for mental pain and suffering, the plaintiff must show that there was a physical impact that led to the emotional trauma. This ensures that there is an objective basis for the emotional distress claim, as opposed to relying solely on the subjective feelings of the plaintiff. Other options presented do not establish a sufficient foundation for recovering damages for mental pain and suffering in this context. For example, proof of emotional trauma without physical harm fails to meet the necessary criteria, as does witness testimony or evidence of financial loss, which may not directly correlate with the ability to recover for mental suffering in conjunction with the wrongful death claim.

7. What is the standard of proof required for a plaintiff in a negligence case?

- A. Beyond a reasonable doubt
- B. Clear and convincing evidence
- C. Preponderance of the evidence**
- D. Absolute certainty

In a negligence case, the standard of proof required for the plaintiff is "preponderance of the evidence." This means that the plaintiff must demonstrate that it is more likely than not that the defendant's actions were negligent and caused harm to the plaintiff. Essentially, this standard requires the evidence presented by the plaintiff to outweigh the evidence offered by the defendant, even if only slightly, in order to persuade the judge or jury of the plaintiff's claims. The "preponderance of the evidence" standard is commonly used in civil cases, including tort claims like negligence, as it strikes a balance between the parties' positions and does not require the higher burden of proof that is necessary in criminal cases. In criminal cases, for instance, the standard is "beyond a reasonable doubt," which is significantly more stringent and is not applicable in negligence claims. Similarly, "clear and convincing evidence," while a higher standard than preponderance, is typically used in specific civil contexts, such as cases involving fraud or termination of parental rights. Finally, "absolute certainty" is an unrealistic standard, as it is practically impossible to provide evidence that is absolutely certain in most legal contexts, particularly in tort law. Thus, "preponderance of the evidence" is the

8. What is the effect of brief dispossession of chattels?

- A. It has no legal impact on ownership
- B. It could still constitute a trespass to chattels**
- C. Only permanent dispossession counts
- D. It negates the owner's rights

The selection of the option indicating that a brief dispossession of chattels could still constitute a trespass to chattels is grounded in the legal principles related to property rights and possession. In tort law, trespass to chattels occurs when one party intentionally interferes with another person's lawful possession of a chattel, even if the interference is temporary. A brief dispossession does not negate the owner's rights nor does it require permanent dispossession to be actionable. The law recognizes that even a short period during which a person is deprived of their property can result in annoyance, distress, and inconvenience, making it actionable as a trespass. The focus is on the interference with possession rather than the duration of the dispossession itself. Thus, an owner can pursue a claim for trespass even if they regain possession quickly, affirming that possession rights are protected under the law regardless of how long the dispossession lasts.

9. In terms of nuisance, what must a defendant's conduct be for it to constitute nuisance?

- A. It must be intentional, negligent, or reckless**
- B. It must be harmful to society
- C. It must be non-harmful
- D. It must involve governmental action

For a defendant's conduct to constitute nuisance, it must be intentional, negligent, or reckless. Nuisance generally refers to an act that significantly interferes with a person's ability to enjoy their property or causes harm to their well-being. This interference can stem from various actions—each characterized by differing degrees of culpability. When the conduct is intentional, it means that the defendant knows their actions will likely cause harm or discomfort but chooses to proceed anyway. Negligence indicates a failure to act with reasonable care that leads to harmful repercussions for another party. Recklessness involves a conscious disregard of a substantial and unjustifiable risk that results in harm. The other options do not adequately describe the requirements for establishing a nuisance claim. It is not sufficient for the conduct to simply be harmful to society, as that does not directly correlate to the legal definition of nuisance, which is more focused on the impact on individuals or properties. Furthermore, non-harmful conduct cannot give rise to a nuisance claim, as the essence of nuisance is the disturbance or harm it causes. Lastly, while governmental action can play a role in some nuisance cases, it is not a requirement for all nuisance claims to be valid—the core issue revolves around the defendant's conduct and its effects.

10. In a failure to warn claim, what must be proven about the risks of harm?

- A. The risks need to be obvious to all users
- B. The risks must be foreseeable and not obvious**
- C. The risks must be completely avoidable
- D. The risks must be well-documented

In a failure to warn claim, it is necessary to demonstrate that the risks of harm are foreseeable and not obvious. This means that the manufacturer or entity responsible for a product has a duty to warn consumers of dangers that are not readily apparent or intuitive. If the risks are obvious, users are generally assumed to understand them, and the duty to provide a warning may not apply. For a successful claim, it is critical that the risks in question are foreseeable; this means that the manufacturer could reasonably predict that the product might cause harm if used in a certain way, even if that risk was not previously recognized by the user. Thus, when the risks are not obvious, the manufacturer is obligated to provide sufficient warnings or instructions to ensure the safety of its users. In contrast, options suggesting that risks need to be obvious to all users or completely avoidable do not align with the legal framework surrounding duty to warn. Similarly, while well-documented risks can support a claim, documentation alone does not address the core requirement of foreseeability and the necessary nature of the warning about non-obvious risks.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://georgiatortsbar.examzify.com>

We wish you the very best on your exam journey. You've got this!

SAMPLE