

Torts Restatement Problems Practice Test (Sample)

Study Guide



Everything you need from our exam experts!

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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

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- 1. In the scenario where Rodriguez witnesses the accident, can he recover for emotional distress?**
 - A. Yes, because he is a direct witness**
 - B. No, emotional distress claims don't apply**
 - C. Yes, but only if he sees the injuries on site**
 - D. No, he must be more than a bystander**

- 2. When A points a pistol at B but is stopped before he can shoot, does this constitute assault?**
 - A. Yes, because the threat was real**
 - B. No, because B had no apprehension of danger**
 - C. Yes, because B turned around**
 - D. No, because the gun was not fired**

- 3. What is a "survival action" in tort claims?**
 - A. A claim that allows relatives to pursue lawsuits after the decedent's death for damages suffered during their lifetime**
 - B. A type of contract claim**
 - C. A legal action that only applies to minors**
 - D. A claim filed to prevent loss of property**

- 4. Which of the following describes "self-defense" in the context of tort law?**
 - A. The right to protect oneself from harm**
 - B. The obligation to avoid conflict**
 - C. The justification for intentional harm**
 - D. The permit to retaliate against aggressors**

- 5. How is "disparagement" defined in tort law?**
 - A. A false statement that harms a person's reputation**
 - B. A false statement made about a business or product**
 - C. A legal claim for emotional distress**
 - D. A type of fraud in advertising**

- 6. Which action would likely constitute negligence?**
- A. Intentionally causing harm to another person**
 - B. Failing to act with reasonable care**
 - C. Acting in self-defense**
 - D. Making a false statement**
- 7. Is A liable for battery if she examines B without consent while B is under anesthesia?**
- A. Yes, because it is an offensive touch**
 - B. No, because A is a medical professional**
 - C. Yes, but only if harm occurs**
 - D. No, as consent is implied in medical procedures**
- 8. How does "comparative negligence" affect the outcome of a tort case?**
- A. It absolves the defendant of all responsibility**
 - B. It allows the plaintiff to recover full damages regardless of fault**
 - C. It compares both parties' fault and adjusts recovery based on percentages**
 - D. It eliminates the need for a trial**
- 9. How is "causation" established in negligence claims?**
- A. By proving intent to harm**
 - B. By linking the breach of duty to the plaintiff's injuries**
 - C. By demonstrating a lack of precaution**
 - D. By showcasing prior incidents**
- 10. Can Raissa recover for emotional distress even if there was no physical harm during the flight incident?**
- A. Yes, due to the perceived threat to her safety**
 - B. No, emotional harm is not recoverable without physical injury**
 - C. Yes, only if she filed a lawsuit**
 - D. No, recoveries apply only to injuries**

Answers

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

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Explanations

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1. In the scenario where Rodriguez witnesses the accident, can he recover for emotional distress?

- A. Yes, because he is a direct witness**
- B. No, emotional distress claims don't apply**
- C. Yes, but only if he sees the injuries on site**
- D. No, he must be more than a bystander**

Rodriguez's potential recovery for emotional distress hinges on his status as a direct witness to the accident. In tort law, especially concerning claims of emotional distress, the ability to recover often depends on whether the witness is directly involved in the incident or has a sufficiently close connection to the event. When Rodriguez witnesses the accident, he is considered a direct observer. In many jurisdictions, being a direct witness allows individuals to claim recovery for emotional distress resulting from witnessing a traumatic event, provided they meet certain conditions. These conditions can include being in close proximity to the event, and having a close relationship with those involved. The other options do not align with the established principles surrounding emotional distress claims. For instance, simply stating that emotional distress claims don't apply overlooks the nuanced factors that permit recovery in cases where the witness is directly involved. Additionally, stating recovery is only possible if he sees injuries on site narrows the criteria unnecessarily; emotional distress claims can arise from witnessing the accident itself, not exclusively from seeing injuries. The assertion that he must be more than a bystander would disregard the legal recognition of the rights of direct witnesses to seek recovery for emotional harm caused by witnessing a traumatic event. Thus, option A is correct because Rodriguez's status as a direct witness

2. When A points a pistol at B but is stopped before he can shoot, does this constitute assault?

- A. Yes, because the threat was real**
- B. No, because B had no apprehension of danger**
- C. Yes, because B turned around**
- D. No, because the gun was not fired**

In tort law, specifically under the definition of assault, it is crucial to focus on whether the victim had a reasonable apprehension of imminent harmful or offensive contact. In this scenario, the critical point revolves around B's perception and whether A's actions created a valid apprehension of harm. For B to succeed in a claim of assault, there must be evidence that he consciously understood the threat posed by A; in other words, B must have experienced apprehension of impending danger. If B did not have any apprehension of danger—meaning that he did not realize he was in a threatening situation or he felt completely safe—there can be no assault, regardless of A's intention or the presence of a firearm. Thus, the reasoning behind the correct answer highlights that without B's apprehension of danger, the essential element of assault is missing. This ensures that legal definitions maintain their integrity, where a subjective perception of threat is foundational to establishing assault. The other options either misconstrue the criteria for assault or rely on actions (like turning around or the gun not being fired) that do not directly relate to B's psychological state at the moment of the threat.

3. What is a "survival action" in tort claims?

- A. A claim that allows relatives to pursue lawsuits after the decedent's death for damages suffered during their lifetime**
- B. A type of contract claim**
- C. A legal action that only applies to minors**
- D. A claim filed to prevent loss of property**

A survival action is a legal claim that allows the estate or the heirs of a deceased person to pursue a lawsuit for damages that the decedent suffered prior to their death. This type of action is grounded in the idea that certain claims and rights do not automatically cease upon a person's death, but rather can be continued by their representatives or heirs. This means that if an individual experienced harm, such as personal injury or property damage, and subsequently died, the claims for damages related to that harm can still be pursued. The other options do not accurately represent survival actions. A survival action specifically concerns claims related to wrongs experienced by a deceased individual, rather than addressing contract issues, which is what a type of contract claim would involve. It also does not pertain solely to minors, as it applies broadly to any decedent's estate. Lastly, a survival action is distinctly separate from claims focused on preventing property loss, which relates to entirely different legal principles and issues. Therefore, option A correctly encapsulates the essence of what a survival action is in the context of tort claims.

4. Which of the following describes "self-defense" in the context of tort law?

- A. The right to protect oneself from harm**
- B. The obligation to avoid conflict**
- C. The justification for intentional harm**
- D. The permit to retaliate against aggressors**

Self-defense in tort law refers specifically to the right of an individual to protect themselves from imminent harm. This concept allows a person to use reasonable force to protect themselves against an attack or threat. The key elements of self-defense include the necessity of belief that one is in immediate danger and that the force used in response must be proportional to the threat faced. This understanding of self-defense legitimizes a person's actions when they are faced with an imminent threat to their safety. It is essential to note that for self-defense to be justified, the individual must respond to an actual or reasonably perceived threat, ensuring that their actions are not excessive but rather appropriate and necessary to avert harm. The focus on the right to protect oneself highlights the balance between an individual's right to bodily autonomy and the requirement to respond to threats in a lawful manner. Other choices, while related to the concepts of conflict and harm, do not capture the essence of self-defense as it is recognized in tort law.

5. How is "disparagement" defined in tort law?

- A. A false statement that harms a person's reputation
- B. A false statement made about a business or product**
- C. A legal claim for emotional distress
- D. A type of fraud in advertising

In tort law, "disparagement" specifically refers to false statements made about a business or its products that result in harm to the business's reputation or economic interests. This definition captures the essence of the tort, where the focus is on protecting the economic rights of businesses from false and damaging statements that could lead to loss of customers or business opportunities. Disparagement is distinct from defamation, which pertains to harming an individual's reputation rather than that of a business or product. The other options involve different legal concepts; for instance, option A relates to defamation which focuses on individuals, while option C relates to emotional distress claims that involve a different area of tort law. Option D touches on fraud in advertising, which also does not align with the specific definition of disparagement. Therefore, understanding that disparagement directly pertains to false statements impacting businesses or products clarifies why the correct answer is focused on that context.

6. Which action would likely constitute negligence?

- A. Intentionally causing harm to another person
- B. Failing to act with reasonable care**
- C. Acting in self-defense
- D. Making a false statement

Negligence is typically defined as a breach of a duty of care that results in harm to another person. This means that if an individual fails to act with the level of care that a reasonably prudent person would exercise in the same situation and that failure leads to injury or damages, it can be classified as negligence. In this context, failing to act with reasonable care fits directly into the definition of negligence because it indicates a lack of the expected standard of conduct that safeguards others from foreseeable harm. When someone does not take the necessary precautions or does not conduct themselves in a manner that a reasonable person would in a similar situation, they can be held liable for any resultant harm. The other options do not align with the concept of negligence. Intentionally causing harm relates to intentional torts, which involve deliberate actions rather than a failure to meet a standard of care. Acting in self-defense does not typically constitute negligence, as it is an action taken to protect oneself from immediate harm. Making a false statement, while potentially actionable under other legal principles such as defamation, does not involve a breach of the duty of care that negligence requires. Therefore, the only action that constitutes negligence is the failure to act with reasonable care.

7. Is A liable for battery if she examines B without consent while B is under anesthesia?

- A. Yes, because it is an offensive touch**
- B. No, because A is a medical professional**
- C. Yes, but only if harm occurs**
- D. No, as consent is implied in medical procedures**

The correct answer is that A is liable for battery because examining B without consent while B is under anesthesia constitutes an offensive touch. In tort law, battery is defined as the intentional and unlawful use of force against another, resulting in harmful or offensive contact. Consent is a crucial element in determining the legality of physical touching, especially in medical settings. In this scenario, B is incapacitated due to anesthesia and cannot provide informed consent. Even if A is a medical professional, the standard of care in medical practice still requires obtaining consent from the patient before proceeding with any examination or treatment. Since B did not consent to the examination, A's actions are deemed offensive under the law, leading to liability for battery. The focus here is on the lack of consent and whether the contact was offensive, which it is, given the circumstances surrounding B's incapacity to agree to the examination. Considering the other options: while being a medical professional typically allows for certain examinations during normal procedures, this does not apply when there is no consent from the patient. Simply being a professional does not absolve one from the necessity of obtaining consent. Regarding the notion that harm must occur or that consent is implied in medical procedures, these do not accurately pertain to the requirement of explicit consent

8. How does "comparative negligence" affect the outcome of a tort case?

- A. It absolves the defendant of all responsibility**
- B. It allows the plaintiff to recover full damages regardless of fault**
- C. It compares both parties' fault and adjusts recovery based on percentages**
- D. It eliminates the need for a trial**

Comparative negligence is a legal doctrine used to assess the fault of both parties involved in a tort case and allocate damages accordingly. Under this approach, the court evaluates the degree of fault of the plaintiff and the defendant, assigning a percentage of responsibility to each party. If the plaintiff is found to be partially at fault, their damages are reduced by their percentage of fault. For example, if a jury determines that the plaintiff was 30% responsible for their own injuries and the total damages amount to \$100,000, the plaintiff could recover \$70,000 (which is 70% of the total damages). This method allows for a more equitable resolution that reflects the contributions of both parties to the incident in question. This principle differs significantly from systems that may provide for the defendant to be entirely absolved of responsibility or where the plaintiff recovers full damages regardless of their own negligence. Additionally, while comparative negligence provides a basis for adjusting awards, it does not eliminate the necessity for a trial to determine the facts and the degree of fault attributed to each party.

9. How is "causation" established in negligence claims?

- A. By proving intent to harm
- B. By linking the breach of duty to the plaintiff's injuries**
- C. By demonstrating a lack of precaution
- D. By showcasing prior incidents

In negligence claims, the establishment of causation is crucial and is primarily achieved by linking the breach of duty to the plaintiff's injuries. This means that the plaintiff must demonstrate that the defendant's conduct, which constituted a breach of their duty of care, directly resulted in the harm suffered by the plaintiff. Causation in tort law is often divided into two components: actual cause (or cause-in-fact) and proximate cause. Actual cause is determined through the "but-for" test—meaning that but for the defendant's actions, the plaintiff would not have suffered the injury. Proximate cause pertains to whether the injury was a foreseeable result of the defendant's actions. In this scenario, linking the defendant's breach of duty directly to the injuries sustained solidifies the foundation of causation required in negligence cases. Thus, establishing causation goes beyond merely showing the defendant's lack of harm intention or previous conduct; it requires a clear and demonstrable connection between the defendant's negligent act and the resulting harm to the plaintiff.

10. Can Raissa recover for emotional distress even if there was no physical harm during the flight incident?

- A. Yes, due to the perceived threat to her safety**
- B. No, emotional harm is not recoverable without physical injury
- C. Yes, only if she filed a lawsuit
- D. No, recoveries apply only to injuries

Raissa can recover for emotional distress even in the absence of physical harm because the law recognizes that emotional distress can occur as a result of a perceived threat to one's personal safety. Courts have increasingly acknowledged that when individuals experience a situation that places them in imminent peril, even if that danger does not result in physical injury, they may still suffer significant emotional trauma. In cases involving situations like a flight incident where there may be a reasonable fear for personal safety, courts may allow recovery for emotional distress because the perceived threat can lead to significant psychological impact. This understanding is rooted in the principle that the law seeks to compensate individuals for the full range of effects caused by harmful conduct, including psychological harm that arises from distressing circumstances. This recognition underscores the increasing sensitivity to the mental well-being of individuals and acknowledges that emotional injuries can be just as real and damaging as physical ones, thereby allowing for the recovery of damages in appropriate circumstances.

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://tortsrestatementproblems.examzify.com>

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

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