

# THE LAW OF PERSONAL INJURY

Doug Mortensen (2012)

## 25 Questions

1. Where does “tort” law fit in the world of human conduct?
2. What does it mean to “voir dire” the jury? To “voir dire” an expert witness?
3. What biases you have that might affect your views about injury law?
4. What biases does your professor have?
5. What is a tort?
6. What is the primary purpose of tort law? The secondary purpose?
7. What interests does tort law try to balance?
8. How does tort law seek to shift the burdens of injury? And from whom to whom?
9. What levels of “fault” are there in a fault-based system of injury law?
10. What is “the reasonable man standard?” (And how does it apply to children, teenagers, the elderly, the physically handicapped, the mentally handicapped?)
11. What is contributory negligence? What is comparative negligence?
12. Who decides the substance of tort law? Who should?
13. Who decides the facts in a personal injury trial (whether the defendant is at fault and how much money the plaintiff should get?)
14. What rights does an injury victim give up when her case goes to arbitration rather than to court?
15. How does a plaintiff prove the defendant was at fault?
16. What does “*res ipsa loquitur*” mean and how is it used to prove negligence?
17. How are the relevant facts in a case discovered? (What is a “smoking gun” and where is it hidden?)
18. What happened the first 400 times smokers tried to sue tobacco companies for causing them lung cancer?
19. What is most disturbing about the McDonalds Hot Coffee case?
20. What was a Ford Pinto car and why was it uncrashworthy?
21. If a plaintiff proves the defendant was at fault, for what kinds of “damage” may she recover?
22. What are ways she can prove her damages?
23. What popular movies should you see that illustrate the human pathos and drama of injury cases in the U.S.?
24. What is it like to be a contingency fee personal injury lawyer? (... one who sues doctors and hospitals?)
25. What is it like to work for such a lawyer? To be married to such a lawyer?

