

**Torts Test Specifications**  
**Part A of the General Bar Examination**  
**(Published March 19, 2020)**

- I. Negligence
  - A. Duty, the standard of care, and proof of fault
    - 1. Reasonable person standard
    - 2. Negligence per se and statutory violations
    - 3. Industry custom as evidence of standard of care
    - 4. Premises liability: duties owed by landowner
    - 5. Products liability: duties owed by product manufacturer
    - 6. Medical malpractice
      - a. Prevailing professional standard of care
      - b. Requirement of pre-suit investigation and notice
    - 7. Negligent infliction of emotional distress
    - 8. Res ipsa loquitur
  - B. Causation
    - 1. But for and proximate causation
    - 2. Intervening and superseding causes
    - 3. Apportionment of responsibility among multiple tortfeasors
    - 4. Indivisible injuries
  - C. Injuries and damages
    - 1. Economic and non-economic damages

2. Punitive damages
  3. Rules regarding particular types of injuries
    - a. Impact rule and exceptions
    - b. Economic loss rule
  4. Wrongful death actions
- D. Defenses
1. Comparative negligence
  2. Assumption of risk
  3. Enforceability of liability waivers or releases
  4. Sovereign immunity
    - a. Distinction between operational and planning actions
    - b. Limits on damages
  5. Special landowner defenses
    - a. Open and obvious conditions
    - b. Transitory foreign substances
  6. Special product liability defenses
    - a. Misuse
    - b. Learned intermediary doctrine
    - c. State-of-the-art
  7. Parental immunity
  8. Statutes of limitation: negligence, product liability, wrongful death, medical malpractice

9. “Good Samaritan” law

II. Strict liability

A. Products liability

1. Claims against manufacturers
2. Claims against distributors and other sellers

B. Abnormally dangerous activities

C. Dangerous instrumentality

III. Intentional torts

A. Harm to a person: assault, battery, false imprisonment, malicious prosecution, intentional infliction of emotional distress

B. Harm to property: trespass and conversion

C. Defenses

1. Consent
2. Self-defense
3. Necessity

IV. Intentional interference with a business relationship

V. Torts based on fraud and misrepresentation

VI. Defamation and privacy torts

A. Libel and slander

1. Per se claims
2. Publication requirement
3. Defenses

- a. Statements of opinion
      - b. Absolute and qualified privilege
      - c. Constitutional protections relating to public discourse
    - 4. Pre-suit retraction demand for media defendants
  - B. Common law privacy torts recognized, and not recognized, in Florida
    - 1. Invasion of privacy
    - 2. Publication of private facts
    - 3. Misappropriation
    - 4. False light
- VII. Liability for acts of others
- A. Employees and other agents
    - 1. Respondeat superior
    - 2. Negligent hiring and training
  - B. Contractors and nondelegable duties
  - C. Indemnity and contribution claims
  - D. Torts committed by or against children
    - 1. Parent's liability for child's tort
    - 2. Parent's standing to sue for injury to child
- VII. Nuisance and attractive nuisance

