

成績評価報告・講評							
科目名(キャンパス・曜・時限)				アメリカ法 不法行為 (青山 木曜3 限)			
担当者				スティーブン・ギブンス			
受講者総数				35 名			
成績評価の対象としなかった者 (X評価の者)の人数				14 名 ( 40.00% % )			
X評価の者を除く成績評価比率							
AA	14 %	A	19 %	B	14 %	C	9.5 %
XX	42.8 %						
学部所定の成績評価比率と異なる場合にはその理由							
<p>受講者が規定の人数以下だったから。</p>							
試験問題／レポートの課題							
<p>別途添付参照</p>							
出題の意図							
<p>1.最低限の知識を得たかどうか 2.その上にどれだけクリエイティブにその法律を分析、解釈などができるかをチャレンジしてみる</p>							
講評							
<p>まじめにやった学生は少なくとも最低限の知識を得たことが確認できた。その中に若干名はその最低基準を越える物事の考え方ができた。</p>							

1. As John is walking on the beach he sees a small child in the process of drowning in the rough surf. Not wanting to get involved, John keeps walking and does not call for help. The child drowns. Is John liable in tort to the dead child's parents? Why? Cite any relevant cases.

2. As John is getting ready to go to sleep one night he hears a knock on his front door. He opens the door to see a young child screaming "Help! That man is going to kill me!" A man with a knife is chasing the child. Not wanting to get involved, John slams the door in the child's face. The man stabs and kills the child on John's front steps. Is John liable in tort to the dead child's parents? Why? Cite any relevant cases.

3. Assume a human life is worth \$1 million. Hercules Drug Company has developed a drug that will save over 100,000 lives per year. However, in three percent of the cases, patients who take the drug develop serious side effects including blindness and in some cases death. In these circumstances is it negligent for Hercules to sell this drug? What further information do you need to answer this question?

4. The Camden Nuclear Power Facility supplies electricity to 2 million businesses and homes northern New Jersey. One day there is an accident in the Facility's reactor core, which results in a release of radioactive gases into the air. People in the surrounding community who have breathed the radioactive gas will in the future statistically have a higher probability of developing cancer. Should the Facility be subject to strict liability or the negligence standard for this accident? Why? Discuss relevant cases. Do people who have breathed the radioactive gases but have not yet become ill have a legal claim against the Facility? Cite any relevant cases.

5. During the Masters Golf Tournament Tiger Woods hits a tee shot that slices into the crowd and hits an old woman on the head, causing a serious skull fracture. The woman has sued the tournament sponsors, the Augusta Country Club and Tiger Woods for battery and negligence. As counsel for defendants, how would you defend these causes of action?

6. Was the court in *Boomer v. Atlantic Cement Co.* justified in not granting an injunction? Why or why not??