



**CALIFORNIA BAR EXAM**  
**MULTIPLE-CHOICE QUESTION CONTENT MAP**  
**TORTS**

The topics listed below are illustrative of those covered in Torts, but are not exhaustive. Applicants should assume that the jurisdiction allows for survival actions and wrongful death claims and that joint and several liability and pure comparative fault apply unless a question indicates otherwise. The percentages listed next to each section represent the approximate percentage of questions on the exam that will be drawn from this subject.

**I. Intentional Torts – 18%**

- A. Intentional Torts to the Person
  - 1. Assault
  - 2. Battery
  - 3. False imprisonment
  - 4. Intentional infliction of emotional distress
- B. Intentional Torts to Property
  - 1. Trespass to land
  - 2. Trespass to chattel
  - 3. Conversion
- C. Transferred Intent
- D. Defenses to Intentional Torts
- E. Privileges

**II. Negligence – 50%**

- A. Duty
  - 1. In general
  - 2. Foreseeable plaintiffs
  - 3. Foreseeable and unreasonable risk
  - 4. Affirmative duties to act
- B. Standard of Due Care
  - 1. Duty of reasonable prudent person in prevailing circumstances
  - 2. Particular standards of care
    - a. Standard of care owed by owners and occupiers of land (including invitees, licensees, and trespassers)
    - b. Common carriers / innkeepers
    - c. Professionals and tradespersons
    - d. Children
  - 3. Negligent infliction of emotional distress
- C. Breach
  - 1. Falling below the standard of care
  - 2. Negligence *per se*
  - 3. Custom
  - 4. *Res ipsa loquitur*
- D. Causation
  - 1. Cause in fact (actual cause)

2. Proximate (legal) cause
  - a. Foreseeability of harm
  - b. Intervening and superseding causes
- E. Damages
- F. Defenses
  1. Assumption of risk
  2. Contributory negligence
  3. Comparative negligence

**III. Products Liability – 8%**

- A. Strict Products Liability
- B. Negligence Theory
- C. Warranty Theory
  1. Express warranties
  2. Implied warranties
- D. Defenses

**IV. Strict Liability – 8%**

- A. Abnormally Dangerous Activities
- B. Possession of Animals
- C. Defenses

**V. Other Torts – 8%**

- A. Nuisance
  1. Public
  2. Private
- B. Misrepresentation
- C. Economic Torts
  1. Interference with contractual relations
  2. Interference with prospective advantage
  3. Injurious falsehood (trade libel)
- D. Defamation, Privacy, and Reputation Torts
  1. Defamation
    - a. Defenses
  2. Invasion of privacy
  3. Malicious prosecution
  4. Abuse of process
  5. Wrongful institution of civil proceedings

**VI. Other Considerations – 8%**

- A. Vicarious Liability for Acts of Others
  1. Independent contractor and nondelegable duties
- B. Joint Tortfeasors
  1. Joint and several liability
  2. Satisfaction and release
  3. Contribution and indemnity
  4. Apportionment of damages
- C. Wrongful Death and Survival Actions
- D. Loss of Consortium