

Torts
MEE Practice Question: July 2012

Torts MEE Practice Question (July 2012)

Susan, a student at University, lived in a University dormitory. Access to Susan's dormitory was restricted to dormitory residents and guests who entered the dormitory with a resident. Entry to the dormitory was controlled by key cards. Dormitory key cards opened all doors except for a rear entrance, used only for deliveries, that was secured with a deadbolt lock.

On November 30, at 2:00 a.m., Ann, a University graduate, entered the dormitory through the rear entrance. Ann was able to enter because the deadbolt lock had broken during a delivery four days before Ann's entry and had not been repaired. Ann attacked Susan, who was studying alone in the dormitory's library.

Jim, another resident of Susan's dormitory, passed the library shortly after Ann had attacked Susan. The door was open, and Jim saw Susan lying on the floor, groaning. Jim told Susan, "I'll go for help right now." Jim then closed the library door and went to the University security office. However, the security office was closed, and Jim took no other steps to help Susan. About half an hour after Jim closed the library door, Susan got up and walked to the University hospital, where she received immediate treatment for minor physical injuries.

One day after Ann's attack, Susan began to experience mental and physical symptoms (e.g., insomnia, anxiety, rapid breathing, nausea, muscle tension, and sweating). Susan's doctor has concluded that these symptoms are due to post-traumatic stress disorder (PTSD). According to the doctor, Susan's PTSD was caused by trauma she suffered one month before Ann's attack when Susan was robbed at gunpoint. In the doctor's opinion, although Susan had no symptoms of PTSD until after Ann's attack, Ann's attack triggered PTSD symptoms because Susan was suffering from PTSD caused by the earlier robbery. The symptoms became so severe that Susan had to withdraw from school. She now sees a psychologist weekly.

Since the attack, Susan has learned that Ann suffers from schizophrenia, a serious mental illness. From August through November, Ann had been receiving weekly outpatient psychiatric treatment from her Psychiatrist. Her Psychiatrist's records show that on November 20, Ann told her Psychiatrist that she "was going to make sure" that former University classmates who were "cheaters" got "what was coming to them for getting the good grades I should have received." Ann's Psychiatrist did not report these threats to anyone because Ann had no history of violent behavior. Ann's Psychiatrist also did not believe that Ann would take any action based on her statements.

At the time of the attack, Susan knew Ann only slightly because they had been in one class together the previous semester. Susan received an A in that class.

Susan is seeking damages for the injuries she suffered as a result of Ann's attack and has sued University, Jim, and Ann's Psychiatrist.

1. May Susan recover damages for physical injuries she suffered in Ann's attack from
 - (a) University? Explain.
 - (b) Jim? Explain.
 - (c) Ann's Psychiatrist? Explain.

2. Assuming that any party is found liable to Susan, may she also recover damages from that party for the PTSD symptoms she is experiencing? Explain.