

SAMPLE ANSWER TO FINAL EXAM / CHECKLIST

QUESTION 1

- |   |  |
|---|--|
| <input type="checkbox"/> claim v. Cincy   | <input type="checkbox"/> risk-utility standard                                     |
| <input type="checkbox"/> Existence of a defect  | <input type="checkbox"/> what is the role of hindsight?                            |
| <input type="checkbox"/> multi-function machine?  | <input type="checkbox"/> changes in technology                                     |
| <input type="checkbox"/> delegable duty?  | <input type="checkbox"/> "state of the art" evidence                               |
| <input type="checkbox"/> claim against tool & die manufacturer?                               | <input type="checkbox"/> is the expert qualified to testify                        |
|   | <input type="checkbox"/> junk science issue / <i>Daubert</i>                       |
| <input type="checkbox"/> manufacturing defect: unlikely given the post-accident investigation | <input type="checkbox"/> was the safety device <i>available</i>                    |
| <input type="checkbox"/> Foreseeable misuse   | <input type="checkbox"/> lack of warning   |
| <input type="checkbox"/> question of a design defect  | <input type="checkbox"/> warning must be clear, describe the danger, and avoidance |
| <input type="checkbox"/> relevance of post-design improvements                                | <input type="checkbox"/> may have an opening on avoidance issue                    |
| <input type="checkbox"/> what standard is being used?   | <input type="checkbox"/> would the warning have made a difference?                 |
| <input type="checkbox"/> consumer expectations test   |  |
| <input type="checkbox"/> what would a <i>reasonable consumer</i> expect?                      | <input type="checkbox"/> post-sale warning?  |
| <input type="checkbox"/> conservative vs. liberal standards                                   | <input type="checkbox"/>   |
| <input type="checkbox"/> <i>Barker v. Lull</i> test   | <input type="checkbox"/>   |
| <input type="checkbox"/>  | <input type="checkbox"/>   |
| <input type="checkbox"/>  | <input type="checkbox"/>   |

QUESTION 2

- |  |   |
|--|---|
| <input type="checkbox"/> Advantages                                  | <input type="checkbox"/> Disadvantages  |
| <input type="checkbox"/> Clarity                                     | <input type="checkbox"/> defeat consumer expectations if product contains hidden risk |
| <input type="checkbox"/> Ease of administration                      | <input type="checkbox"/> reduce incentives on manufacturers to avoid hidden risks     |
| <input type="checkbox"/> encourage manufacturers in risky industries | <input type="checkbox"/>  |
| <input type="checkbox"/>   | <input type="checkbox"/>  |
| <input type="checkbox"/>   | <input type="checkbox"/>  |

Exam Number \_\_\_\_\_