

Response Report				
Session: 9-Feb				
Class: 9:15				
(Students who did not respond to the question are excluded from percentages)				
Question 1: Another issue in the social host problem is whether, if the social host is under a duty not to serve the intoxicated guest, the host may be liable to the guest for the guest's injuries or only for injuries of a third party whom the guest injured (the more typical claim). Which is the best heading for the defendant (the social host)?				
		Number	%	Answer Choices
Correct answer	A	9	45%	Even if the defendant had a duty not to serve the intoxicated plaintiff, that duty extends only to innocent parties whom the plaintiff foreseeably injures, not to the plaintiff for the plaintiff's own injuries because the plaintiff must bear responsibility for driving while under the influence of alcohol.
	B	5	25%	The defendant's duty, if any, arising from RSA Â§ 175:6 extends only to innocent third parties.
	C	6	30%	Legislative policy and social welfare dictate that the intoxicant himself cannot recover for his injuries.
	D	0	0%	The fact that the plaintiff was himself the intoxicated guest at the party and not a third person should bar his recovery for injuries resulting from being served drinks, while obviously intoxicated, by his social host.
	Total	20	100%	
Question 2: Representing a defendant, you are writing a reply brief in support of your motion for summary judgment in the United States District Court for the District of Kansas. You are arguing that a disciplinary warning is not an adverse action entitling a plaintiff to state a claim of race discrimination under Title VII of the Civil Rights Act of 1991, 42 U.S.C. Â§ 2000e et seq. Must you cite an on point Tenth Circuit opinion that the plaintiff failed to cite in its brief?				
		Number	%	Answer Choices
Correct answer	A	13	68%	Yes
	B	6	32%	No
	Total	19	100%	
Question 3: In the same case before the U.S. District Court for the District of Kansas arguing an issue under 42 U.S.C. Â§ 2000e must you cite an on point District of Kansas case the plaintiff did not cite in its brief?				
		Number	%	Answer Choices
	A	5	26%	Yes

Correct answer	B	14	74%	No
	Total	19	100%	
				Question 4: You are writing an appellate brief to the United States Court of Appeals for the Tenth Circuit. One issue on appeal is the interplay between two Kansas statutes of limitation. Is a decision by the Tenth Circuit en banc binding on your issue?
		Number	%	Answer Choices
	A	8	44%	Yes
Correct answer	B	10	56%	No
	Total	18	100%	
				Question 5: You are writing a summary judgment brief in a case in the U.S. District Court for the District of Kansas. The case involves a question of Kansas common law. What is the order of authority, from most persuasive to least persuasive, on the summary judgment standard?
		Number	%	Answer Choices
Correct answer	A	1	5%	(1) U.S. Supreme Court, (2) Kansas Supreme Court
	B	18	95%	(1) Kansas Supreme Court, (2) U.S. Supreme Court
	Total	19	100%	