CONCORD LAW SCHOOL OF KAPLAN UNIVERSITY
TORTS ESSAY 1

Art and Bill were leaving work one afternoon when they were approached by Charlie, who was wearing a mask and carrying a gun. Charlie, who suspected Art of having an affair with Charlie’s wife, approached to within ten feet of Art and Bill, aimed the gun at Art and said, “Art, I am going to kill you.”

Art quickly grabbed Bill and pulled Bill in front of him, using Bill as a shield. Charlie fired the gun; the bullet going over the shoulder of Bill and hitting Art in the arm. Charlie then dropped the gun onto the ground and turned to run away. Art, using his uninjured arm, picked up the gun and shot at Charlie as he ran away, hitting him in the leg.

Bill was horrified at the prospect of almost being shot, and although he suffered no physical injuries, incurred $5,000 for psychological counseling.

Discuss the intentional tort claims, if any, that can be raised in the following lawsuits, and what defenses, if any, that can be asserted:

3. Bill v. Art