

Unaware that a lawyer was in the county courthouse library late on a Friday afternoon, when it was unusual for anyone to be using the library, a clerk locked the library door and left. The lawyer found herself locked in when she tried to leave the library at 7:00 p.m. It was midnight before the lawyer's family could find out where she was and get her out. The lawyer was very annoyed by her detention but was not otherwise harmed by it.

Does the lawyer have a viable claim for false imprisonment against the clerk?

- A. No, because it was unusual for anyone to use the library late on a Friday afternoon.
- B. No, because the clerk did not intend to confine the lawyer.
- C. Yes, because the clerk should have checked to make sure no one was in the library before the clerk locked the door.
- D. Yes, because the lawyer was aware of being confined.

Explanation:

False imprisonment occurs when:

the defendant **intentionally confines** the plaintiff to a bounded area and the plaintiff is **aware** of the confinement at the time it occurs OR sustains **actual harm** as a result of the confinement.

Here, the lawyer found herself locked in the library after the clerk locked the door (aware of confinement). However, the clerk did not lock the door with the intent to confine the lawyer because the clerk was *unaware* that the lawyer was in the library (no intent). Therefore, the clerk is not liable for false imprisonment.

(Choice A) The fact that it was unusual for anyone to use the library at that time may show that the clerk was not *negligent* in failing to detect the lawyer, but does not show whether the clerk acted *intentionally*. Therefore, this fact has no effect on the lawyer's false imprisonment claim.

(Choice C) Whether the clerk should have checked to make sure no one was in the library before locking the door is a *negligence* issue (ie, what a reasonably prudent person in the clerk's position would have done). It is irrelevant to a claim for false imprisonment (an *intentional tort* requiring intent to confine the plaintiff).

(Choice D) Although the lawyer was aware of the confinement, the clerk is not liable for false imprisonment because the clerk did not *intend to confine* the lawyer when the clerk locked the door.

Educational objective:

False imprisonment occurs when (1) a defendant intentionally confines the plaintiff to a bounded area and (2) the plaintiff is aware of the confinement at the time it occurs OR sustains actual harm as a result of the confinement.

References

Restatement (Second) of Torts § 35 (Am. Law Inst. 1979) (false imprisonment).

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