6. (1 point)

    a. (0.5 point)

    Describe the legal doctrine joint and several liability.

    b. (0.5 point)

    Briefly describe one advantage and one disadvantage of this doctrine.

QUESTION 6	
TOTAL POINT VALUE: 1	**LEARNING OBJECTIVE(S): A4**
SAMPLE ANSWERS	

Part a: 0.5 point

Sample 1
- Permits the plaintiff to recover damages from multiple defendants collectively, or from each defendant individually, even if the party is only partially at-fault for the loss

Sample 2
- Plaintiff can recover compensation from damages from one of multiple defendants, or from all of them, regardless of their level of liability

Part b: 0.5 point

Any one of the following advantages:
- Protects the right of plaintiff's to be fully compensated
- Improve the efficiency of the legal system as it promotes settlement by the defendants to avoid more trials

Any one of the following disadvantages:
- Produces inequitable distribution of liability, which is neither fair nor rational
- Someone who is only 1% liable could be on the hook for 100% of the losses
- Leads to deep pocket syndrome

EXAMINER'S REPORT

Candidates were expected to understand the doctrine of joint and several liability and its advantages and disadvantages.

Part a

Candidates were expected to demonstrate understanding of the joint and several liability.

A common mistake was:
- Only mentioning seeking damage from an individual defendant, but not multiple defendants collectively, or vice versa.

Part b

Candidates were expected to briefly describe an advantage and a disadvantage of the doctrine.

Common mistakes include:
- Not providing both an advantage and a disadvantage
- For the disadvantage, stating "not fair" without providing any supporting arguments