

Exercise 16 WHEN DO I CITE?

For this exercise, you will use a set of facts about a fictitious client and two actual cases. You will be given sentences taken in order from a hypothetical discussion section in a legal memorandum. You will need to decide whether each sentence requires a citation to one of the given cases. If you determine that the sentence does not require a citation, then simply leave the space after the sentence blank. (If you are doing this exercise on the website, type “no citation” in plain type in the solution box and click “submit.”) If you determine that the sentence does require a citation, then simply type either “Randall’s” or “Safeway” in plain type, as applicable.

Facts: Your client is Mary Ratchet, a psychiatric nurse. She is employed by Charter Canyon Psychiatric Hospital. On June 14, 2000, the head psychiatrist, Dr. Sam Wright, called her into the staff break room. He then accused her of alcohol abuse and refused to let her leave the locked unit until he was finished talking with her. After the end of the meeting, she left the hospital and has since filed a suit for false imprisonment against Dr. Wright.

Cases: *Randall’s Food Mkts., Inc. v. Davis*, 891 S.W.2d 640 (Tex. 1995). This is the most recent Texas Supreme Court opinion that states the three elements of false imprisonment. This case does not focus on the element of “detention without authority of law.” The facts appear on page 640, and the rule and holding appear on page 642.

Safeway Stores, Inc. v. Amburn, 388 S.W.2d 443 (Tex. App. — Fort Worth 1965, no writ). This case focuses on the element of “detention without authority of law.” The court specifies what types of employer-employee meetings are lawful. The facts appear on page 443, and the rule and holding appear on page 444.

1. In Texas, the plaintiff in a successful cause of action for false imprisonment must prove three elements: (1) the detention was willful; (2) the detention was without consent; and (3) the detention was without authority of law.

2. In our case, the parties do not dispute that the detention was without Ms. Ratchet’s consent or that the detention was willful; however, the parties do disagree about whether the detention was without authority of law.
