

QUESTION 1 – One Hour

Almost half the population of Lewistown was employed in one of the many digital technology firms clustered nearby. The town's newest status symbol was the Chairiot, a single seat, unicycle-like device powered by an electric motor and guided solely by satellite positioning to any destination, zipping along public streets with no driver input. The Chairiot's maker, Starz Inc., had a waiting list of buyers.

Engineer Ted worked for a rival company, LiteSpeed, which was designing a competing vehicle. LiteSpeed's CEO, Lucy, had made the keynote speech at a recent tech conference covered by major news agencies, stating that the Chairiot "was a cute toy that shouldn't be allowed out of the backyard" and that Starz owner Ivan was "a former designer of torture devices for the Russian secret police, which should tell you how comfortable the Chairiot isn't." Ted had bought one of the first Chairiotics and had modified the motor to produce greater power and made changes to the programming and sensors that guided the Chairiot.

Headed to work one morning through busy traffic, Ted was making good time on his Chairiot, passing between stopped cars and accelerating rapidly to beat red lights. He heard approaching sirens, but turned up the volume of his earbuds to better appreciate his favorite grindcore band. As it approached a major intersection, Ted's Chairiot detected a red light ahead and prepared to stop, but the device's sensors that Ted had modified misread the traffic light command being broadcast by the firetruck that changed all traffic lights on its route to green and allowed the Chairiot to carry Ted into the intersection as the firetruck entered from the cross street. Swerving to avoid Ted, the firetruck slid sideways into the crosswalk, crushing pedestrian Lee and becoming stuck between a parked garbage truck and the bank on the corner.

Observing the havoc caused by Ted's running the red light, vigilante motorcyclist Julie pursued Ted down Mainstreet. The Chairiot, still falsely sensing green lights, carried shrieking Ted through busy intersections, skillfully using its guidance system to avoid cross-traffic and stopped cars. Julie, now convinced Ted was insane and a danger to all, overtook Ted some blocks later and jerked him from the Chairiot's seat. Ted fell heavily to the street, breaking bones and tearing flesh. The Chairiot quietly parked itself in an open area and awaited further instructions.

The Lewistown Fire Department dispatcher, learning the firetruck sent to the fire at 116 First Street was now stuck, immediately sent a second truck from another fire station but mistyped the location of the burning building as 916 First St. On the way to the wrong address, the firetruck was struck by the ambulance carrying Ted to the hospital. Ambulance driver Gina had not heard the firetruck's siren or horn over the ambulance's siren. Gina was too distracted to see the approaching firetruck bearing down on her because Ted, philosophically opposed to medical treatment for injuries, was struggling to escape the restraints Gina and her assistant had used to bind the unwilling Ted in the stretcher. Ted suffered additional injuries in the crash.

Discuss the civil liability issues presented in light of the principles of tort law you've learned this semester.

QUESTION 2 – One Hour

Farmer Anna labored for years to earn her reputation for growing the best organic produce in the country. Her crops were lovingly tended and harvested by 20 full time employees, each fanatically dedicated to non-mechanical, organic farming methods. Upscale restaurants in cities hundreds of miles away sent their buyers to Anna for vegetables and fruit they served to their health-conscious clientele.

MegaBrand, corporate owner of thousands of acres of farmland around the state, recently bought properties on three sides of Anna's 90 acre farm. MegaBrand manager Al immediately began spraying synthetic fertilizers and toxic herbicides from crop-dusting airplanes. If the winds blew from north, east, or south of Anna's farm, the chemicals Al was using drifted over Anna's crops, leaving toxic residue that couldn't be washed away. Anna couldn't certify her veggies as organic; her sales plummeted.

Anna asked Al to stop using synthetic chemicals. Al rejected Anna's request, saying that he had a contract with NuCrop, a manufacturer of new farm chemicals, to test all their new products on MegaBrand crops. NuCrop provided the chemicals free to MegaBrand and also paid MegaBrand millions to use NuCrop products exclusively.

Nora, Anna's lawyer, sent NuCrop a letter stating that Al was using another company's fertilizers and was thereby invalidating NuCrop's research at the farm. Nora urged NuCrop to stop supplying to MegaBrand. NuCrop investigated the claim but found it false. MegaBrand, outraged by Nora's action, filed a complaint with the local sheriff, falsely alleging that Anna had threatened Al with a pistol if he didn't stop spraying. The district attorney, conscious of MegaBrand's contributions to his election fund, filed the criminal charge. It was dismissed after the preliminary hearing.

Desperate to save her farm and her employees' way of life, Anna called her friend Jim in the state's Farm Labor Bureau and begged him for help. Jim conducted an inspection of MegaBrand's operation and issued a "stop work" order, claiming multiple violations of state labor laws. A "stop work" order could only legitimately be issued after a hearing held by the Bureau. MegaBrand stop operations for a month until the Bureau issued a clarifying order.

Beset by legal woes and bills, Anna set fire to her crop storage shed and ran into the blazing structure, never to emerge. The fire spread to neighbor Jill's barn and house, consuming both.

At all times herein, state Environmental Code § 40 was valid: "Any intentional burning in agricultural areas must be receive prior written approval from the Air Quality Board, which will consider both the applicant's need for burning and interests of maintaining air quality in the region."

Discuss the civil liability issues presented in light of the principles of tort law you've learned this semester.