

Points **Midterm Essay Exam Requirements:**

1. Follow the submission and format instructions in Chapter 5 of this syllabus.
2. Midterm essay exam answers must not exceed eight pages. The typical length for a good answer is 3½ to 6 pages. It is unlikely a paper of less than 3 pages will have sufficient coverage of the issues or sufficient argument to receive a good grade. On the other hand, it is equally unlikely that a paper of more than about 6 pages will be concise and focused enough on the proper issues to receive a good grade.
3. Use IRAC format, and write the essay in a narrative fashion.
4. Include a copy of the midterm essay exam question with your answer when it is submitted for grading.

Torts
Midterm Essay Examination Question

Traffic was heavy as Jane was driving to work one morning last month. When her cell phone rang, Jane reached into her purse to grab the phone, never taking her eyes off the road. By the time she located the phone, it had stopped ringing. As Jane glanced at the screen to see who had called, her car veered slightly over the line into the lane to her right.

Ken was also driving to work and happened to be in the lane next to Jane when her car began to veer into his lane. Ken slammed on his brakes, and narrowly avoided running into Jane. Unbeknownst to Ken, one of his brake lights was not working.

Larry was driving his children to school, and Larry's car was behind Ken's at the moment Ken slammed on his brakes. Larry had just turned his head to scold one of his children who had forgotten her homework, and when Larry looked back to the road, he was unable to stop in time to avoid a collision with Ken.

Although no one was hurt, there was damage to the back of Ken's car and the front of Larry's. They both pulled over to the side of the road and Jane, who was unaware of the collision, continued her drive to work.

As Larry took out his driver's license and insurance card, he stepped out of his car, and yelled at Ken, "You're terrible driver! Look at my poor car!"

Ken jumped out of his car and shouted, "What do you mean? You ran into me! You're the terrible driver!" Ken grabbed Larry's driver's license out of Larry's hand and ripped it in half, and said, "There! That might keep you off the road!" Larry then shoved Ken, who fell back against his car, twisting his ankle.

Larry and Ken have each filed law suits against each other, both alleging negligence, assault and battery. Discuss.