

Please put your name here: _____ and return this sheet.

CARELESSNESS TORTS QUIZ

Prof. Bell

NOTE: Choose the one best answer to each question, applying the Restatement of Torts (2d) and relevant case law. As on the MBE, you have 1.8 minutes/answer.

Question 1

Don, a minor, stole a vehicle and took it on a joy ride. Through no fault of Don's, the vehicle's steering mechanism broke. He lost control and ran into Paula's fence. She brought suit against him charging, *inter alia*, negligence. What result?

- (a) Don wins because he was not a legal adult.
- (b) Don wins because he did not act carelessly.
- (c) Paula wins because Don was engaged in an adult activity.
- (d) Paula wins because she is among the class of people that laws against vehicle theft are designed to protect.

CARELESSNESS TORTS QUIZ--ANSWER KEY

1. (a) is wrong because, even if applicable, Don would have been treated as an adult.
- (b) is right—or at least the best answer—because, simply put, we have no evidence of negligence (and because there is not a very good claim of negligence *per se*).
- (c) is wrong because, while true, it is not relevant; even an adult would not be found careless under these facts.
- (d) is wrong (though the question is a close one) because a statute against stealing cars is primarily designed to protect car owners—not innocent third parties harmed by stolen cars.