
Quiz Questions (Session 5)

Instructions: You have the remainder of the class to complete the test. Using a separate sheet of paper, answer each of the following questions. Some questions require a one word answer, some require a sentence and some are multiple choice. Once you have completed the Quiz, make sure your name is on your answer sheet, and hand in both the quiz and your answer sheet.

A General Motors Assembly Facility produces toxic waste as a by-product. It employs security personnel whose duties, among others, are to ensure that no one accesses the drums of toxic waste. One night, one of the security employees removed a drum of toxic waste and dumped it in a nearby river. That dumping violated the Federal Toxic Substances Act, which imposes liability without regard to intent or lack of due care.

1. What is the liability of the security employee who dumped the waste?
2. What is the liability of the director of security who employed and supervises the employee?
3. What is General Motors' liability?
4. What is the meaning of vicarious liability, and what must be shown to impose it on an employer?

A Police officer answers a silent alarm to a convenience store at 2:00 AM. The store has a history of being robbed, and a few weeks ago one of the clerks was shot. When the officer arrives he finds the clerk on the floor behind the counter. As he is checking the clerk, a man comes bursting out of the back room! Fearing for his life, the officer shoots and kills the man. The man is the owner.

5. Can the officer be held criminally responsible for the death of the owner?
6. Can the city be held liable for the death of the owner?

Hallmark contracts with a private security company to provide protection for its facilities. The protection is twenty-four hours a day, seven days a week. During the early morning hours, while an officer is on patrol, he accidentally runs over a person in the parking lot. The person did not belong there and the lot is posted as private property, but the area is not fenced.

7. Can a trespasser injured as a result of the performance of services by the private security company sue Hallmark for injuries sustained?
8. What would be the theoretical basis for imposing liability on the company?

A security employee detained a store customer for 30 minutes because he believed that the customer had stolen merchandise. During the 30-minute detention, the customer repeatedly insisted that she had receipts for each of the items, and she complained about the security officer's rude treatment. The officer ultimately determined that all of the merchandise had been purchased and told the customer that she was free to leave. As the customer was leaving, the officer, in the presence of numerous store employees and customers, told the store manager that "I had to let the criminal go this time."

9. Is the security employee liable for any harm to the patron?
10. What about the liability of the store manager?
11. What about the store itself?

An off-duty police officer installed a hidden camera in the storage area of the Walmart Department Store where he works as a member of the security unit. The officer installed the camera because he heard that his girlfriend, who also worked at the store, had been flirting with another co-worker. The camera videotaped the girlfriend and co-worker engaging in a sexual act while on a work break, and the security officer delivered the tape to the store, which dismissed both participants.

12. Could the dismissed employees recover damages from the off-duty policeman for violating their civil rights?

The security manager of APEX Security Service assigned Robert Jones, an APEX security department employee, to investigate an alarm at a building at APEX's manufacturing plant. The manager knew that Jones had been drinking alcoholic beverages and that it would be necessary for him to drive a security vehicle in order to perform the investigation.

13. If Jones negligently operates the vehicle on one of the roads on the company's plant and strikes a pedestrian, can the security manager be held civilly liable for the injuries caused to the pedestrian?
14. Could APEX be held liable?

The network security administrator of Brother Industrial Products suspected that one of his employees was downloading child pornography onto a company computer during work hours. The computer security administrator installed a "sniffer" on the network server to monitor traffic to and from the suspected employee's computer. After the administrator confirmed that a significant amount of traffic of image files were going to the suspect employee's computer, he conducted an after-hours search of the employee's computer. The search revealed that the

employee possessed several megabytes of child pornography on the company computer's hard drive. Based on information supplied by the network administrator, Brother Industrial Products fired the employee.

15. Did the network administrator properly conduct the surveillance and search of the employee's computer?
16. Consider that in this scenario the network administrator informed a federal law enforcement officer about the results of his network surveillance using the sniffer, and the officer asked the administrator to conduct the search of the company computer's hard drive. Could the evidence seized by the network administrator and delivered to the officer be used in a criminal proceeding against the employee?

17. The Gramm-Leach-Bliley Act (GLBA) of 1999 was designed to eliminate restrictions of an industry, but also provide better consumer privacy. What industry was GLBA designed to regulate?
18. The Health Insurance Portability and Accountability Act (HIPAA) of 1996 was designed to protect consumer information of patients and insurance clients. Why was HIPAA needed?
19. A court sentencing based on a "Penal Code" is an example of:
 - a. Substantive Law
 - b. Procedural Law
 - c. Tort Law
20. A court ruling based on a previous decision made by a court is an example of:
 - a. Procedural Law
 - b. Substantive Law
 - c. Stare Decisis
21. Bonus Question: How many codes (books of statutory law) are there in California?
 - a. 12
 - b. 17
 - c. 23
 - d. 29
 - e. 31