

You need one brainwriting template for each group participant. The template is a piece of paper with a space at the top to lay out the problem the group is being asked to consider. Below the problem is a grid, which is a series of rows (usually four to six, depending on the number of people participating in each group) and three columns. The rows are for the participants; the columns are for their ideas.

Ideally, groups would be between three and six participants.

Present students with a clearly identified problem, and give each participant a set period of time to generate written options for resolving the problem. Instruct participants to write down a number of ideas, typically at least three, in the first row of the template.

Call time, and instruct students to pass their template to the person on their right. As the papers are passed around the group, each participant reviews the ideas written by others. She can then expand on those ideas or add an entirely new idea. The brainwriting process concludes when each participant has her original template back.

Then, facilitate an oral conversation (within the groups or as a class) about the specific ideas that emerged during the writing process and which ideas are worth exploring further.

## BRAINWRITING EXERCISE

Read the attached case silently. Then write your name in the first row of the grid below, and record your thoughts about the questions posed in each column.

	What was the issue in the case?	What reasons were most important to the court's holding?	What is the rule of the case?
Participant 1 Name _____			
Participant 2 Name _____			
Participant 3 Name _____			
Participant 4 Name _____			

**Bronson v. Road Runner Shoe Co. (1976)**

The appellee, Road Runner Shoe Co., is a Maryland corporation that manufactures and sells running shoes. Twenty of the company's 100 employees work at its Maryland headquarters, while the remainder work at offices throughout the United States. The company, which sells to major retailers, has a fleet of trucks for delivering its shoes. The company employed George Granger as a general helper and driver for one of its delivery trucks.

Johnny Bronson filed suit against the company for injuries he sustained when one of the company's trucks, driven by Granger, jumped the median strip and struck him while he was jogging. It is undisputed that Bronson was using extreme care while jogging and was wearing a bright red jogging outfit. Bronson claimed he would never be able to jog again and that he has had emotional problems since the accident. Granger, who had not received permission to use the truck, had visited his girlfriend during his lunch hour. The company gives Granger one hour to eat lunch, and he was speeding back to work when the incident occurred. Granger was nineteen years old at the time and a "hard worker who comes from a reputable family." Granger was earning money so he could go to college and major in business administration. Granger was arrested once when he was sixteen for drag racing on a public highway, but his case was dismissed. Granger had worked for the company two years when the incident occurred.

The trial court granted the company's motion for summary judgment. On appeal, Bronson argues that the company should be liable on the theory of *respondeat superior*. We agree.

The general rule is that an employer is liable for the acts of employees when they are acting within the scope of their authority. In this case, Granger did not have permission to use the truck during lunch and did not usually drive it then. However, Granger normally had exclusive possession of the keys during working hours, and the company had never objected to Granger's private use of the truck. Employers should be held liable for the torts of their employees. It is too easy for an employer to shrug off legal responsibility by saying the employee was not authorized to commit the act. Very few employers expressly authorize employees to commit tortious acts. Employers, by their position of authority, have control over employees. Employees who do not behave responsibly should be discharged.

Reversed.