

### Answer to Critical Legal Case 34.3

**34.3 Tort Liability:** No, the law firm and the other partners are not liable for McGrath's tortious conduct in shooting Hayes. The court noted that a master is responsible for the servant's acts under the doctrine of *respondeat superior* when the servant acts within the scope of his employment and in the furtherance of the master's business. Where a servant steps aside from the master's business in order to affect some purpose of his own, the master is not liable. The court found no evidence to indicate, either directly or by inference that McGrath was acting in the scope of his employment when he shot Hayes. There was no evidence that McGrath transacted law firm business or engaged in any promotional activities on behalf of the law firm, and its other partners were not liable for McGrath's tortious conduct. *Hayes v. Tarbenson, Thatcher, McGrath, Treadwell & Schoonmaker*, 50 Wn. App. 505, 749 P.2d 178, **Web** 1988 Wash. App. Lexis 27 (Court of Appeals of Washington).