

PROBLEM 2
(Impeachment)

GENTRY v. SMITH
(James Taylor)
(Erica Klein)

On August 23, 2001, at about 4:00 p.m., a westbound Chevrolet, driven by Sam Smith, collided with a northbound Cadillac, driven by George Gentry, at the intersection of Jackson Avenue and Clark Street in Nita City. A diagram of the intersection follows this problem.

At the time of the collision, James Taylor was waiting for a northbound bus on Clark Street. The bus stop is just off the southeast corner of the intersection. Mr. Taylor gave his name to the police officer who came to the scene.

The next day, Larry Long, an investigator for Mr. Smith's insurance company, went to James Taylor's home to talk to him about the accident. At that time, Mr. Taylor gave the statement that follows this problem. The statement is in Long's handwriting, except for those places where Mr. Taylor wrote and initialed corrections.

Mr. Gentry has sued Mr. Smith for \$10,000 in property damage and personal injuries, claiming that Smith went through the red light at a high rate of speed.

At trial, Mr. Taylor is called as a witness for Gentry. In summary, he testifies as follows:

On August 23, 2001, at about 4:00 p.m., I was at the corner of Jackson Avenue and Clark Street, waiting for a northbound Clark Street bus. I happened to look toward the north when I saw a Chevrolet, traveling westbound on Jackson Avenue, go through a red light at a high rate of speed. The Chevrolet collided with a Cadillac that was going north on Clark Street. The Cadillac had the green light.

Smith's lawyer has received credible information that two weeks before the trial Taylor and his girlfriend were seen having dinner with Gentry's lawyer at LaBrach, the city's most expensive restaurant. Gentry's lawyer was seen paying for the dinner. Taylor, if asked, will admit this information is accurate.

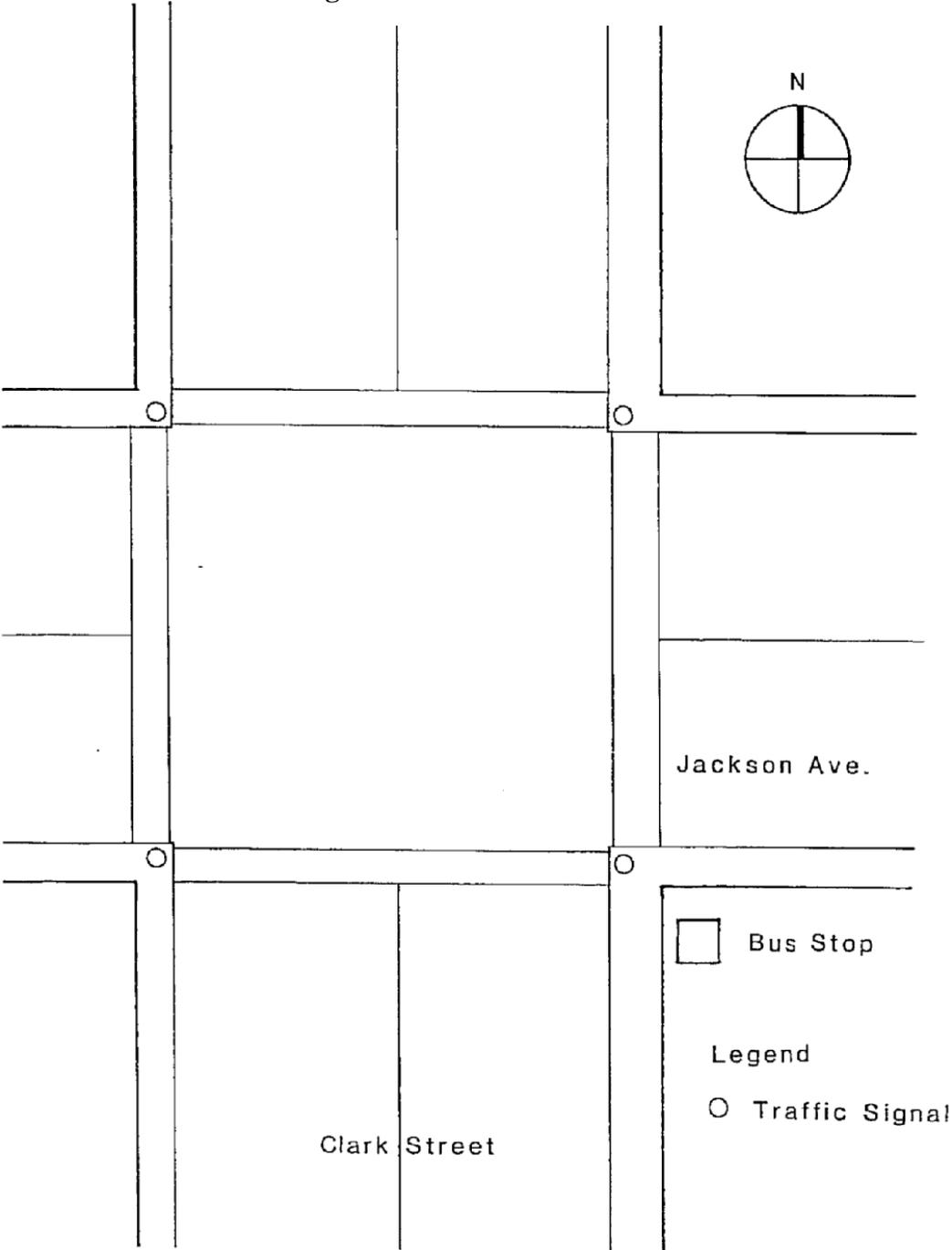
Smith's lawyer also knows that on August 28, 2001, Taylor made a statement to Gentry's lawyer in the presence of a court reporter. That statement is entirely consistent with Taylor's trial testimony. Assume that the transcript has been prepared and is the same as Taylor's trial testimony.

For the Defendant, conduct a cross examination of Taylor, limited to those matters raised in this problem.

For the Plaintiff, conduct any necessary redirect examination.

EXHIBIT 1—Problem 2

Diagram—Intersection of Clark and Jackson



Statement of James Taylor

Statement of James Taylor

J.T.

My name is James ~~M.~~ Taylor. I am 24 years old and single. I work for General Electric as a ~~maintenance man~~ mechanic JT

On August 23rd, at about 4 PM, I was at the corner of North & Clark, waiting for a bus to take me to the far north side. At that time, I was looking toward the south for my bus when I heard the screeching of brakes. I looked toward the corner, where I saw a westbound Chevrolet collide with a northbound Cadillac. At the time of the collision, the traffic light was green for the westbound traffic.

After the accident, I gave my name and address to the police officer.

Signed: James Taylor

Witness: Larry Long

Date: Aug. 24, 2001