

Reasonable Care & The Reasonable Person

(continued...)

Reasonable care

The principle behind liability/fault

Tools for defining reasonable care include:

1. Foreseeability
2. Hand Formula ($B < P * L$)
3. The Reasonable Person

Hand Formula

$B < PL = \text{Negligent}$

$B > PL = \text{Not Negligent}$

B = Burden of precautionary measures

P = Probability of loss/harm

L = Magnitude of loss/harm

Hand Formula Critiques:

1. Incommensurability
2. Uncertainty of Quantification

The Reasonable Person Standard

An objective standard* designed to clarify what reasonable care requires

*with some exceptions

Justifications for an objective standard

1. Administrative feasibility
2. Consistency & enforcement of community norms
3. Equality & fairness

Exceptions to objective standard

1. Physical disability
2. Children
3. Expertise

Not exceptions to objective standard

1. Mental disability
2. Children engaged in adult activity
3. Old age & infirmity

Bethel v. New York City Transit Authority

And the standard of *utmost care*

The Role of Judge & Jury

Baltimore & Ohio Railroad Co. v. Goodman

Pokora v. Wabash Railway Co.