

Policy Bases for No Duty

Elements of a Tort Claim

1. _____

2. _____

3. _____

4. _____

Elements of a Tort Claim

1. Duty

2. Breach

3. Causation

4. Harm

Elements of a Tort Claim

1. Duty

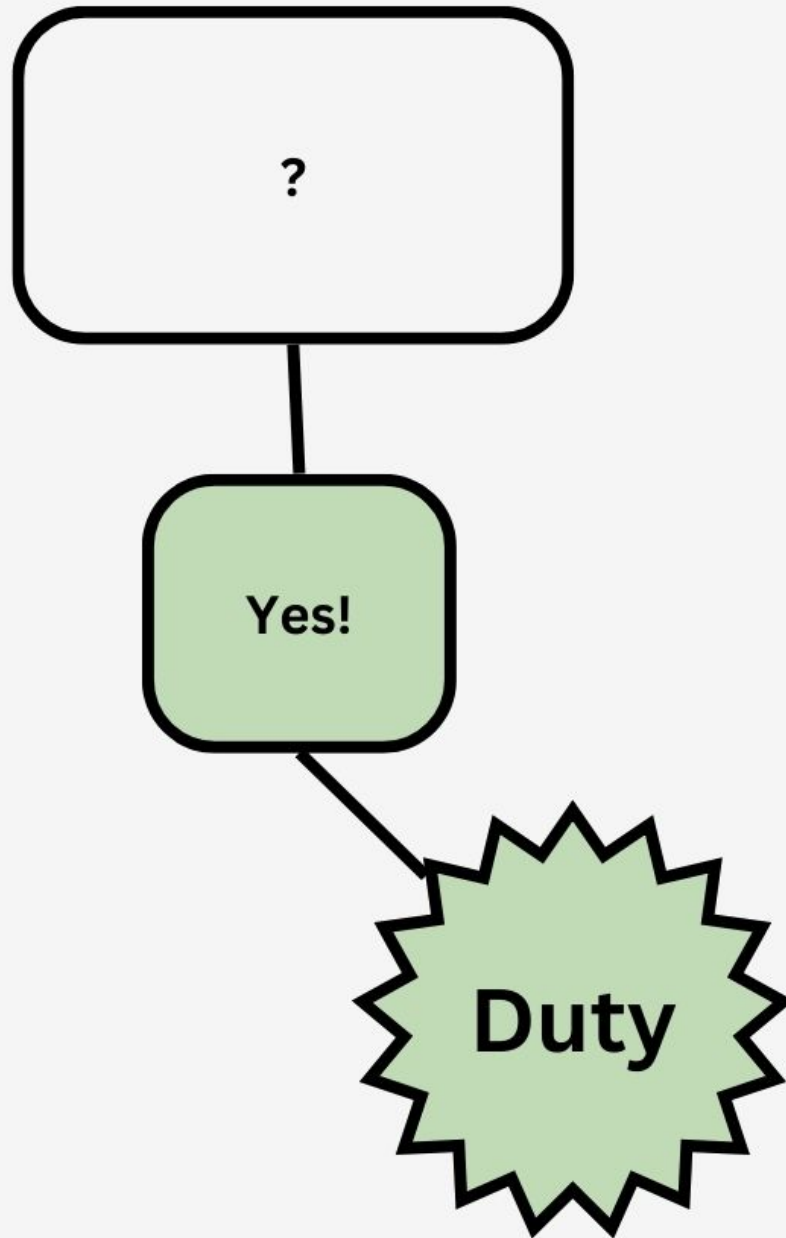
2. Breach

3. Causation

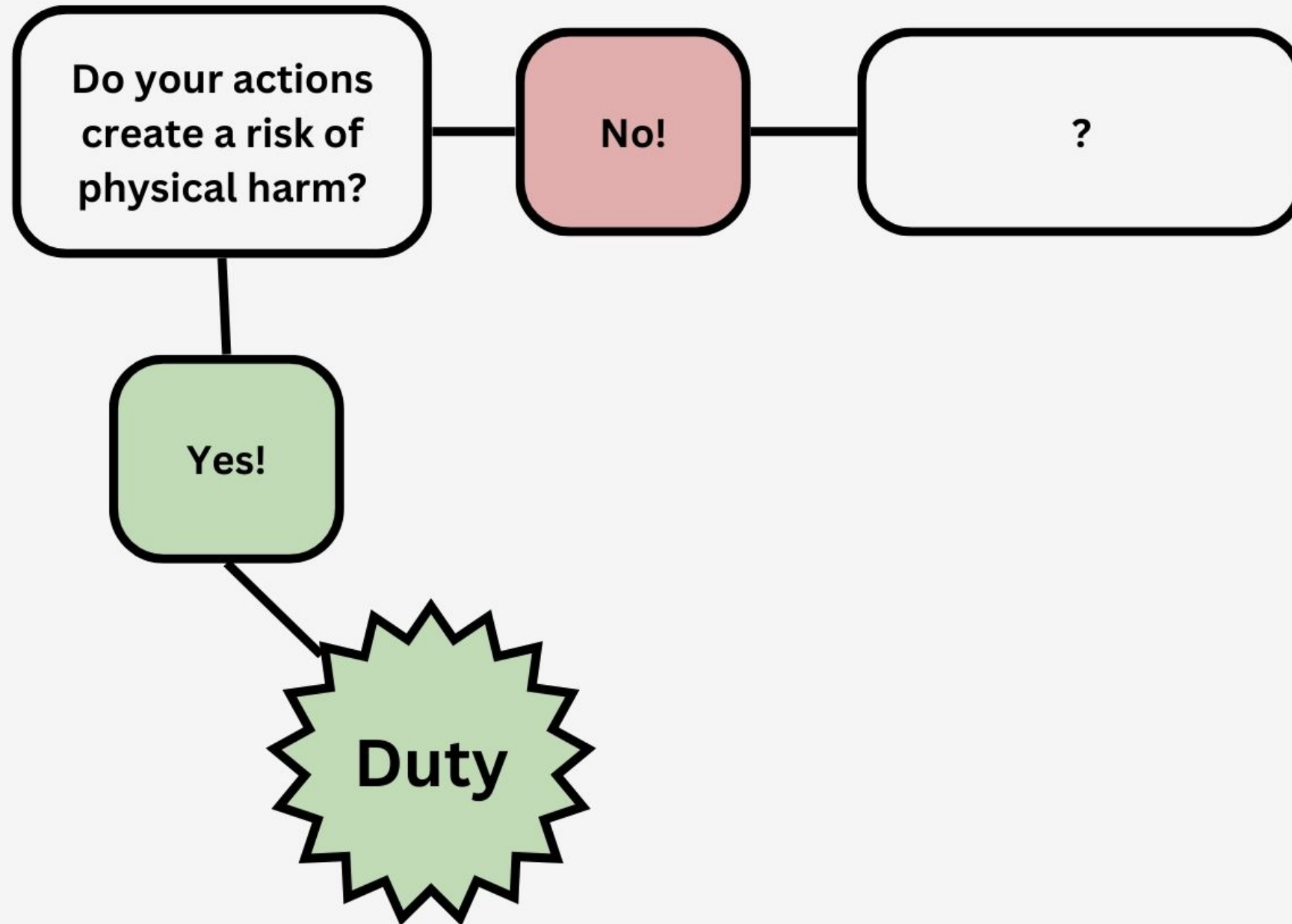
- Factual Cause
- Proximate Cause

4. Harm

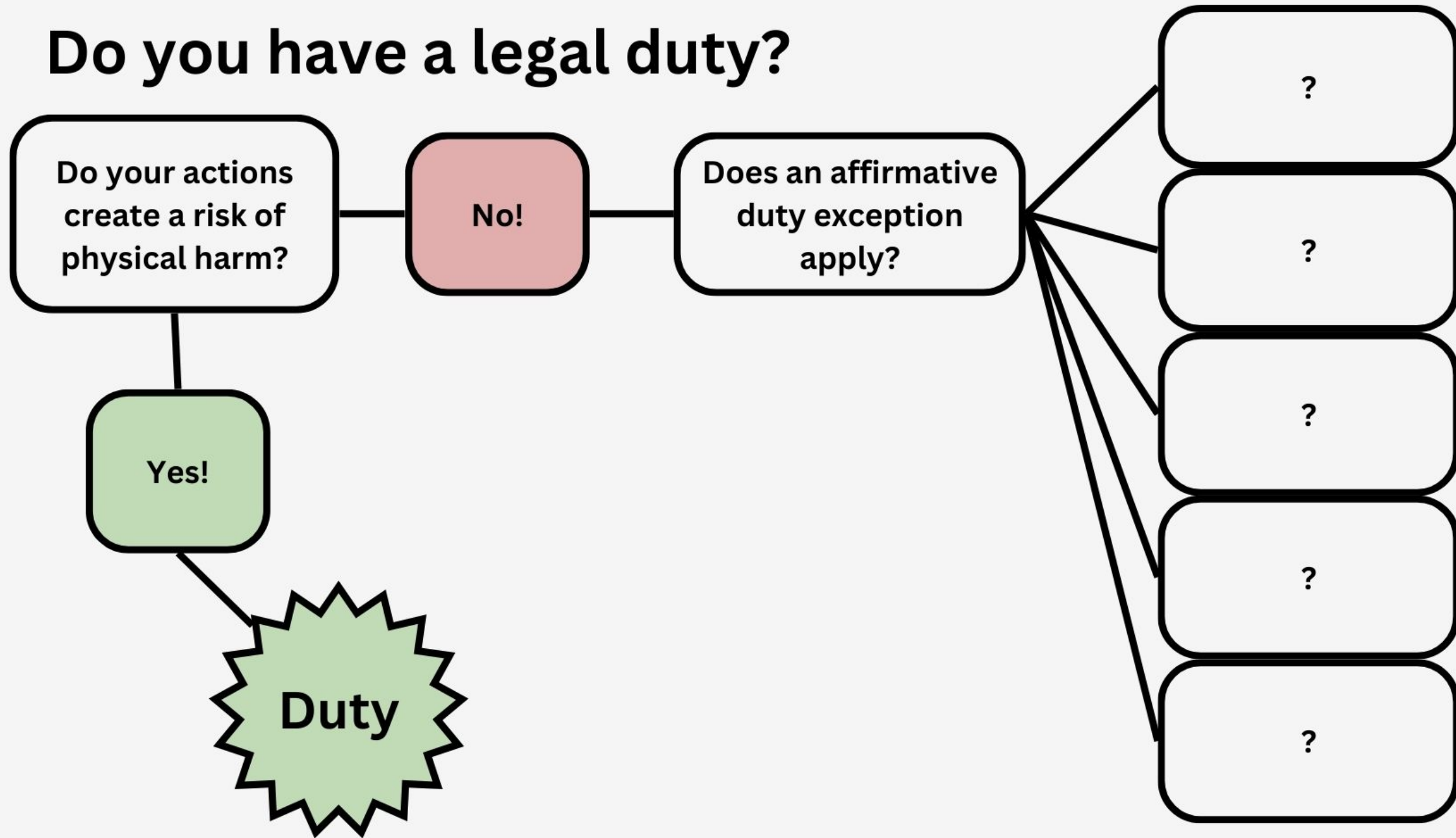
Do you have a legal duty?



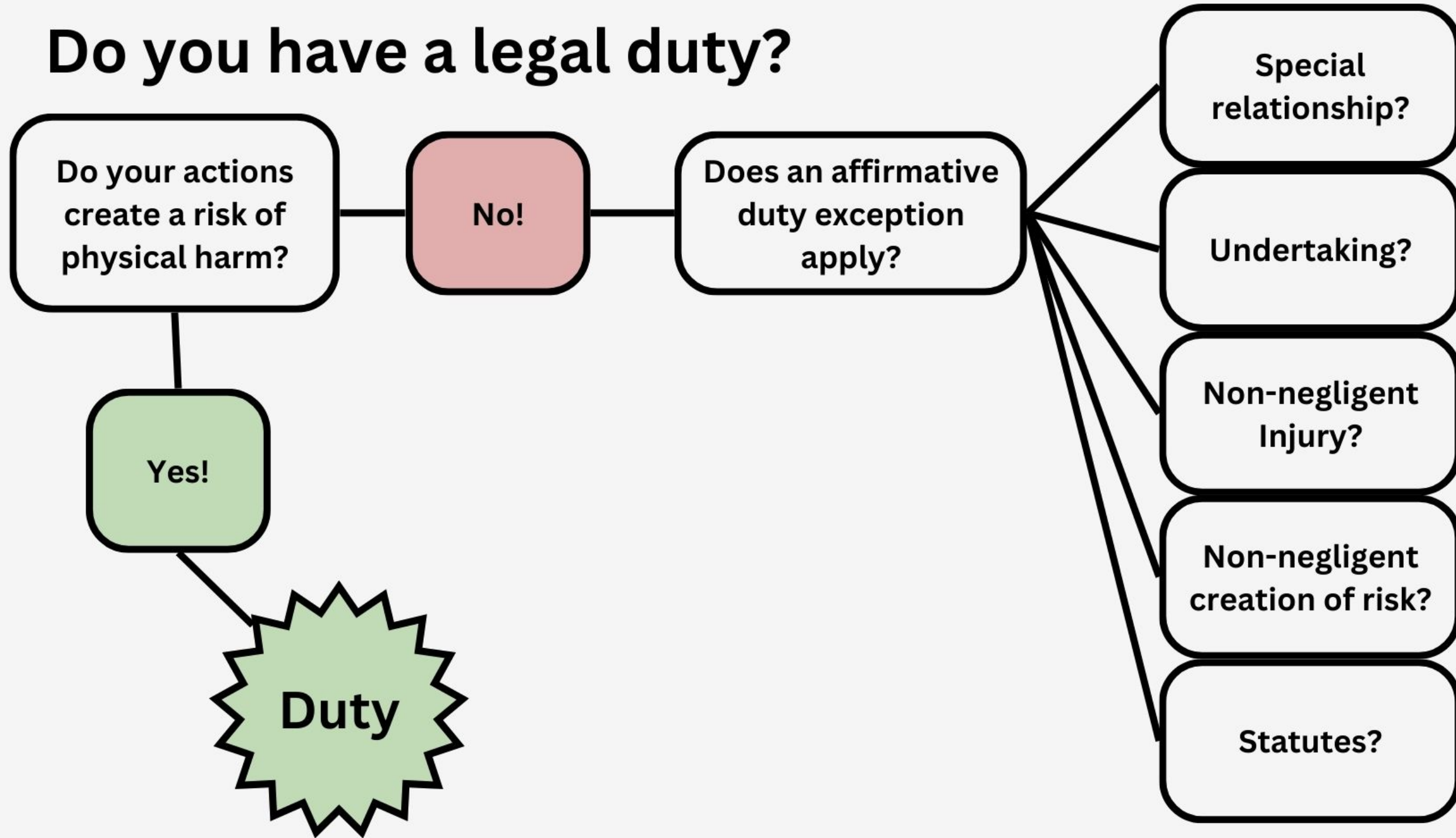
Do you have a legal duty?



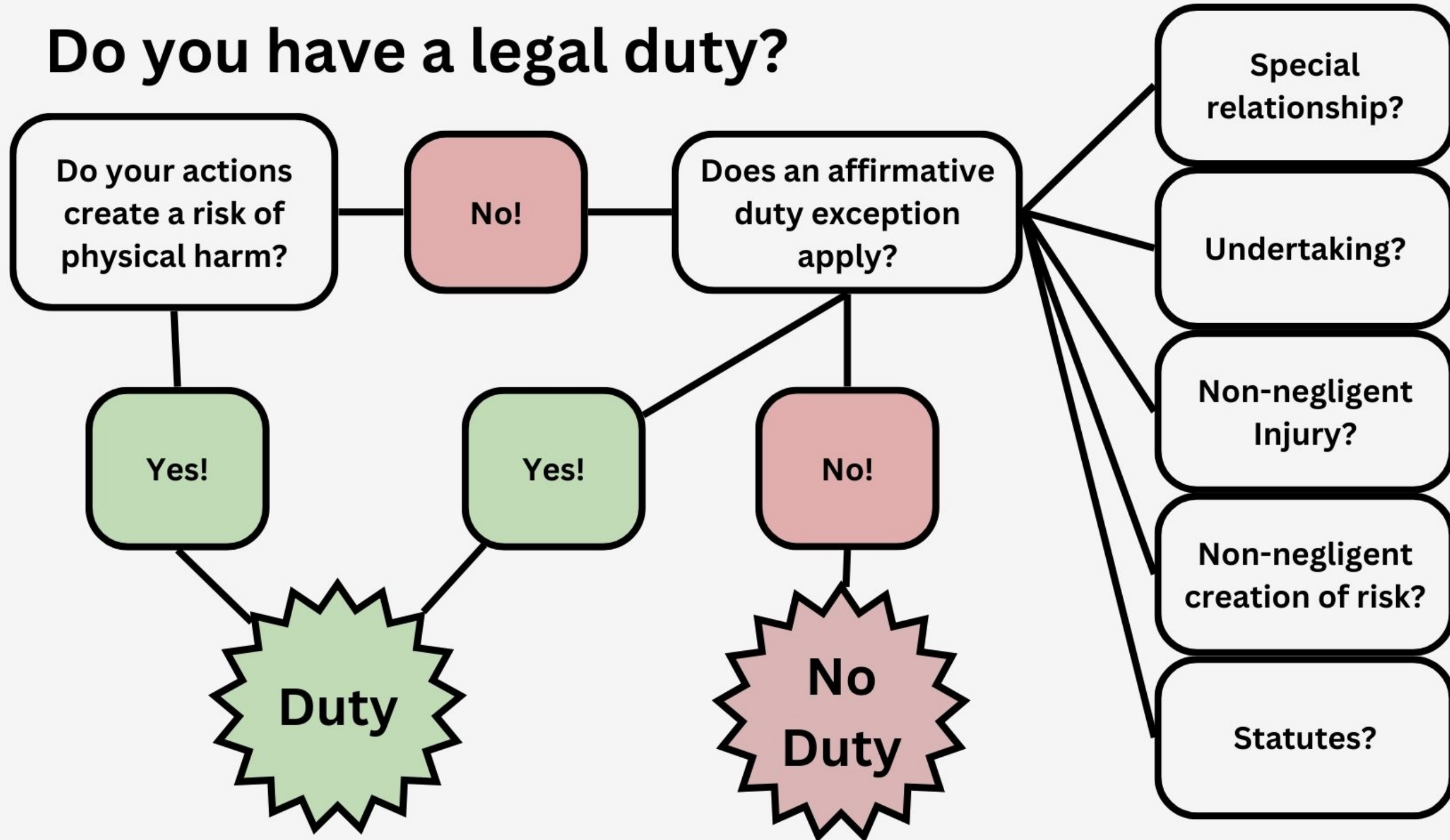
Do you have a legal duty?



Do you have a legal duty?



Do you have a legal duty?



Strauss v. Belle Realty

Third Restatement

When determining that no legal duty exists for reasons of public policy, courts should use “categorical, bright-line rules of law applicable to a general class of cases.”

Two Closing Thoughts

1. Crushing liability has not aged well.
2. Policy justifications \neq individual autonomy concerns

Reynolds v. Hicks

Negligence Per Se

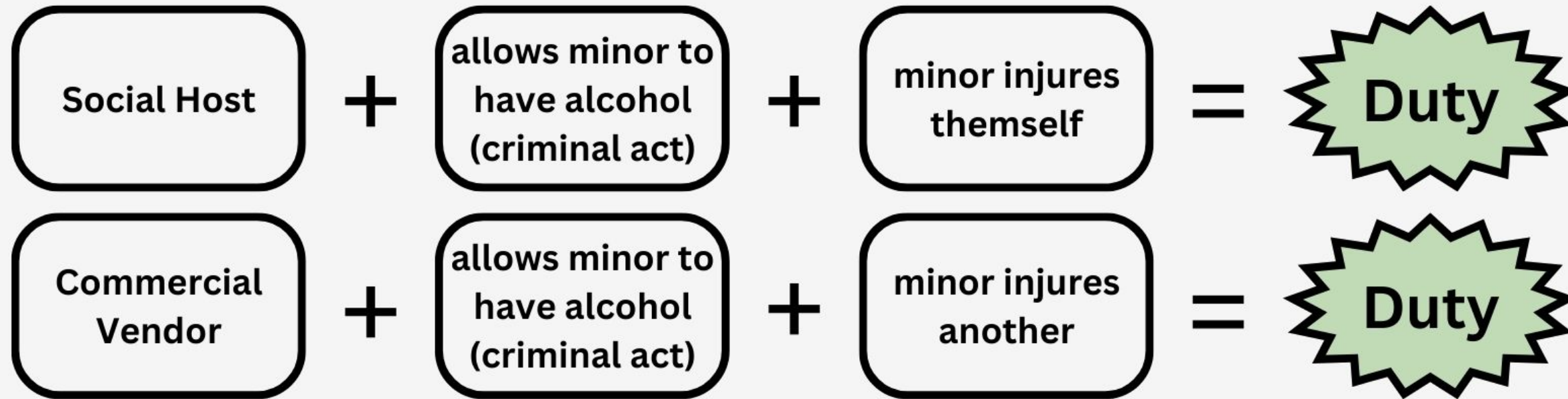
Remember *Martin v. Herzog*?

Negligence Per Se

Under RCW 66.44.270(1) it is a crime to:

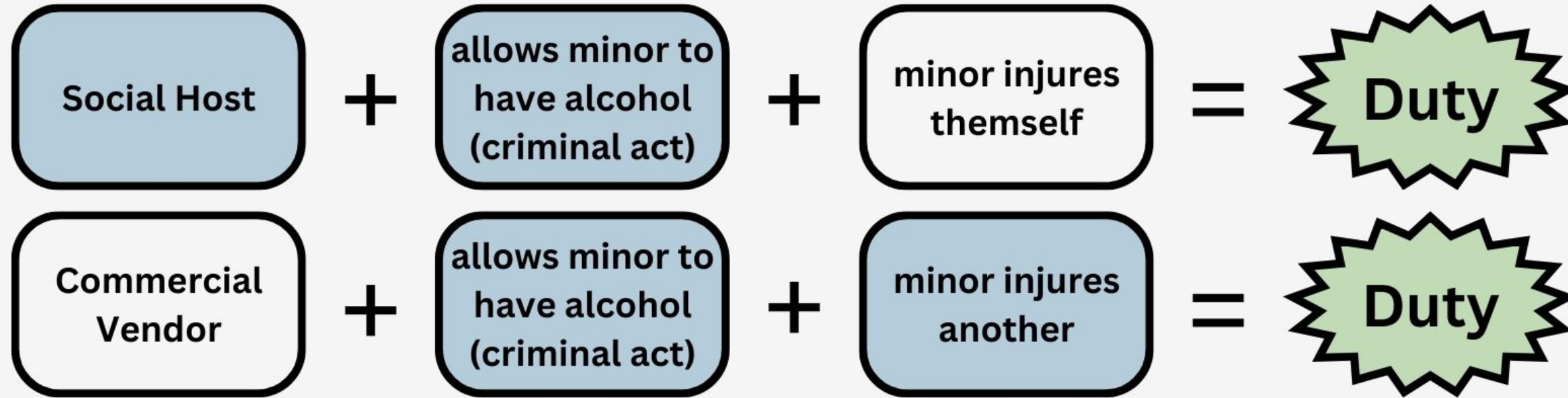
give or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

Precedent:

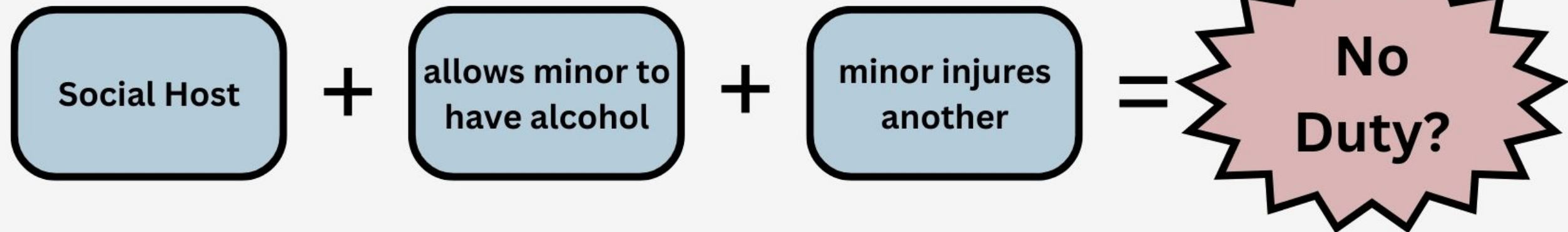


Current Case:

Precedent:



Current Case:



What the heck?

Two Reasons

1. Legal

2. Policy