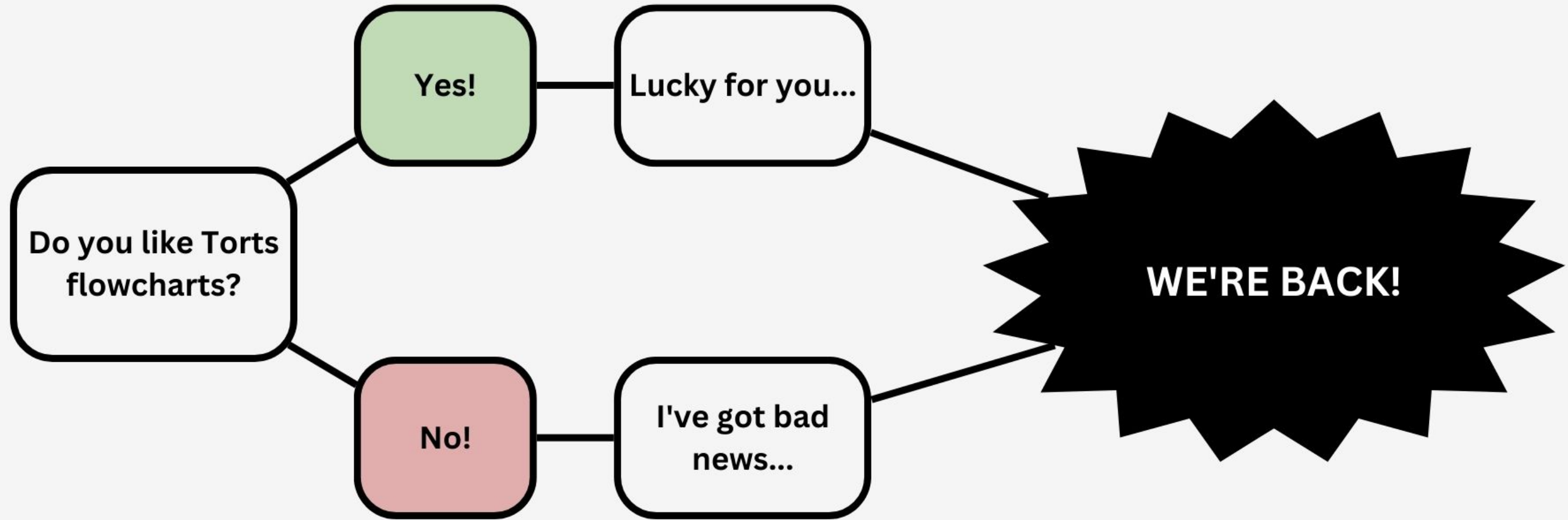
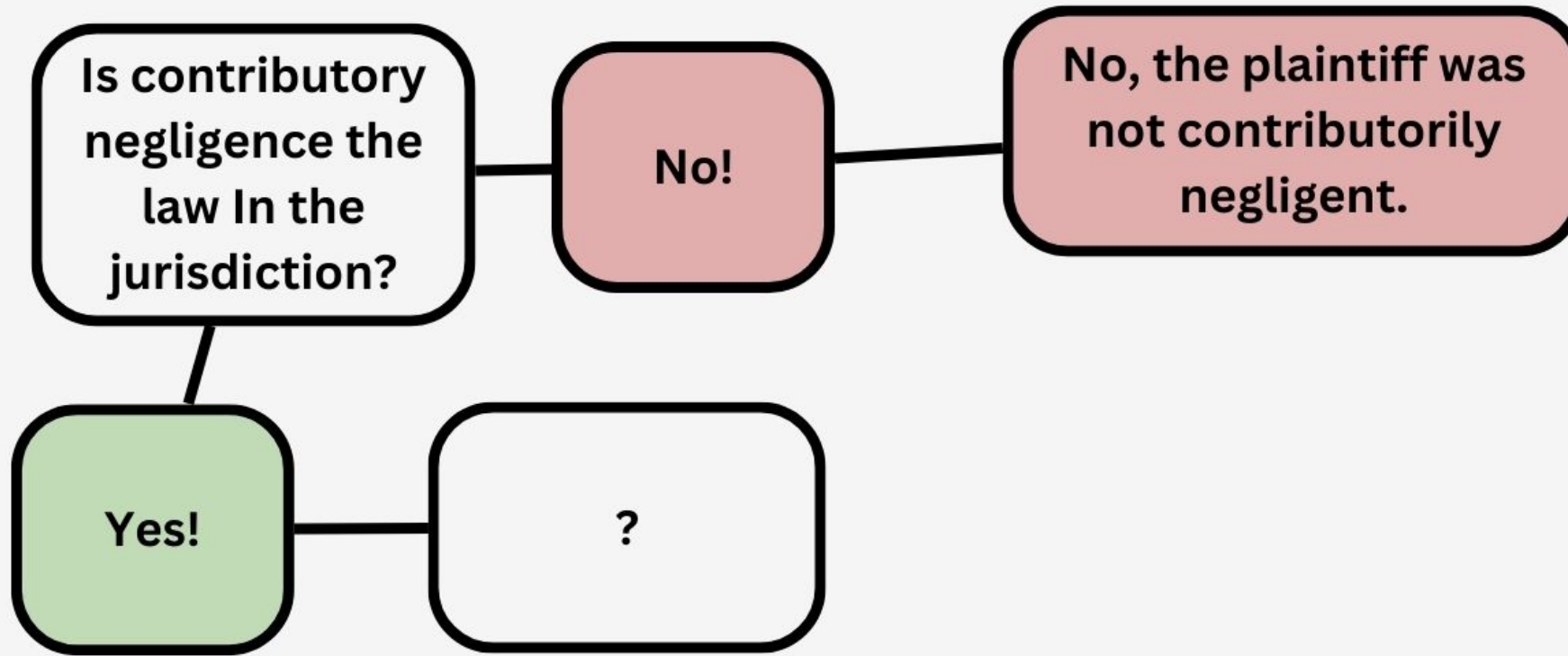


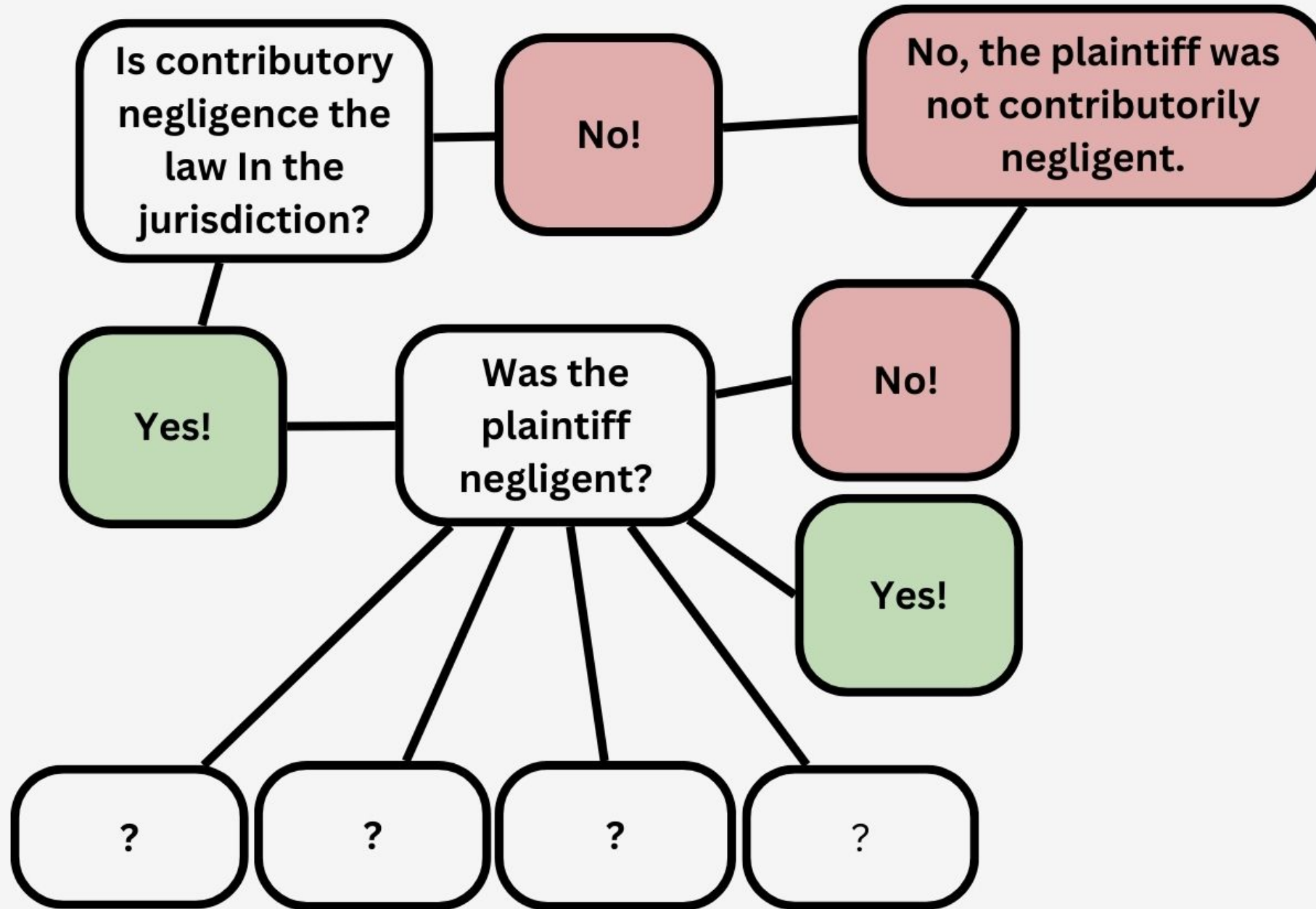
Comparative Negligence (cont'd.)



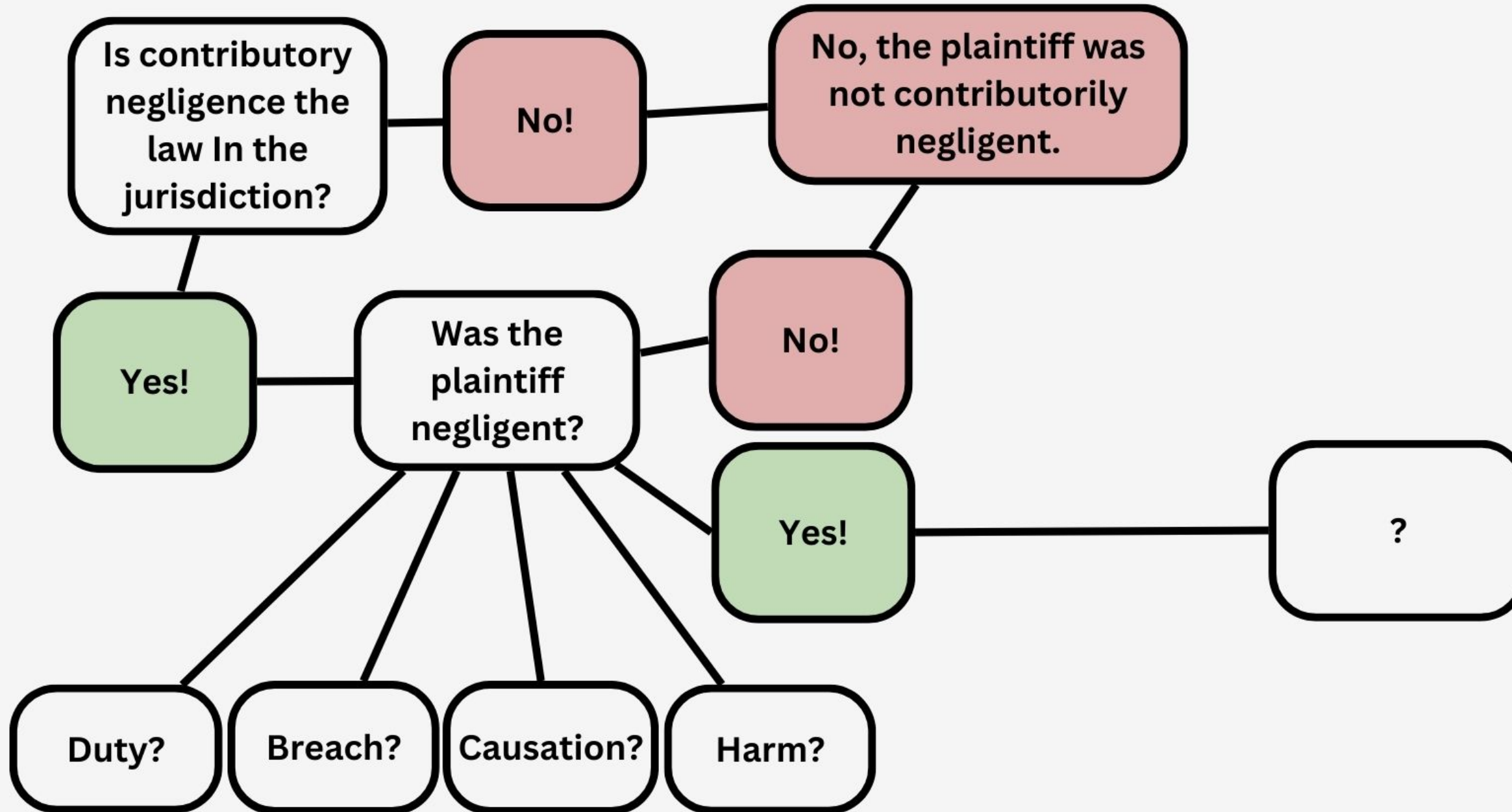
Was the plaintiff contributorily negligent?



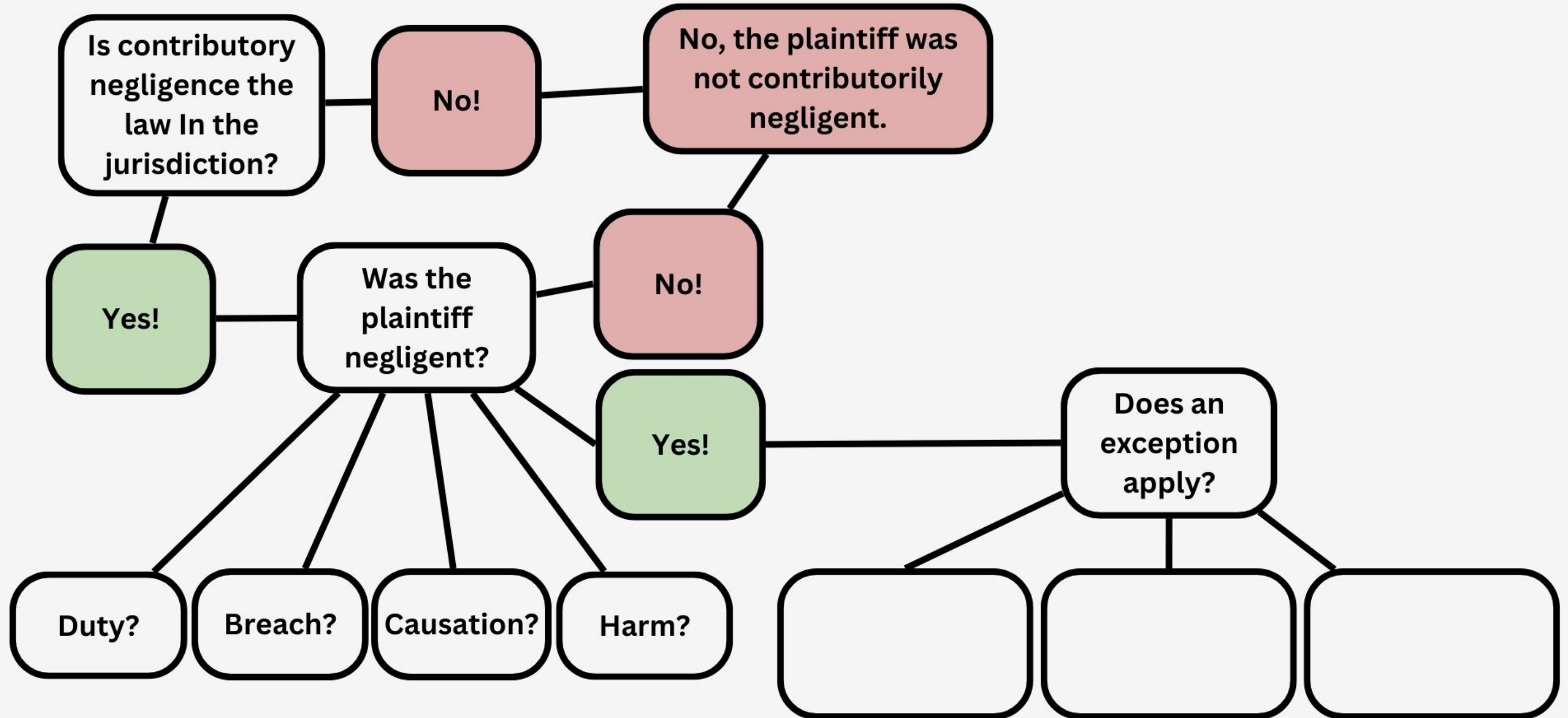
Was the plaintiff contributorily negligent?



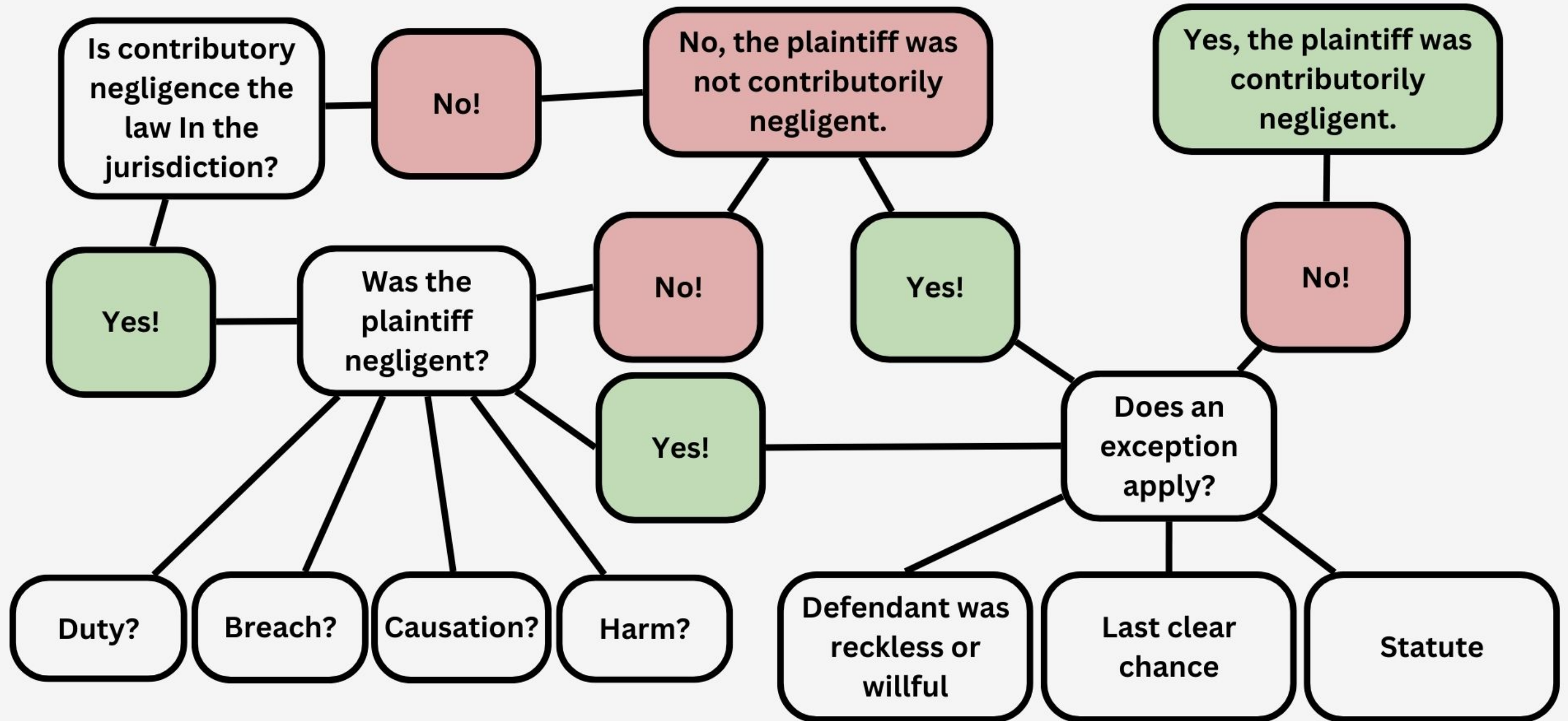
Was the plaintiff contributorily negligent?



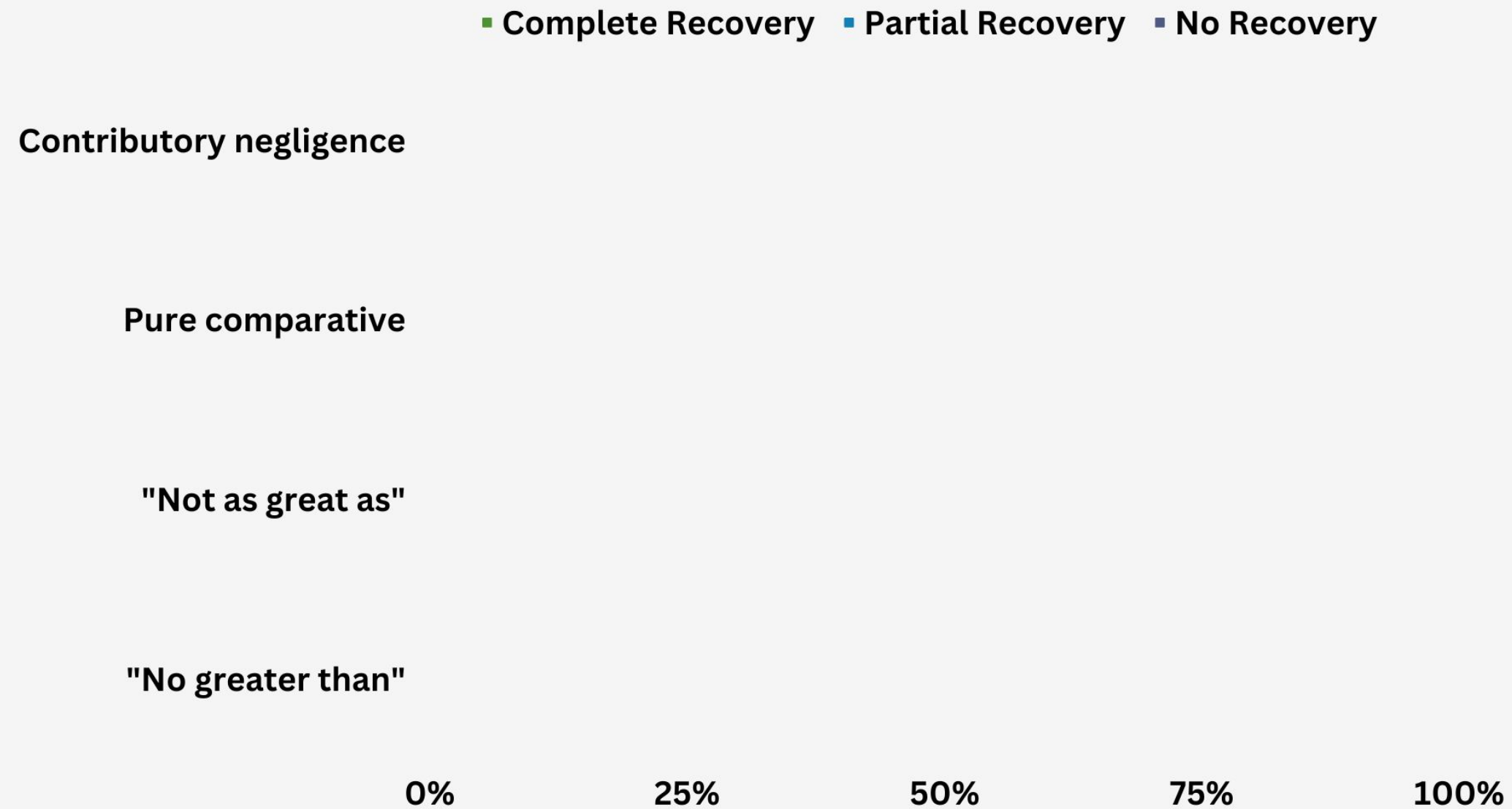
Was the plaintiff contributorily negligent?



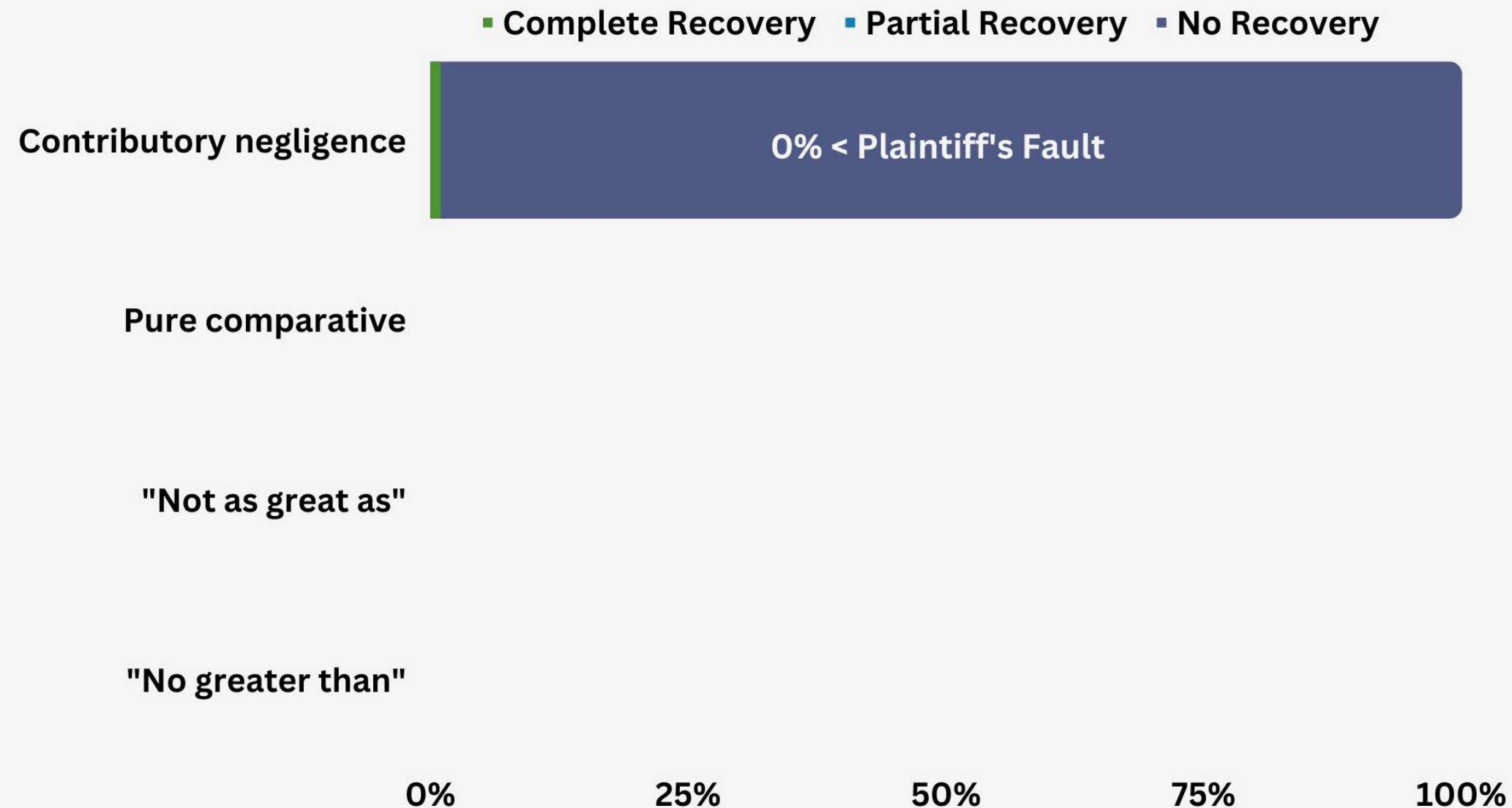
Was the plaintiff contributorily negligent?



Can the negligent plaintiff recover damages?

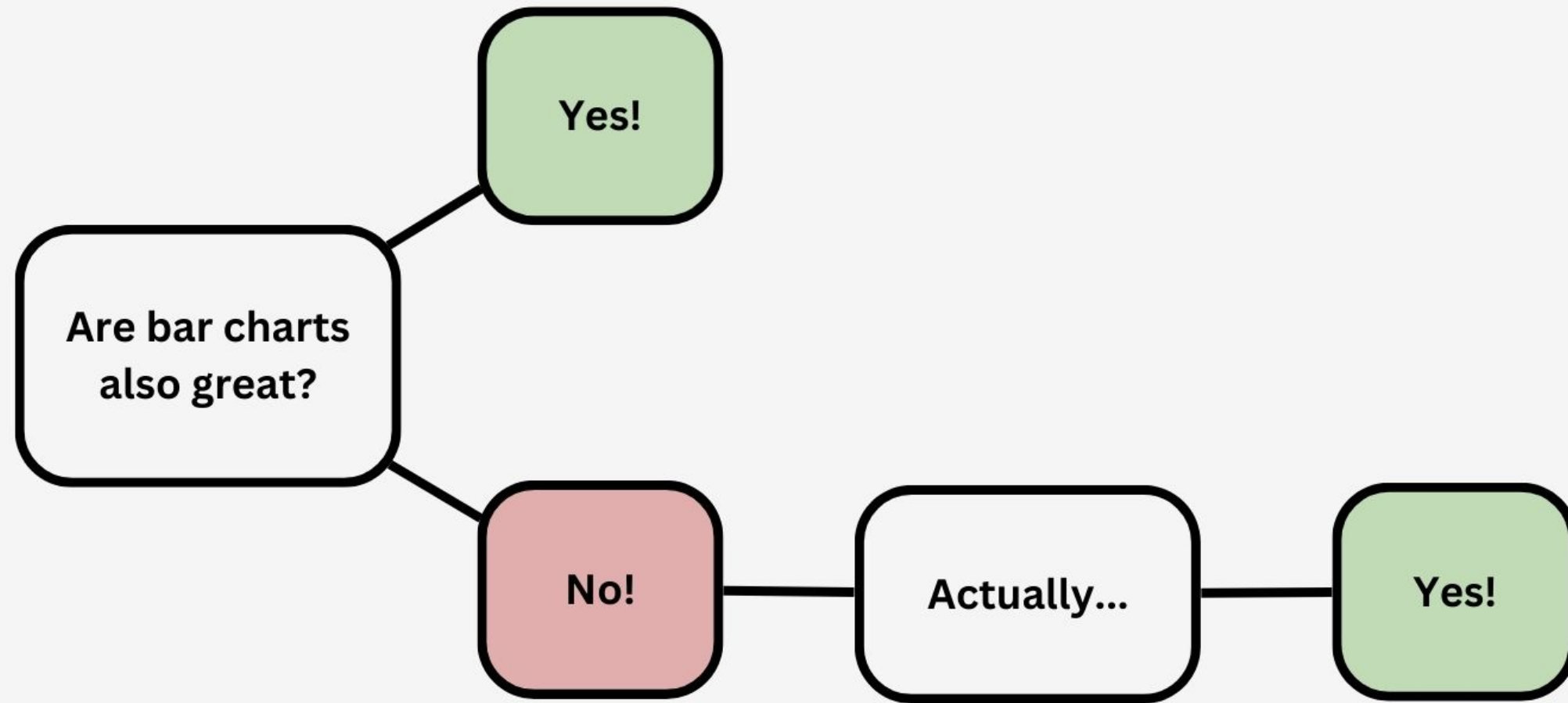


Can the negligent plaintiff recover damages?

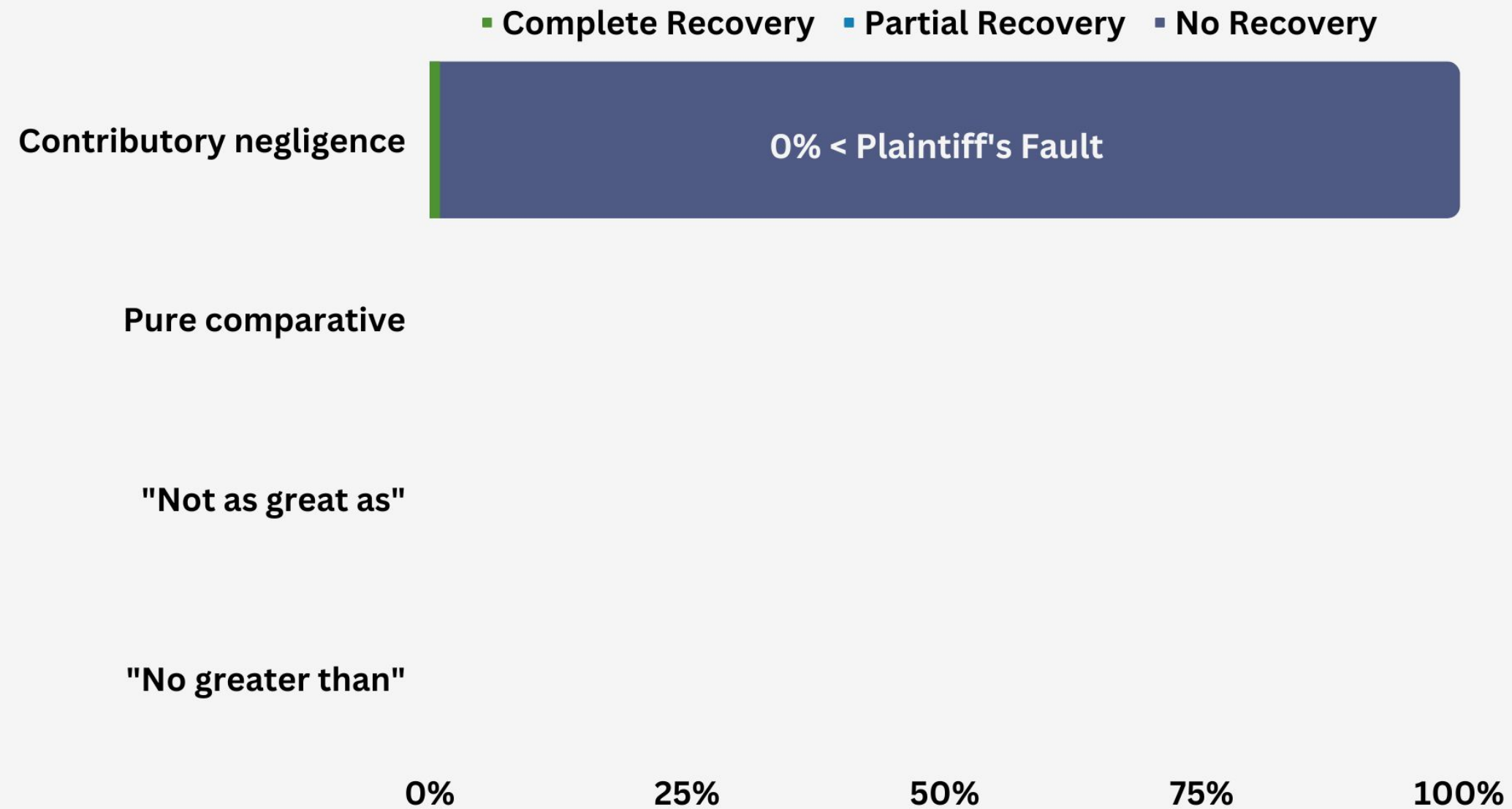


**That's not
a flowchart!**

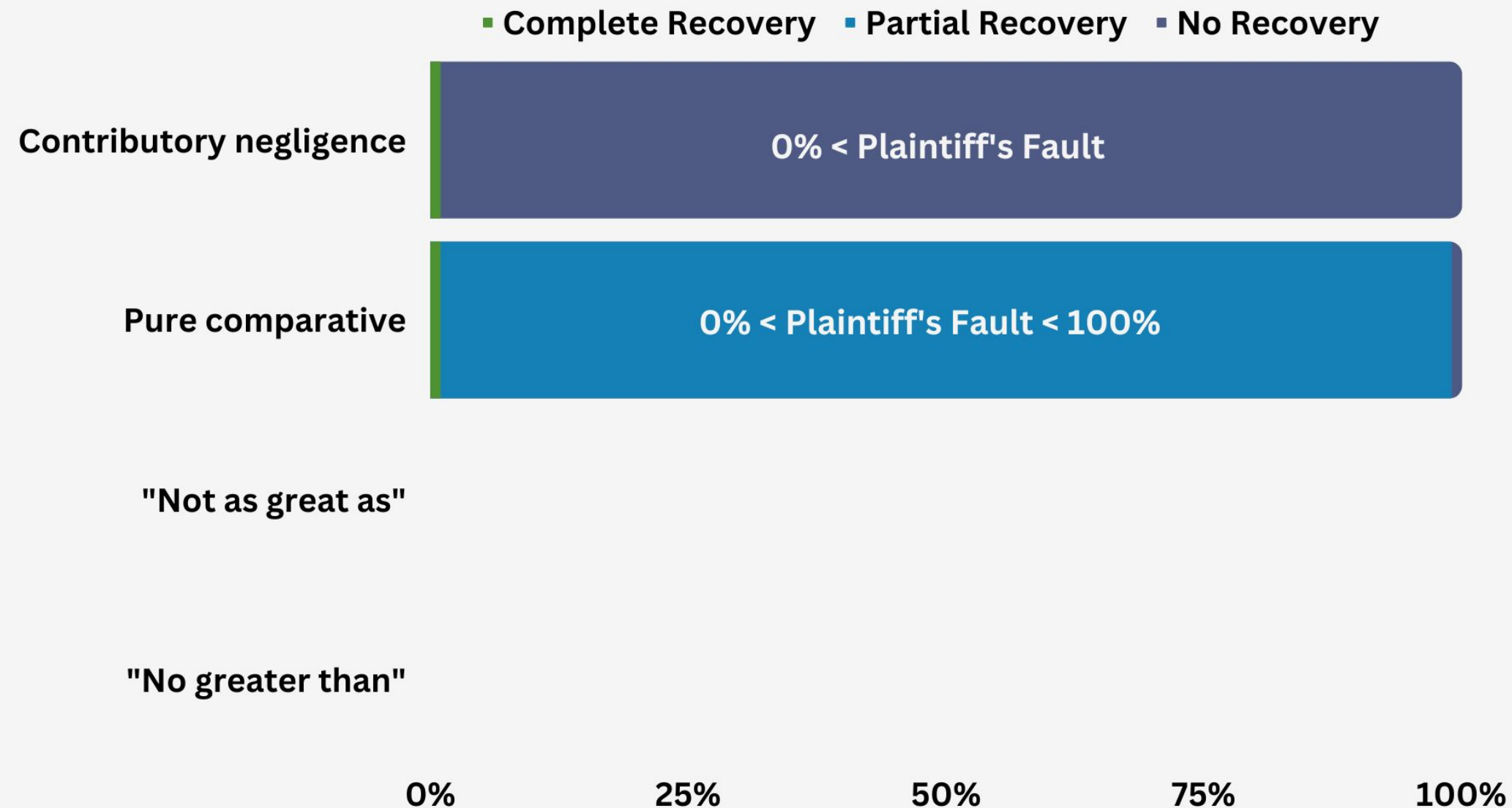
It's cool



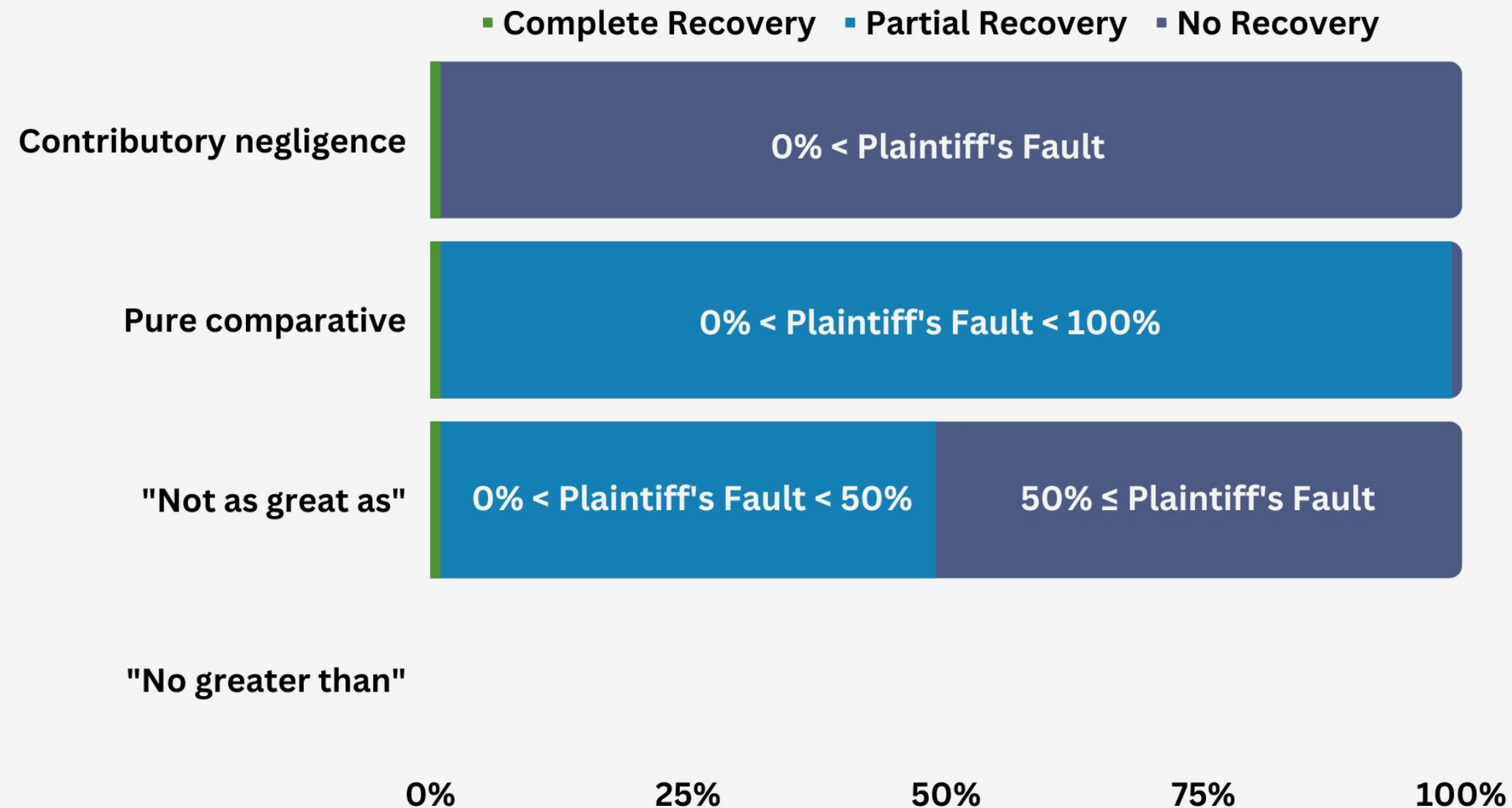
Can the negligent plaintiff recover damages?



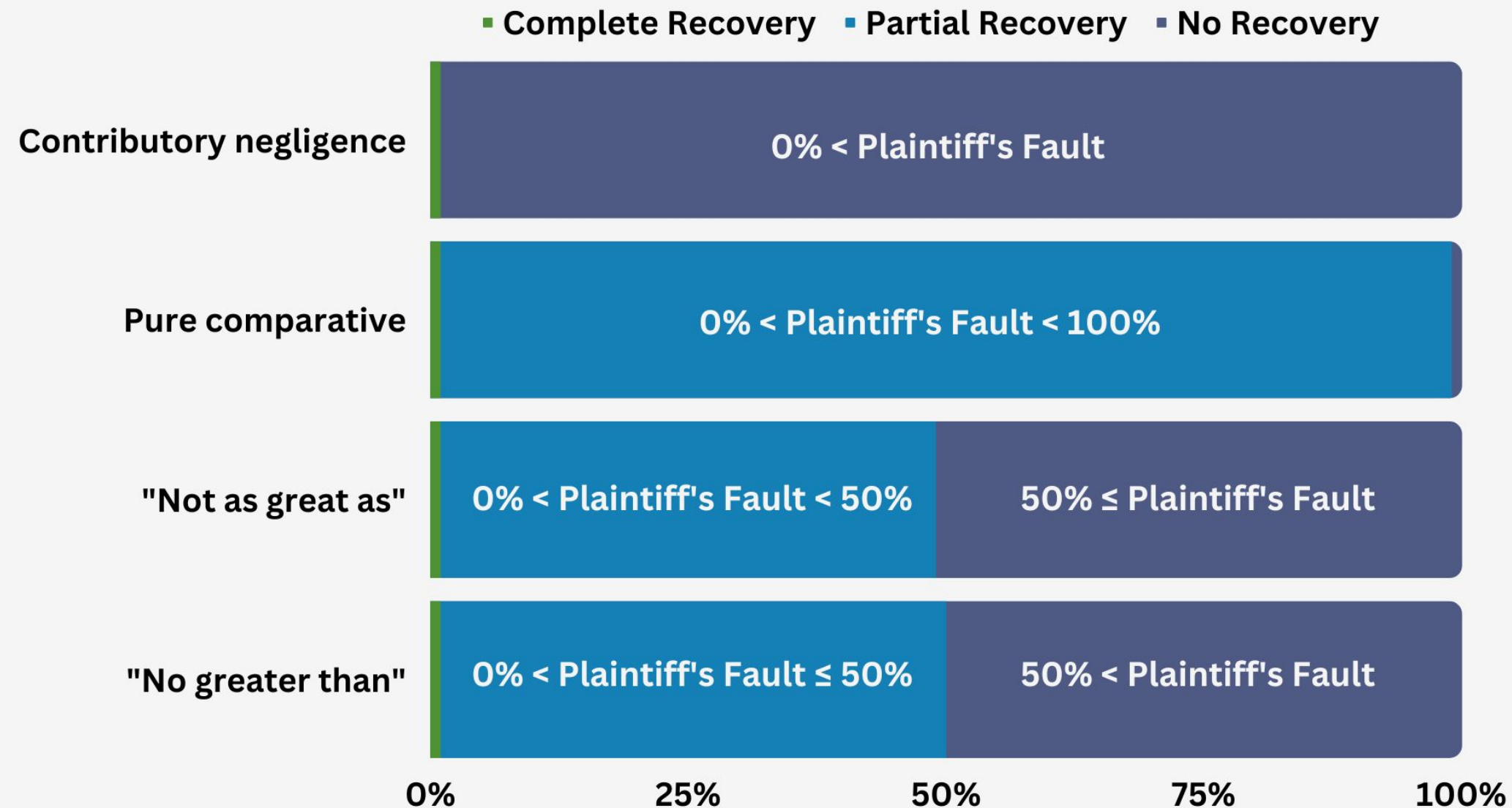
Can the negligent plaintiff recover damages?



Can the negligent plaintiff recover damages?



Can the negligent plaintiff recover damages?



**If multiple defendants are liable,
how much are they each paying?**

Doctrine of Contribution

Traditional Common Law Approach

Two versions:

1. Joint and several liability
2. Several liability

Doctrine of Contribution

Traditional Common Law Approach

Example:

Four defendants (A, B, C, and D) with \$100k damages.

Joint and several liability jurisdiction

A, B, C, and D have plenty of money

Who pays what?

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Traditional Common Law Approach

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Doctrine of Contribution

Modern Approach

Apportionment based on comparative fault.

Example: Four defendants (A, B, C, and D) with \$100k damages.

A is 40% at fault.

B is 10% at fault.

C is 20% at fault.

D is 30% at fault.

Doctrine of Contribution

Modern Approach

Apportionment based on comparative fault.

Example: Four defendants (A, B, C, and D) with \$100k damages.

A is 40% at fault. So A owes \$40k.

B is 10% at fault. So B owes \$10k.

C is 20% at fault. So C owes \$20k.

D is 30% at fault. So D owes \$30k.

Apportionment based on factual cause

**Don't
forget about
factual cause!**

Don't forget about factual cause!

Tortfeasors are only liable for the injuries they caused.

Order of operations with multiple injuries and multiple defendants

First step:

Separate injuries based on factual cause.

Second step:

For injuries that multiple defendants caused, sort out liability based on the contribution rule in the jurisdiction.

Fritts v. McKanne

Wassell v. Adams