

# Vicarious Liability

**But first...**

# Palsgraf v. Long Island Railroad Co.

“Fireworks on the Train Platform”

**Majority opinion (Cardozo)**

**and**

**Dissenting opinion (Andrews)**

“What we do mean by the word ‘proximate’ is, that because of convenience, of public policy, of a rough sense of justice, the law arbitrarily declines to trace a series of events beyond a certain point. This is not logic. It is practical politics.”

- Andrews dissent in *Palsgraf*

# Vicarious Liability

# Miller v. Reiman-Wuerth Co.

“The Bank Errand”

# Christensen v. Swenson

“The Lunch Break”



# Three criteria

- 1) Employee's conduct must be of the general kind the employee is hired to perform.
- 2) Employee's conduct must occur substantially within the hours and ordinary spatial boundaries of the employment.
- 3) Employee's conduct must be motivated, at least in part, by the purpose of serving the employer's interest.

# Kuehn v. Inter-city Freight

“Road Rage”

# Sage Club v. Hunt

“The Violent Bartender”