

Roles of Judge & Jury

Negligence as a Cause of Action

Plaintiff must prove four elements:

1. ???????????

2. ???????????

3. ???????????

4. ???????????

Negligence as a Cause of Action

Plaintiff must prove four elements:

1. Duty

2. Breach

3. Causation

4. Harm

Reasonable care

Ways to determine reasonable care under the circumstances include:

- Foreseeability
- The Reasonable Person

The Reasonable Person Standard

Objective standard

Exceptions to objective standard:

- Physical disability
- Children
- Expertise

Not exceptions to objective standard

- Mental disability
- Children engaged in adult activity
- Old age & infirmity

Baltimore & Ohio Railroad Co. v. Goodman

and

Pokora v. Wabash Railway Co.

and

Akins v. Glen Falls