

# Res Ipsa Loquitur

# Structuring Arguments

# Syllogism for proving duty and breach

D was legally obligated to do X.

D failed to do X.

Therefore, D breached their legal duty.

# Detailed version

D had a duty (to the plaintiff) to exercise reasonable care under the circumstances.

Reasonable care under the circumstances was X, because of

- foreseeability,
- reasonable person standard,
- custom,
- statute,
- or hand formula.

D failed to do X, therefore D acted negligently / breached their legal duty to plaintiff.

# Byrne v. Boadle

# Larson v. St. Francis

# Res Ipsa Loquitur

## Two requirements:

1. Harm results from the kind of situation in which negligence can be inferred
2. Defendant was responsible for the instrument of harm

# Connolly v. Nicollet Hotel



# Why *Allow Res Ipsa Loquitur*?

1. Probabilistic rationale
2. *Asymmetry and fairness justification*