

Negligence and Unintentional Torts



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Reasonable: a reasonable person of ordinary intelligence behaves in a way that our society expects.



Negligence and Unintentional Torts

When people suffer an injury through the fault of another can sue for lost wages or other damages to their person or property



Clip

Negligence and Unintentional Torts

Negligence

- 1) Did the defendant owe the plaintiff a duty of care
- Duty of Care is the obligation to avoid careless actions that may cause harm
 - [Clip](#)



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Negligence

2) Did the Defendant fail to offer the plaintiff the “standard of care” that a reasonable person would offer in a similar situation?

Clip



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Negligence

3) Did the defendant's actions or failure to act cause the plaintiff's injuries?

<http://www.youtube.com/>



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Negligence

Standard of Care

- Professional Liability, what would the expectations be on a reasonable person with the same skill set?

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Standard of Care

- Medical Liability

consent must be given before a health professional touches you. They must also disclose all possible risks and outcomes



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Standard of Care

- Children
- Are held to a lesser standard of care



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Standard of Care

Parental Responsibility

- Parents can be liable for the actions of their children
- Children can sue parents for negligence



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Rescuers

- In B.C. The “good samaritan law” says you don't have to try and help a person, but if you do the standard of care is lowered.



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Negligence

Causation

- “but for” test. Plaintiff would be fine “but for” the actions of the defendant

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Appropriation

- Dividing up blame between multiple parties

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Remoteness of
Damage

- Plaintiff has to show direct correlation between the cause and the harm

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Negligence

Intervening Act

- Is the real cause of the harm despite the “cause in fact” action of the Defendant