

Torts II Outline

- I. Duty
 - A. Duty to aid others in emergency
 - 1. No duty at common law to aid another if your act didn't place them in danger.
 - a. Exceptions
 - (1) Special relationships
 - (2) If injury is caused by D, even if inadvertently
 - (3) Imposed by statute
 - (a) Child abuse
 - (b) Injuries in a car accident caused by D
 - (4) "Good Samaritan"
 - (a) Can abandon efforts provided doing so doesn't leave P in a worse condition
 - B. Duty to control 3rd parties
 - 1. Owner of a chattel is liable for misuse by a bailee (youth, inexperience, etc)
 - 2. Parents liability for children kicks in when:
 - a. Fail to control acts committed in their presence
 - b. Failure to exercise reasonable care/warn of child's dangerous tendencies
 - c. Negligent entrustment of chattels
 - 3. Social hosts
 - a. When liquor is served to a minor
 - b. In some jurisdictions when
 - (1) Host is serving
 - (2) Knowledge of intoxication & intent to drive (constructive or actual)
 - C. Duty to protect a 3rd party
 - 1. Therapists/doctors have a duty to warn a nonpatient of foreseeable danger that could be caused by their patient
 - a. Tarasoff
 - (1) Foreseeability of harm to P (Most important prong)
 - (2) Closeness of the connection b/w the D's conduct & the injury suffered
 - (3) Degree of certainty that the P suffered injury