

# Duties of Landowners & Occupiers

# Upcoming Schedule

Mon. Sept. 29 - Duty of Landowners and Occupiers

Wed. Oct. 1 - Midterm Review & Office Hours

Fri. Oct. 3 - No class

Mon. Oct. 6 - Midterm Exam

# Midterm Review

Email me questions until 9am on Wednesday Oct. 1

Ask me questions in office hours after class on Oct. 1

I will not respond to substantive questions after Oct. 1

# Reynolds v. Hicks

# Negligence Per Se

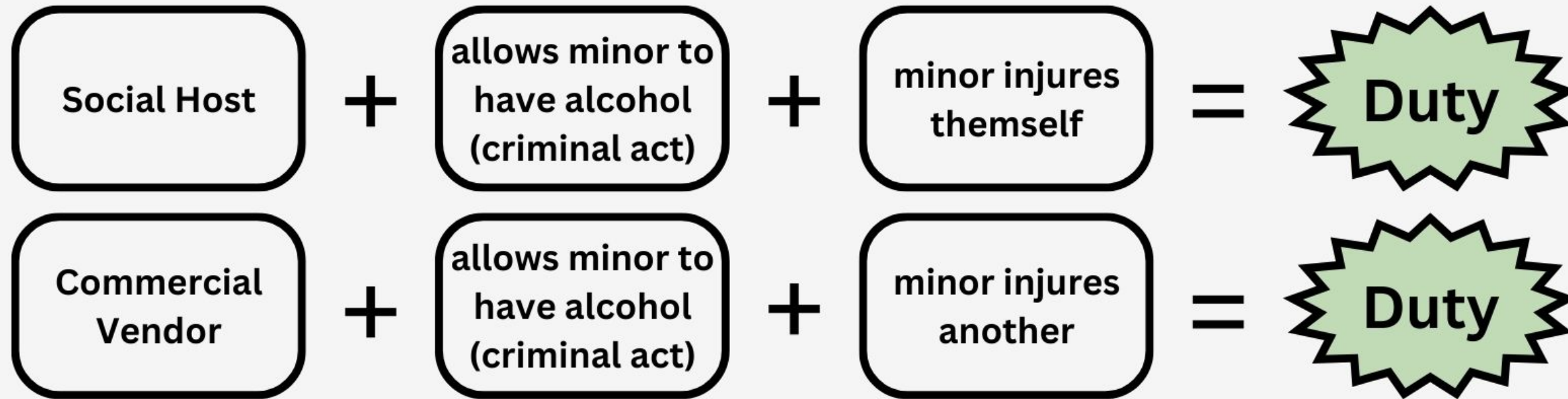
Remember *Martin v. Herzog*?

# Negligence Per Se

**Under RCW 66.44.270(1) it is a crime to:**

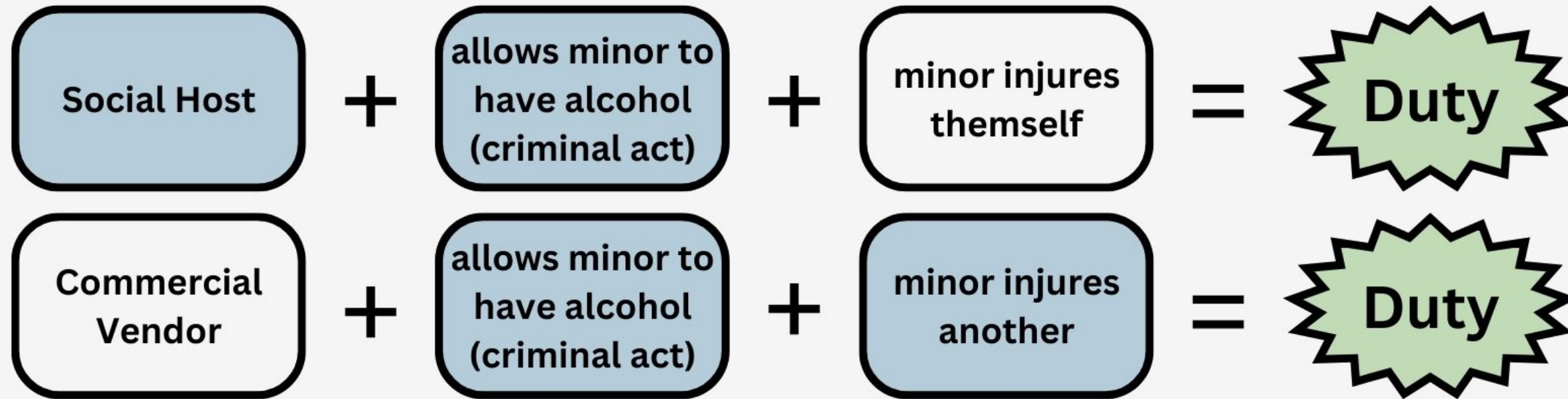
give or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

## Precedent:

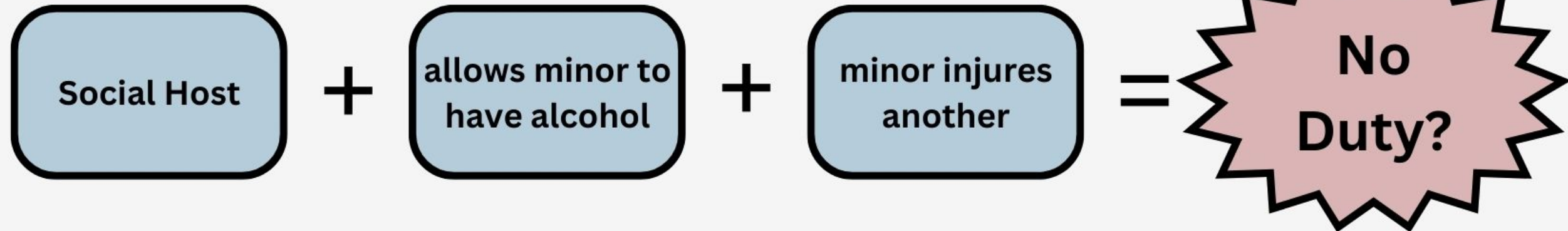


## Current Case:

## Precedent:



## Current Case:





What the heck?

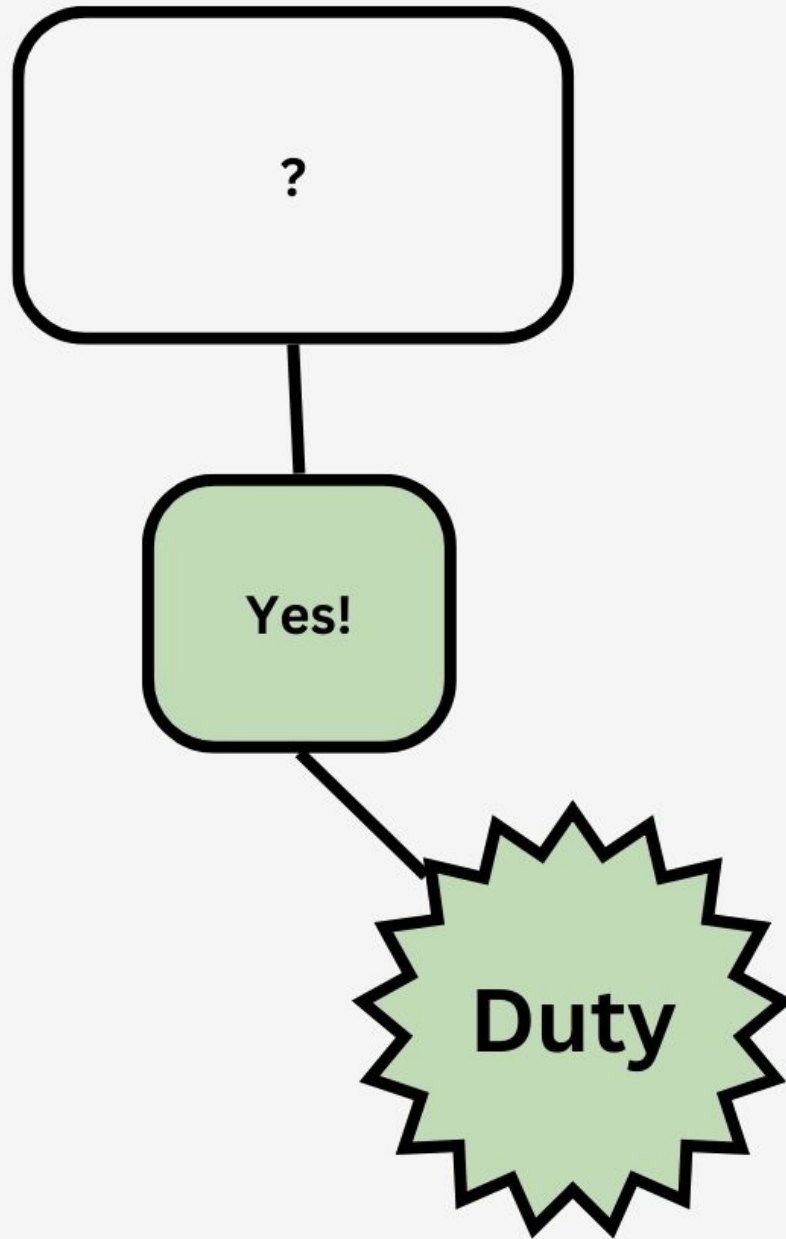
# Two Reasons

1. Legal

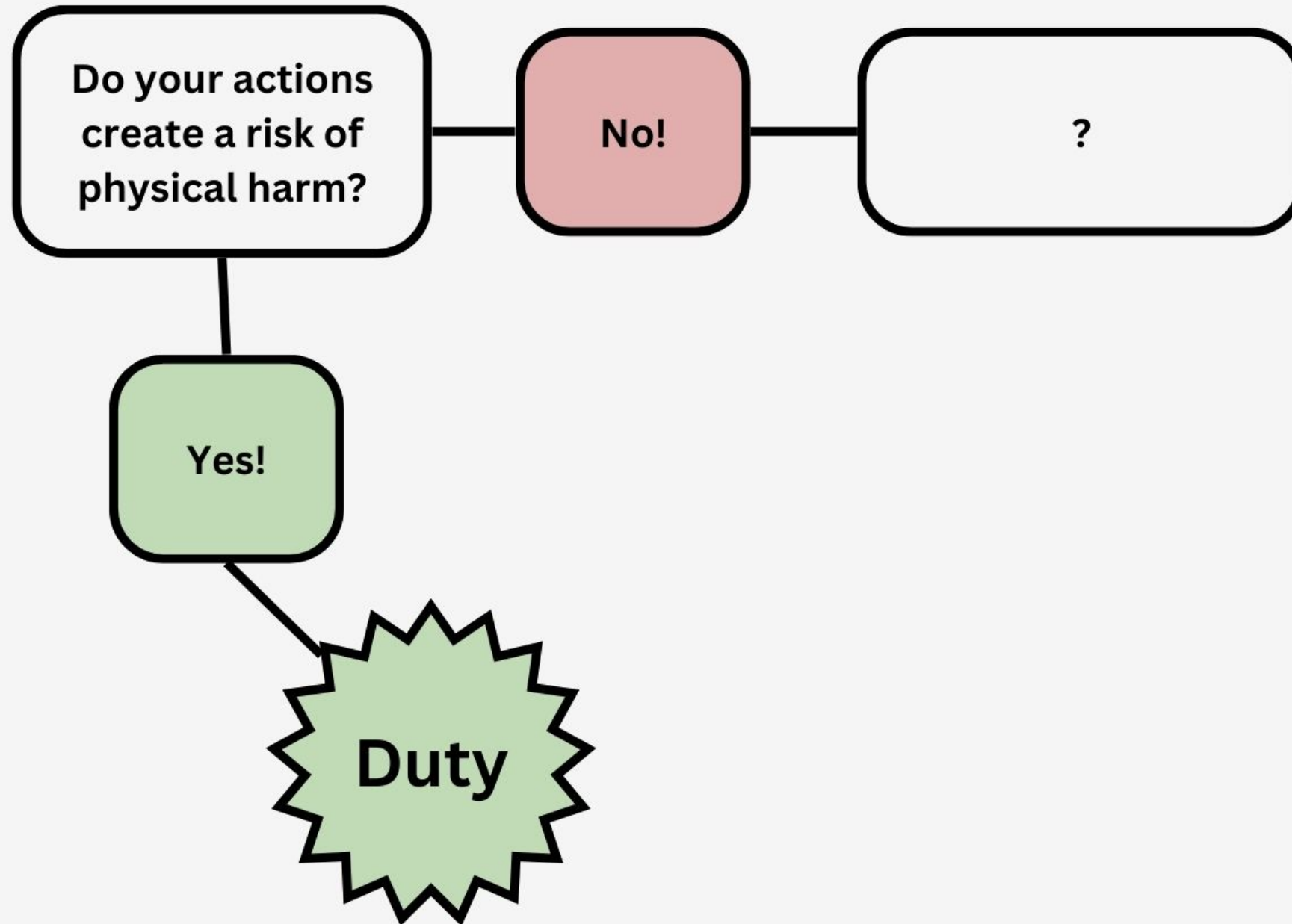
2. Policy

**What have we learned about duty  
so far?**

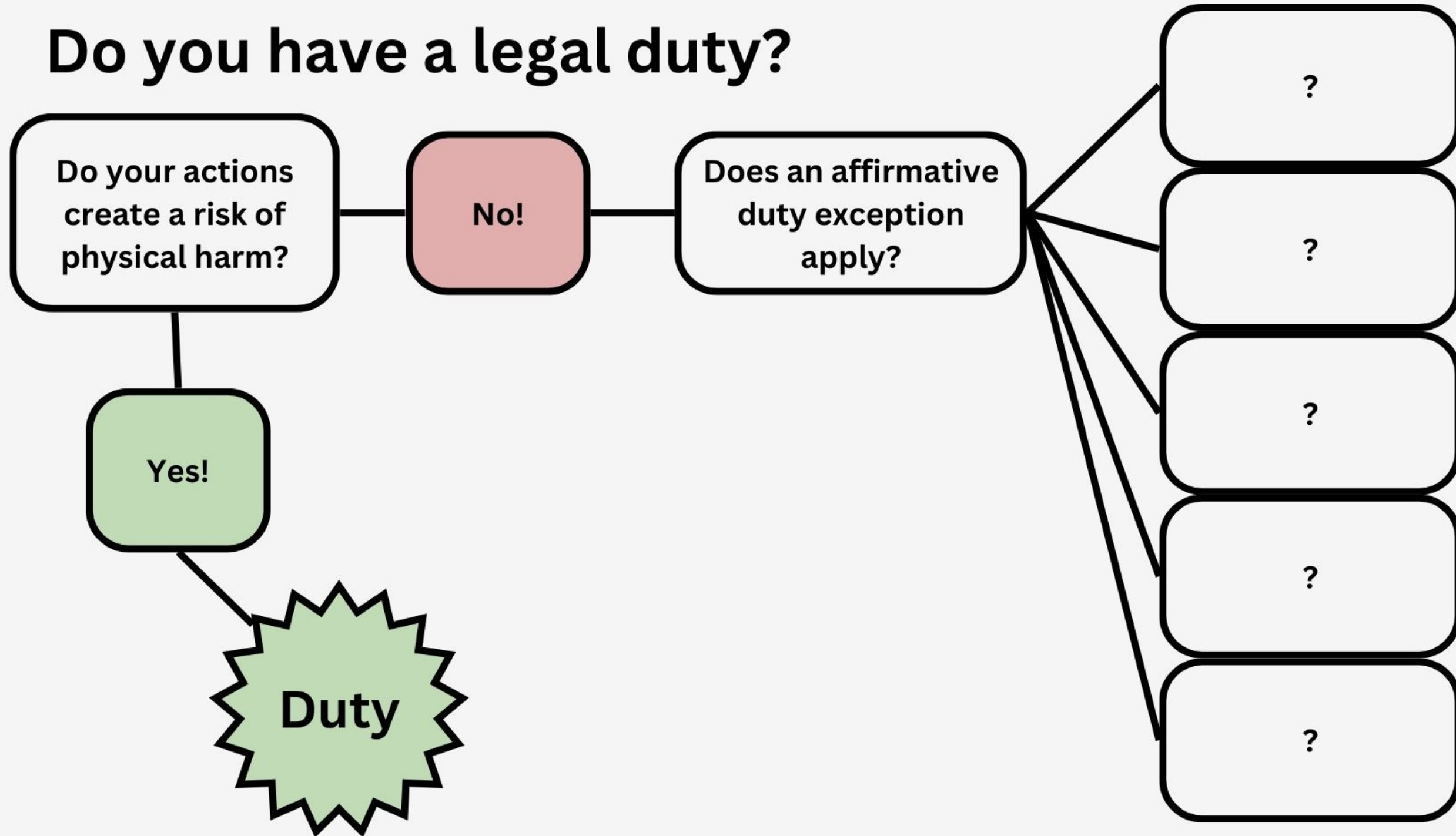
# Do you have a legal duty?



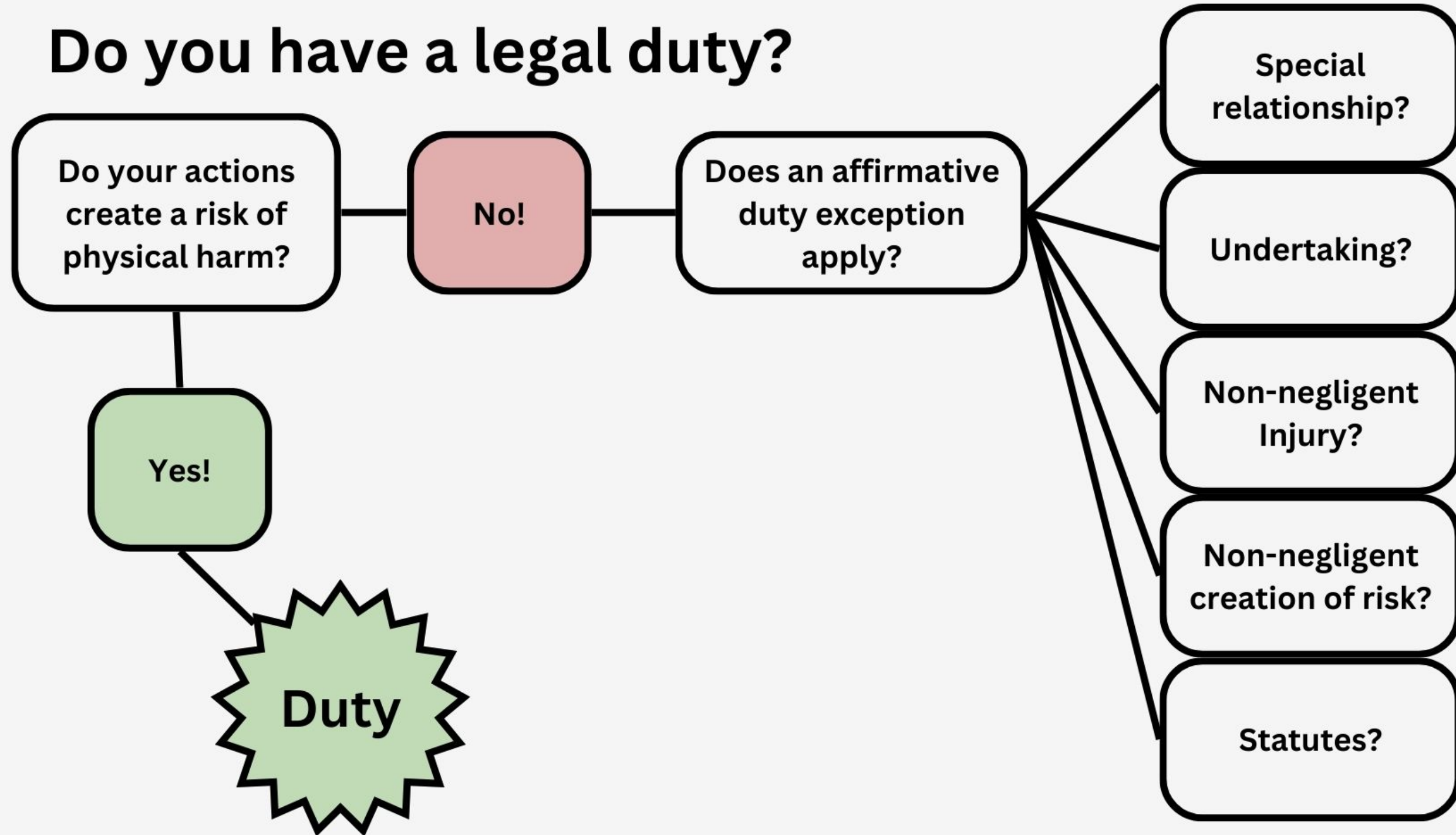
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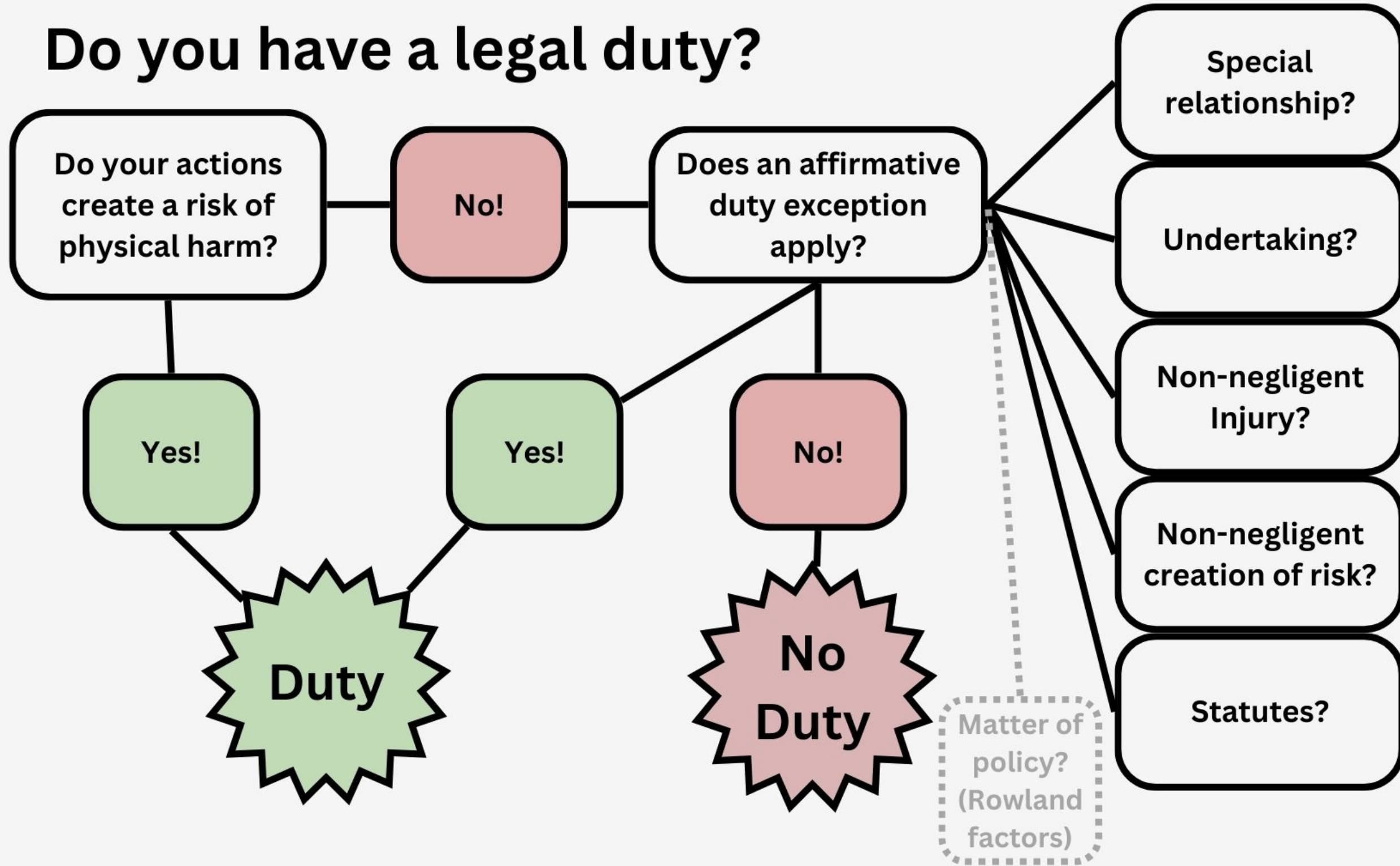
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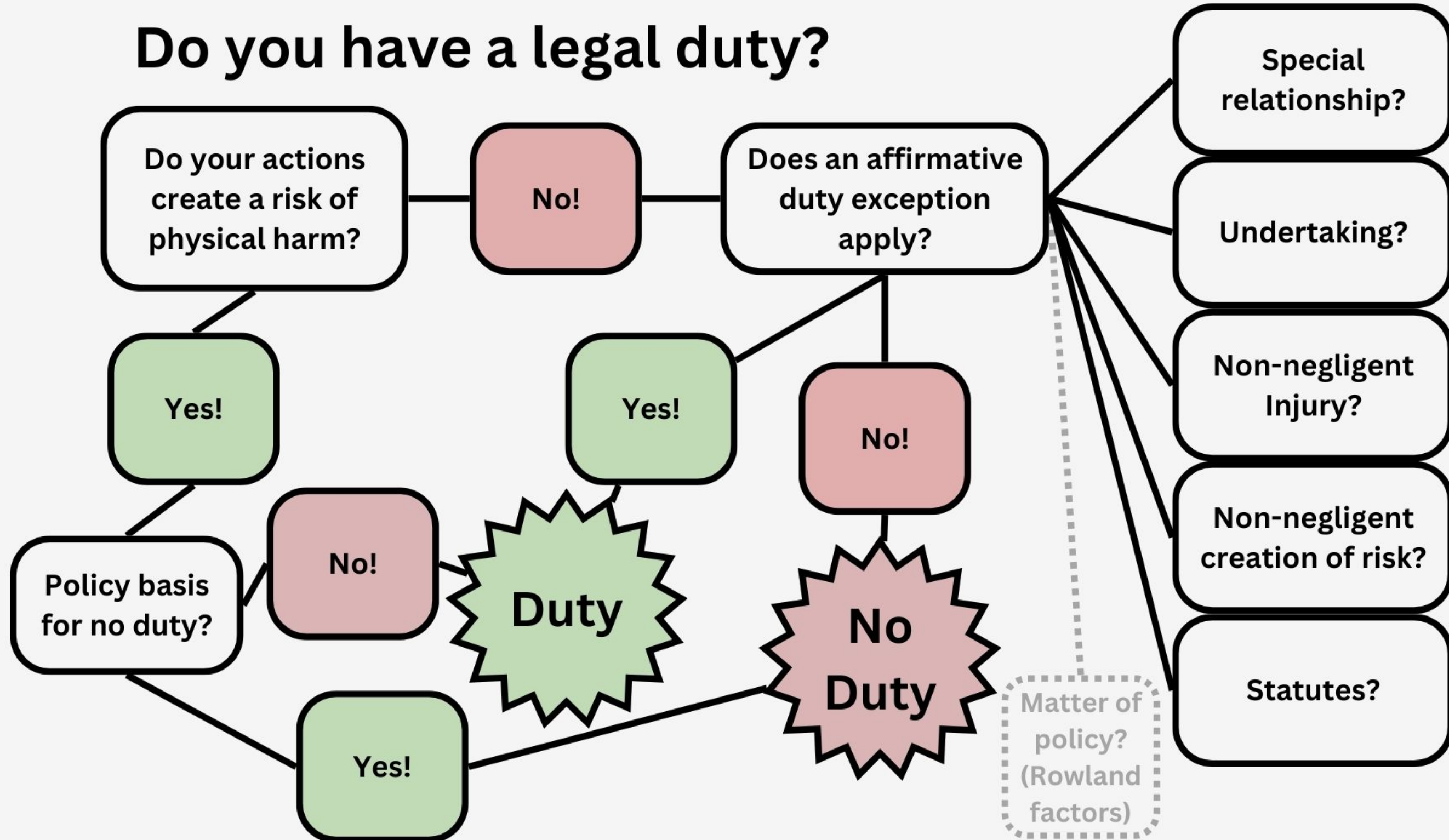


# Do you have a legal duty?





# Do you have a legal duty?



# Duties of Landowners & Occupiers

# Carter v. Kinney

# Traditional View

Type of Visitor	Definition
???	???
???	???
???	???

# Traditional View

Type of Visitor

Definition

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Trespasser

???

---

Licensee

???

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Invitee

???

# Traditional View

Type of Visitor	Definition
Trespasser	Intruder
Licensee	Social guest
Invitee	Business guest or general public (if land opened to public)

# Duties Owed — Traditional View

## Trespasser

duty not to intentionally or wantonly cause injury

*no duty* of reasonable care (with handful of exceptions)

## Licensee

*no duty* to inspect or discover dangerous conditions

duty to warn or make known conditions safe

## Invitee

duty to inspect and discover dangerous conditions

duty to warn or make conditions safe

# Heins v. Webster County



# Modern View

Type of Visitor	Definition
???	???
???	???

# Modern View

Type of Visitor	Definition
Trespasser	Intruder
Everybody else	Not a trespasser

# Duties Owed — Modern View

## Trespasser<sup>1</sup>

duty not to intentionally or wantonly cause injury

*no duty* of reasonable care (with handful of exceptions)

## Everybody Else

duty of reasonable care

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<sup>1</sup> Or in California and the Third Restatement, a “flagrant” trespasser rather than just a plain old trespasser

**Traditional View**

**vs.**

**Modern View**

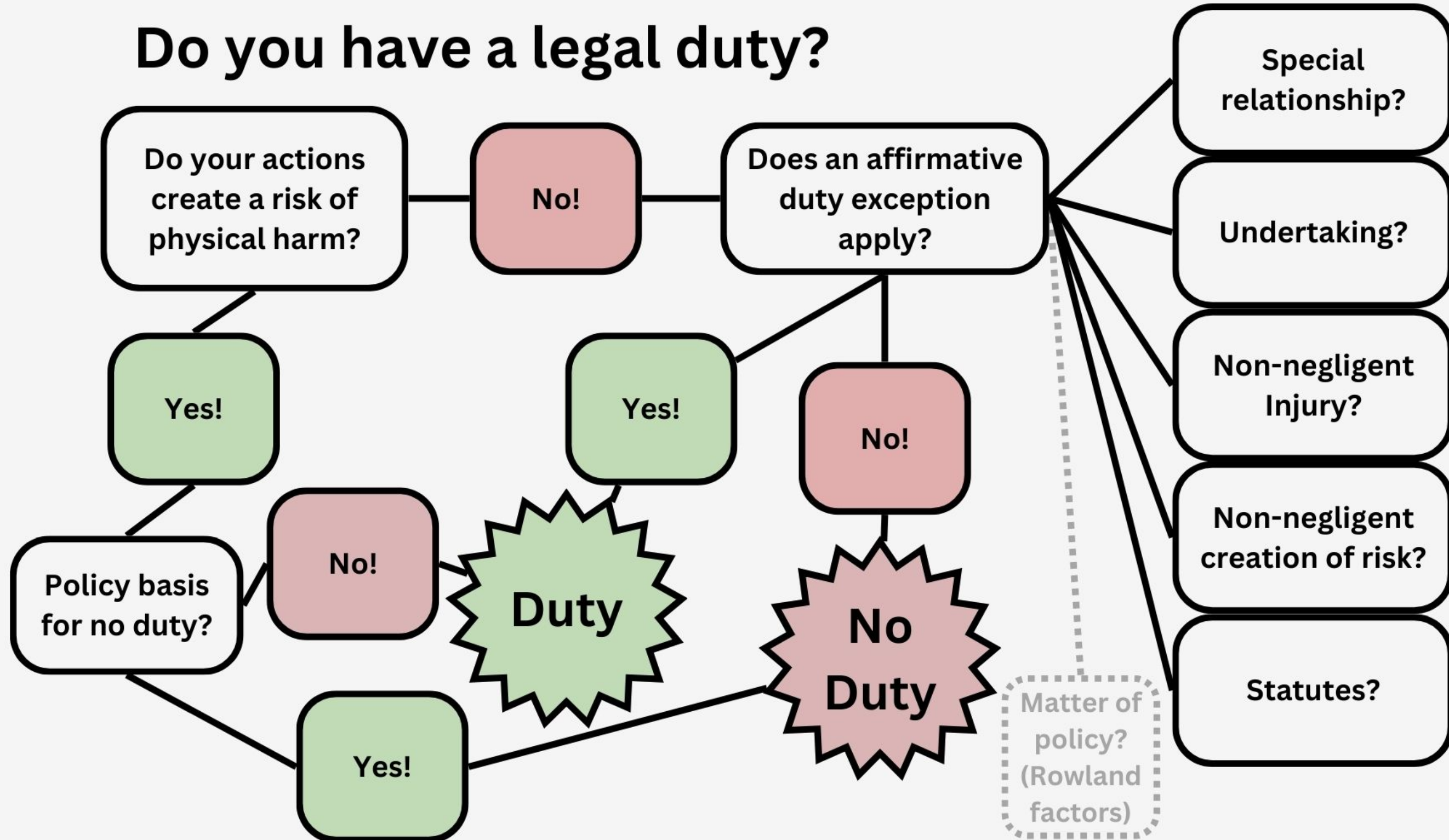
**Exercise 1:**

**Letter from Colleague**

**Exercise 2:**

**Optometrist Duty to 3rd Parties**

# Do you have a legal duty?



# Rowland Factors

- foreseeability of harm
- certainty of plaintiff's injury
- connection between defendant's conduct and plaintiff's injury
- moral blame
- policy of preventing harm
- burden to defendant
- consequences to community
- availability of insurance