Res Ipsa Loquitur

Supplement Recommendations

For Review:

- Understanding Torts

For Practice Problems:

- Tort Law and Practice

Two requirements for res ipsa to apply:

1. Harm results from. . . ?

2. Defendant was. . . ?

Two requirements for res ipsa to apply:

1. Harm results from the kind of situation in which negligence can be inferred

2. Defendant was responsible for the instrument of harm

What's so special about res ipsa?

If res ipsa applies, plaintiff can prove duty and breach without establishing a standard of care.

Why Allow Res Ipsa Loquitur?

1. Probabilistic rationale

2. Asymmetry and fairness justification

Connolly v. Nicollet Hotel

"The Chaotic Convention"

McDougald v. Perry

"The Flying Tire"

Ybarra v. Spangard

"The Unconscious Patient"

In-Class Exercse for Res Ipsa Loquitur

You are deciding a case as an appellate court judge.

Organize your notes according to the CREAC method:

- Conclusion

- Rule

- Explanation

- Application

- Conclusion