

Bethel v. New York City Transit Authority

The standard of *the highest degree of care*

versus

the standard of *reasonable care*

Readings

Sex and Gender: The Reasonable Woman?

The Right to Live in the World: The Disabled in the Law of Torts

Roles of Judge & Jury

Negligence as a Cause of Action

Plaintiff must prove four elements:

1. ??????????

2. ??????????

3. ??????????

4. ??????????

Negligence as a Cause of Action

Plaintiff must prove four elements:

1. Duty
2. Breach
3. Causation
4. Harm

Reasonable care

Ways to determine reasonable care under the circumstances include:

- Foreseeability
- The Reasonable Person



The Reasonable Person Standard

Objective standard

Exceptions to objective standard:

- Physical disability
- Children
- Expertise

Not exceptions to objective standard

- Mental disability
- Children engaged in adult activity
- Old age & infirmity

Baltimore & Ohio Railroad Co. v. Goodman

and

Pokora v. Wabash Railway Co.

and

Akins v. Glen Falls