

# Res Ipsa Loquitur

# Supplement Recommendations

## For Review:

- Understanding Torts

## For Practice Problems:

- Tort Law and Practice

# What's so special about res ipsa?

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

# 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

# Byrne v. Boadle

“The Falling Flour Barrel”

# Larson v. St. Francis

“The Falling Armchair”

# Connolly v. Nicollet Hotel

“The Chaotic Convention”



# Why *Allow Res Ipsa Loquitur*?

1. Probabilistic rationale
2. *Asymmetry* and fairness justification

# McDougal v. Perry

# Ybarra v. Spangard

# In-Class Exercise 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