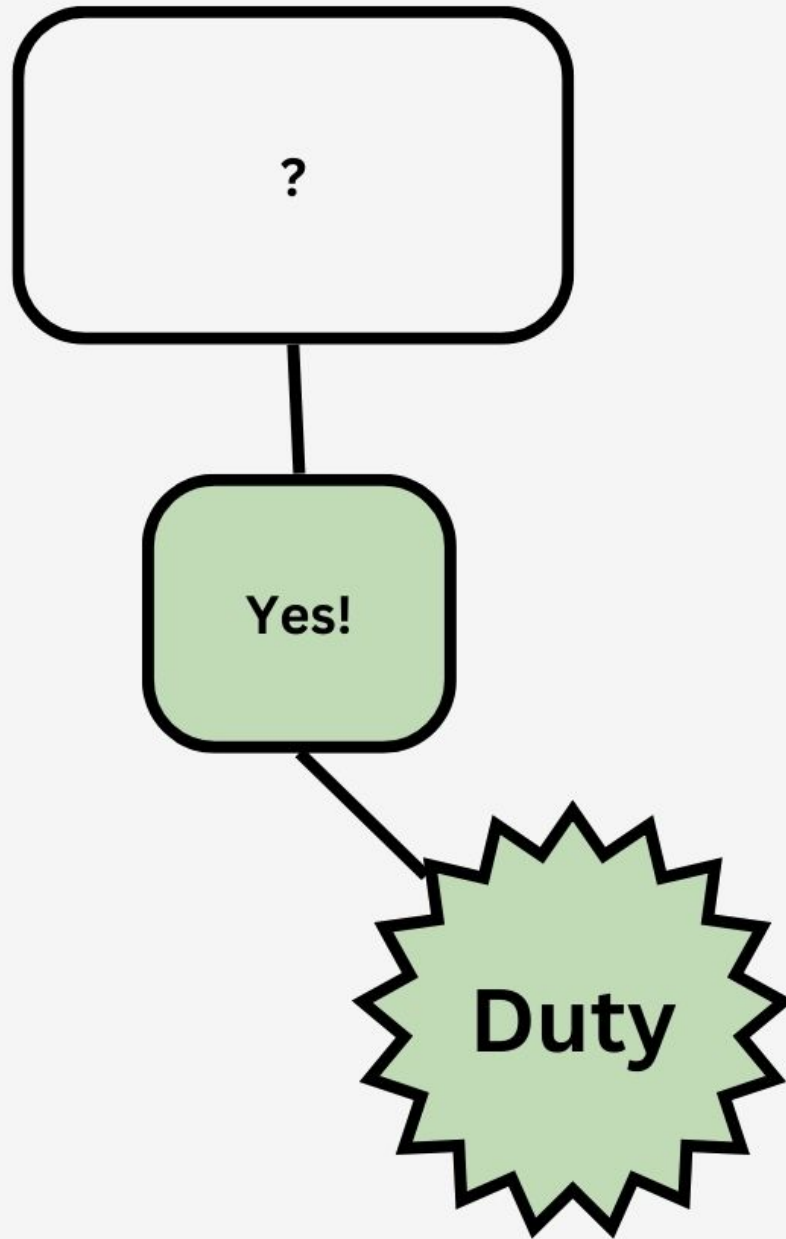


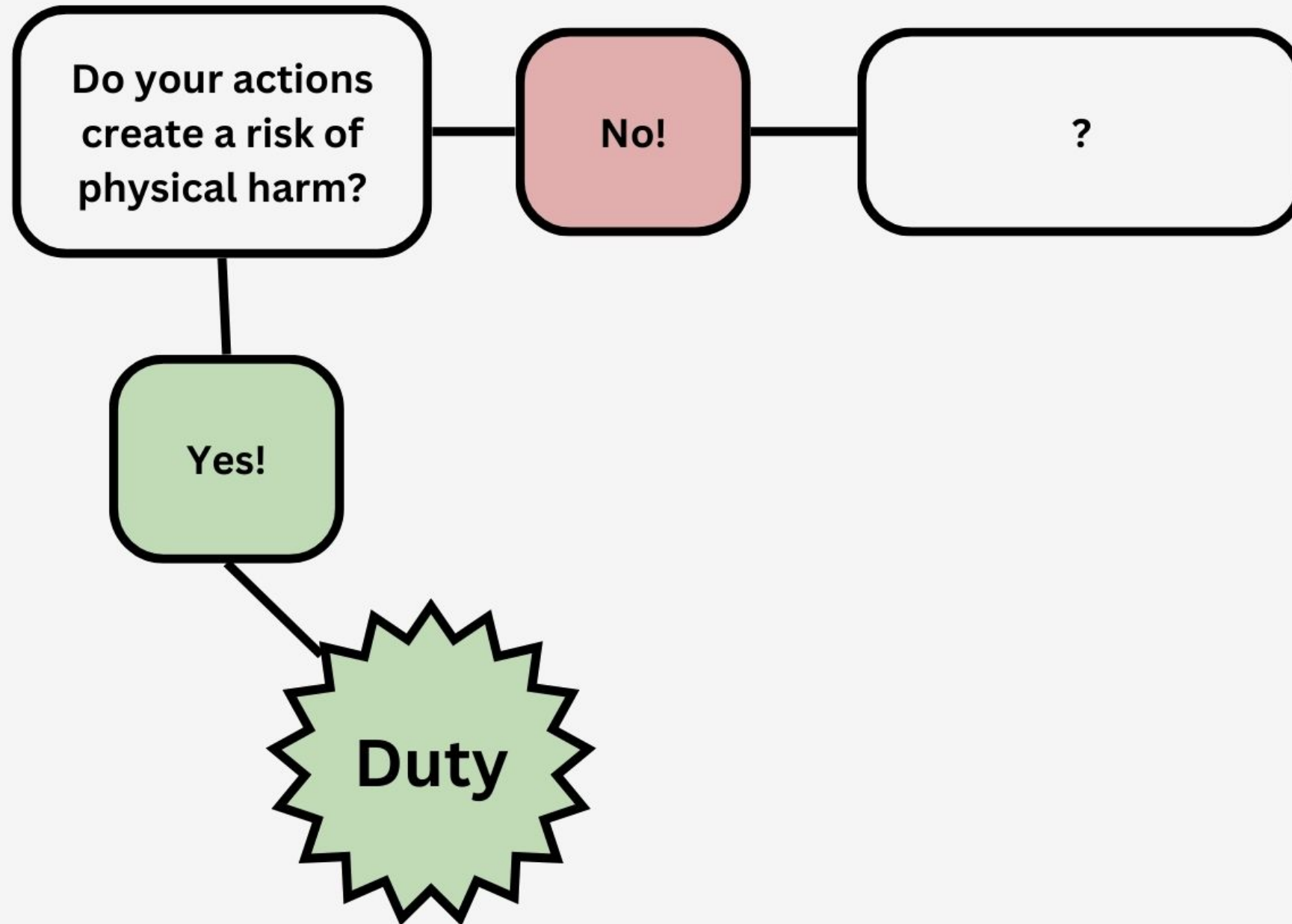
Duties of Landowners & Occupiers

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

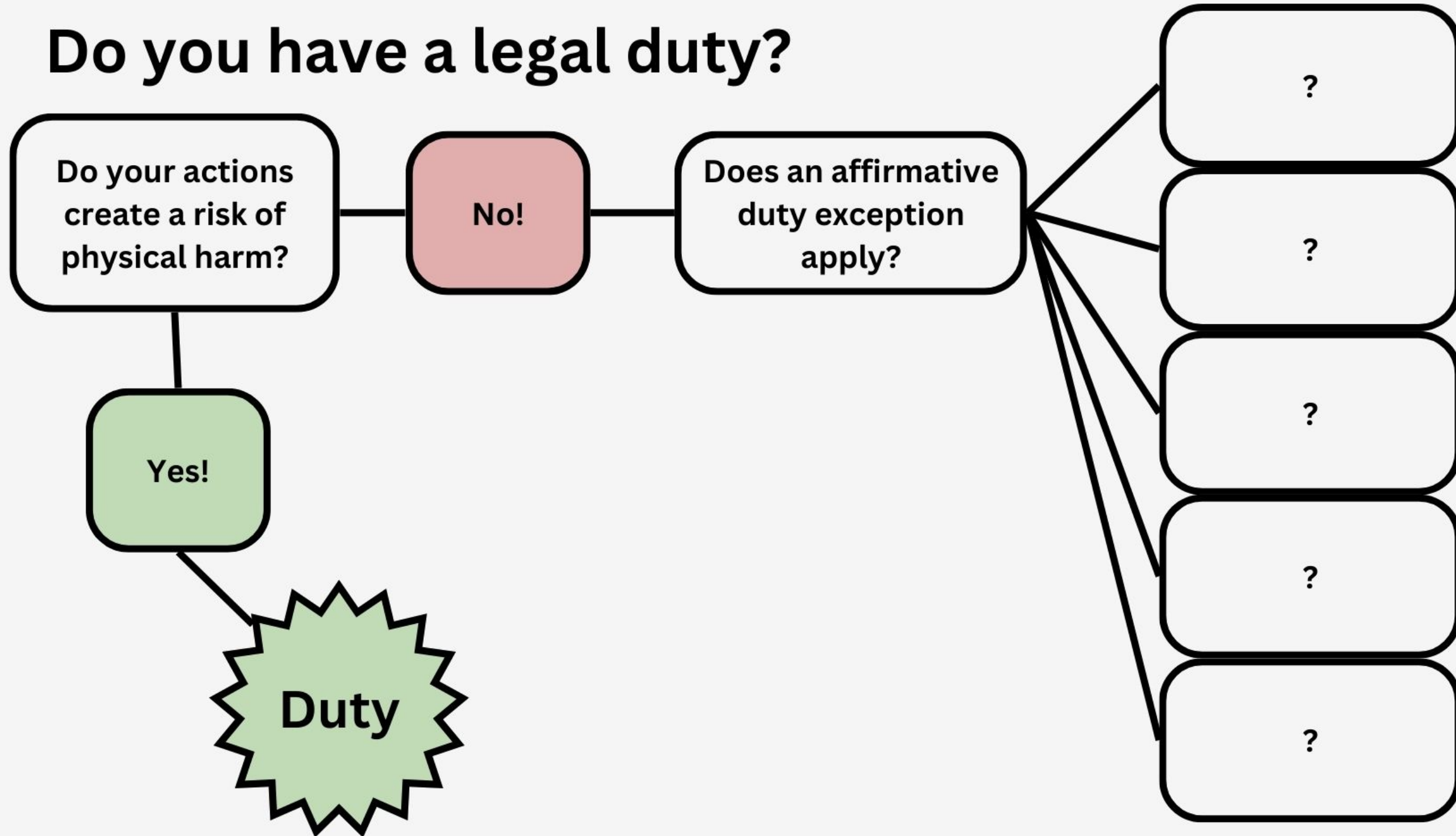
Do you have a legal duty?



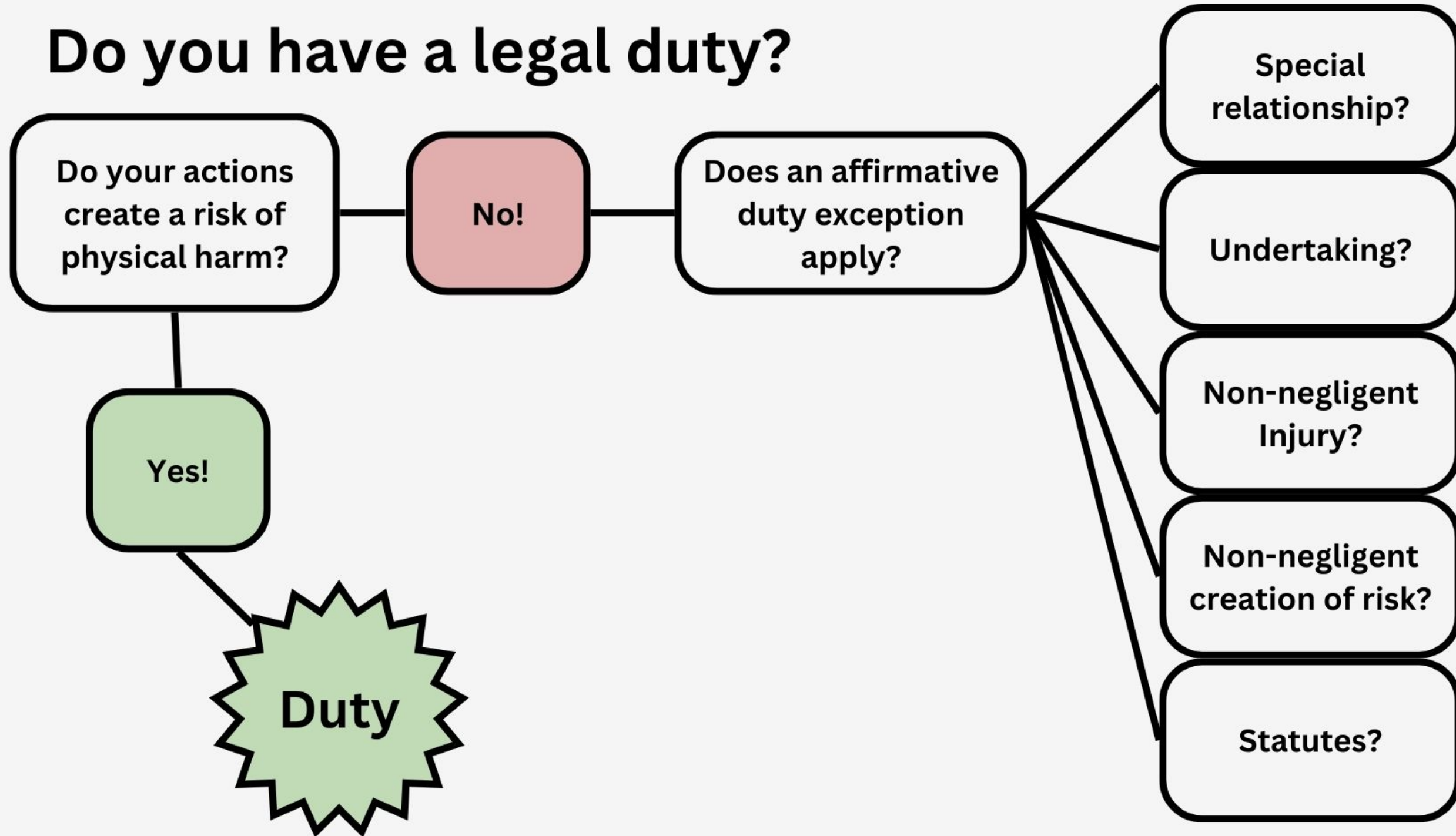
Do you have a legal duty?



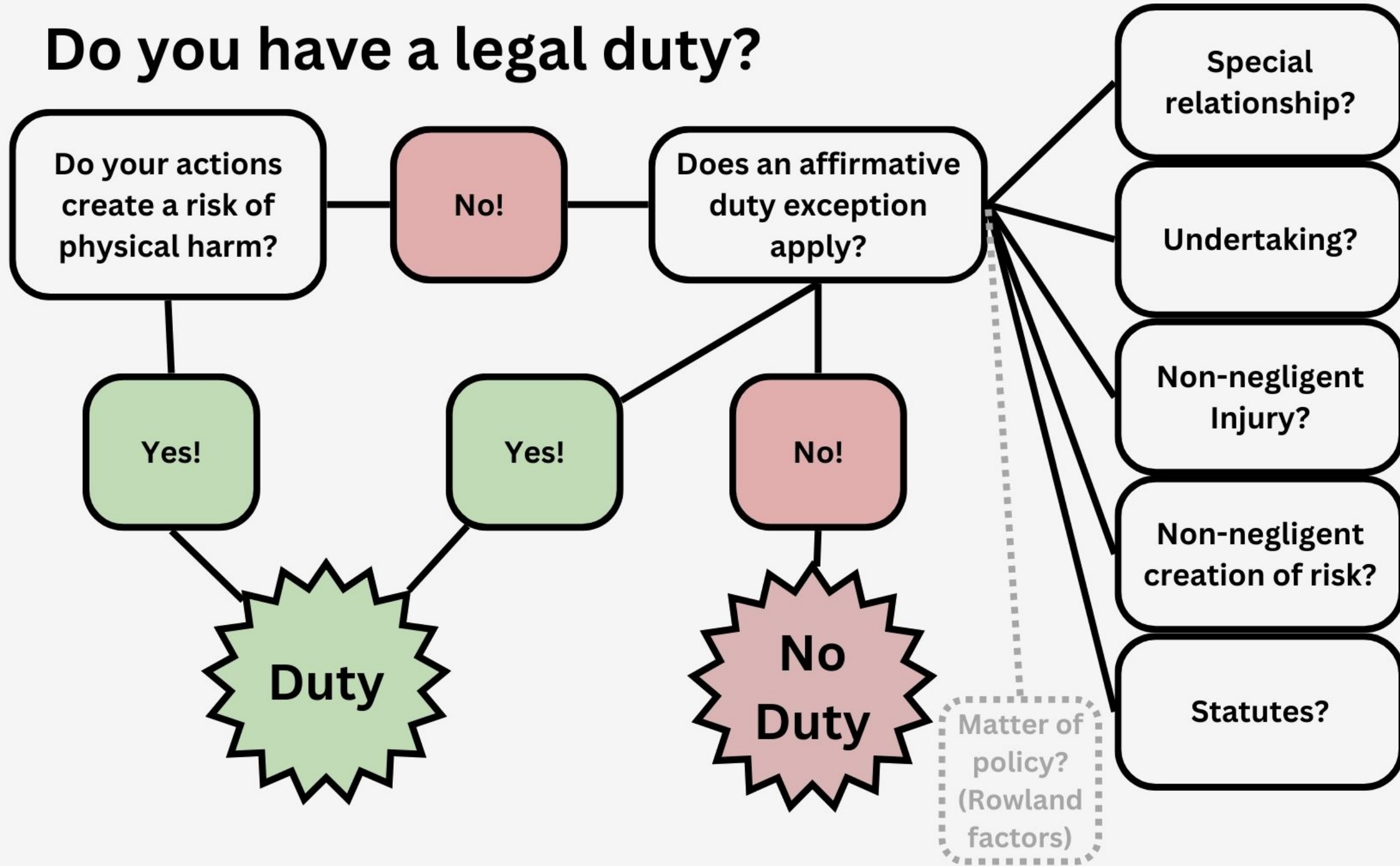
Do you have a legal duty?



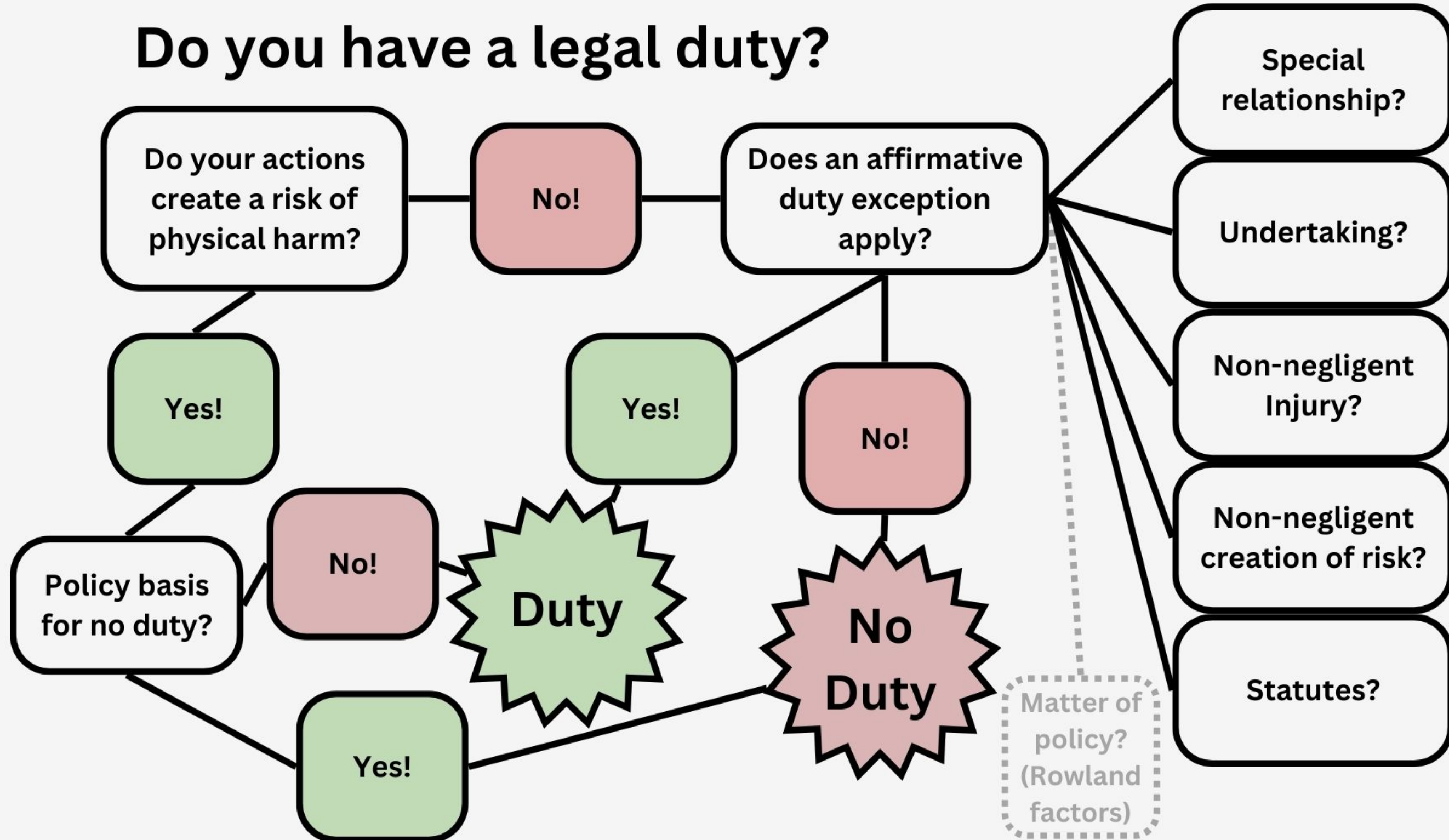
Do you have a legal duty?



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

Trespasser

???

Licensee

???

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

Trespasser¹

duty not to intentionally or wantonly cause injury

no duty of reasonable care (with handful of exceptions)

Everybody Else

duty of reasonable care

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

Traditional View

vs.

Modern View

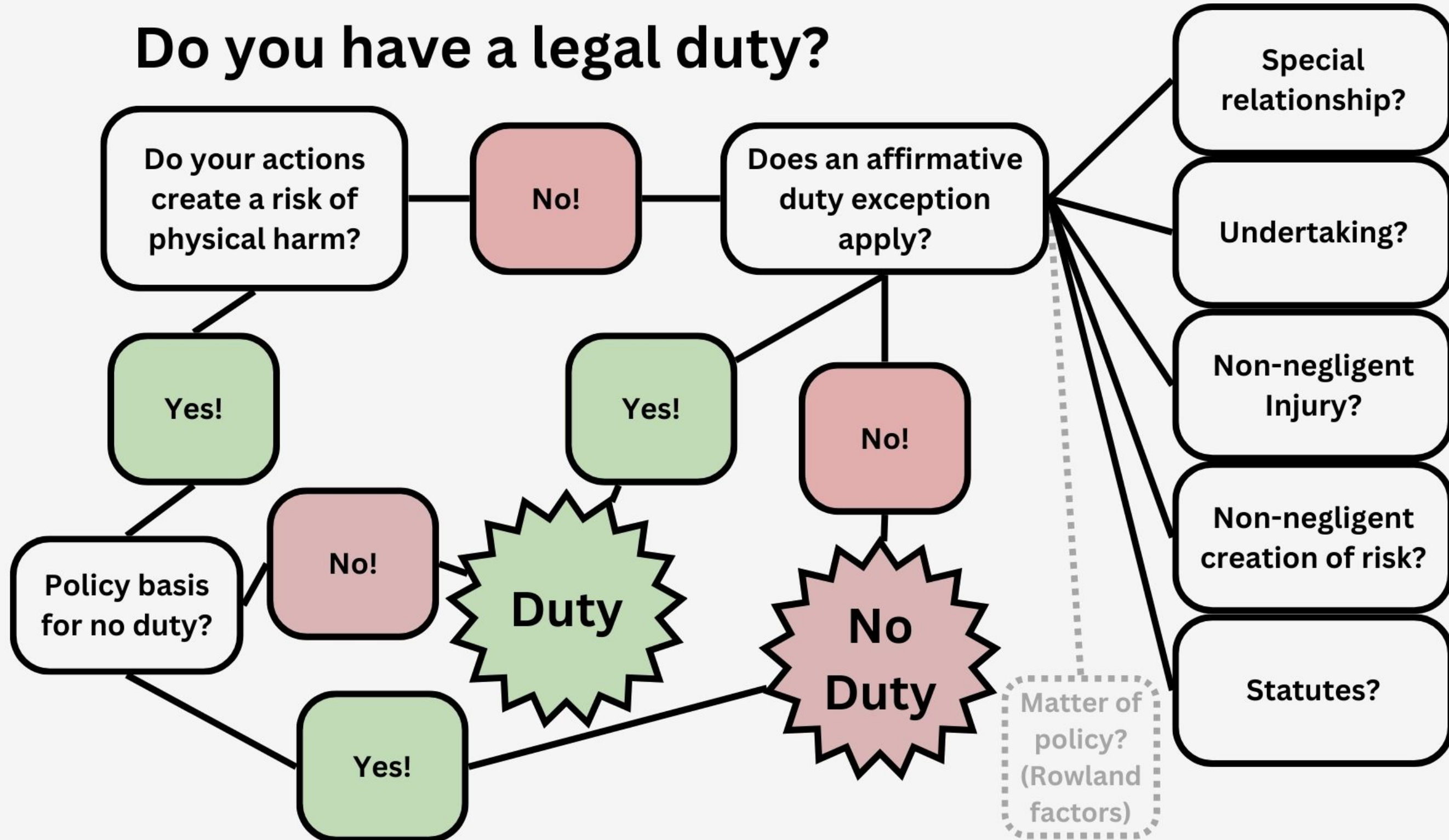
Exercise 1:

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