

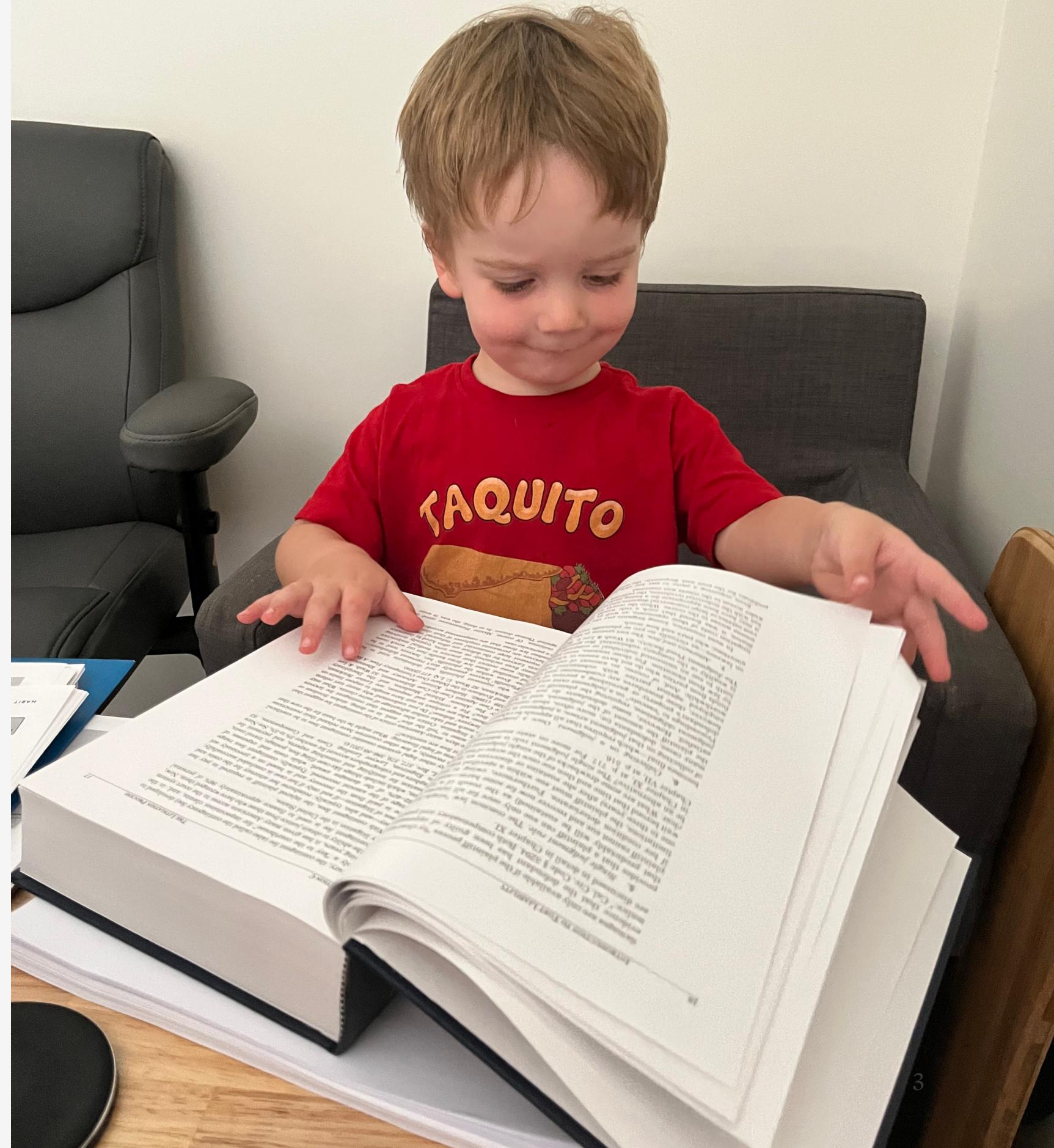
Strict Liability

Remember the first week of class?

How to Read a Case

Before you begin:

1. Connect with your core values.
2. Discern your immediate goal.



Why take this preliminary step?

Connecting to core values makes the work easier and more fulfilling.

Discerning a goal allows you to focus your attention on what matters.

There is no escape.

Stress is a very bad, no good motivator.

Goals when reading a case

1. Grasp the internal logic and mechanics of the case.
2. Synthesize within a broader context.

That's outlining!

An outline outlines the process for arriving at the right answers to familiar questions about unfamiliar facts.

Familiar questions from our negligence defenses

- Does the defense of contributory negligence apply?
- Was the plaintiff comparatively negligent?
- Does the defense of “assumption of risk” apply?
- How much can the plaintiff recover?
- How much does each defendant owe?
- If a particular defendant is absent or insolvent, how much do the other defendants owe?

We also read a case that first week...

Hammontree v. Jenner

Fletcher v. Rylands

Rylands v. Fletcher

Liability applies for:

PWFOPBOHL&C&KTALDMIE

Liability applies for:

PWFOPBOHL&C&KTALDMIIE

A person who for his own purpose brings onto his land and collects
and keeps there anything likely to do mischief if it escapes

Limits on Strict Liability

Fletcher v. Rylands

--- PWFOPBOHL&C&KTALDMIIE

Rylands v. Fletcher

--- PWFOPBOHL&C&KTA “non-natural” and LDMIIE

First Restatement

--- “ultrahazardous activity”

Second Restatement

--- “abnormally dangerous activity”

Indiana Harbor Belt v. American Cyanamid



Indiana Harbor Belt v. American Cyanamid

Strict liability applies for behavior that is:

- Very risky and that risk cannot be eliminated at reasonable cost

AND

- Not susceptible to due care analysis

Tort law is the law of
negligence.

Strict liability is the law of tort law when negligence fails.