

Case: Cooper v. Sisters of Charity (1971)

Facts:

Issue: Was Dr. Hansen negligent?

Decision: Not

Reasoning:

Rule: Need to show Duty, Breach, Causation, and Damages

Duty: Cooper came to Dr. Hansen, needing help in emergency room. Dr. took care of Cooper, and hence owes a duty.

Breach: When a patient has injury to the head and vomiting, standard practice is to examine the spot of the injury, take vitals recurringly to see whether there is any change, test ability to stand up / stand / walk around.

Here, Dr. Hansen did not examine the back of C's head; did not take many (if any) vital recordings; and did not test C's mobility even though C needed assist in walking when leaving the hospital. Therefore Dr. H failed to take reasonable care.

Causation:

Actual: but-for causation: if there had not been a breach, then the damages would not have occurred.

Here, we know that failure to treat in these cases almost certainly leads to death. However, with treatment, survival is not guaranteed. Dr. DeJong speculated that "there is a chance – maybe some place around 50% - that patients would survive with surgery."

Do we apply "reasonable probability" or "substantial probability"? This court, use reasonable probability because the causation is "more likely not" that the damages would not have occurred. So it wants to apply a requirement of proof of more than 50%. Here, the court finds that Dr. DeJong's testimony was insufficient. Without proof of greater than 50% probability, causation fails.

Damages:

Cooper died.

Conclusion: Dr. H was not negligent because causation failed.