

A driver, returning home from a long work shift at a factory, fell asleep at the wheel and lost control of his car. As a result, his car collided with a police car driven by an officer who was returning to the station after having responded to an emergency. The officer was injured in the accident and later sued the driver in negligence for her injuries. The driver has moved for summary judgment, arguing that the common law firefighter's rule bars the suit.

Should the court grant the motion?

- A. No, because the firefighter's rule does not apply to police officers.
- B. No, because the police officer's injuries were not related to any special dangers of her job.
- C. Yes, because the accident would not have occurred but for the emergency.
- D. Yes, because the police officer was injured on the job.

Explanation:

Rescue doctrine

General rule Rescuers can recover for injuries sustained while attempting to rescue another if that person's peril was caused by defendant's negligence

Exception Professional rescuers cannot recover for injuries attributable to special dangers of their job—eg:
(firefighter's rule) firefighter entering burning building
 police officer arresting suspect
 paramedic/lifeguard attempting risky rescue

When a person's conduct creates a risk of harm, he/she owes a duty to all foreseeable plaintiffs. Under the [rescue doctrine](#), foreseeable plaintiffs include rescuers who might be harmed while attempting to aid victims of the risky conduct. But the rescue doctrine is limited by the common law **firefighter's rule**, which applies to **all professional rescuers** (eg, police officers) **(Choice A)**. This rule **bars recovery in negligence** if the professional rescuer's harm resulted from a **special danger** of his/her job.

Here, the officer was injured in a car accident and later sued the driver in negligence for her injuries. The officer's injuries were not related to any special dangers of her job since the risk of being struck by a car in normal traffic applies to everyone on the road. Therefore, the firefighter's rule does *not* bar the officer's recovery, and the court should deny the driver's motion for summary judgment.

(Choice C) The emergency—from which the officer was returning—was an [actual cause](#) of the accident since it would not have occurred but for the emergency. But this does not justify summary judgment for the driver since his conduct (ie, falling asleep at the wheel) was also an actual cause of the accident.

(Choice D) Although the police officer was injured on the job, her injury did not result from any special danger of police work. Therefore, summary judgment for the driver would be improper.

Educational objective:

The firefighter's rule is a limitation on the rescue doctrine that bars firefighters and other professional rescuers from recovering in negligence for harm that resulted from the special dangers of their jobs. But they can still recover for injuries that arose from risks applicable to everyone.

References

62 Am. Jur. 2d Premises Liability § 421 (2019) (explaining that the firefighter's rule prevents professional rescuers from recovering for injuries arising out of the special risks of their professions).

Vasquez v. N. Cty. Transit Dist., 292 F.3d 1049, 1054–55 (9th Cir. 2002) (explaining that the firefighter's rule extends to police officers).

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