

A homeowner and a group of his friends are fanatical basketball fans who regularly meet at each other's homes to watch basketball games on television. Some of the group are fans of team A, and others are fans of team B. When the group has watched televised games between these two teams, fights sometimes have broken out among the group. Despite this fact, the homeowner invited the group to his home to watch a championship game between teams A and B.

During the game, the homeowner's guests became rowdy and antagonistic. Fearing that they would begin to fight and that a fight would damage his possessions, the homeowner asked his guests to leave. They refused to go and soon began to fight. The homeowner called the police, and an officer was sent to the homeowner's home. The officer sustained a broken nose in his efforts to stop the fighting.

The officer brought an action against the homeowner alleging that he was negligent in inviting the group to his house to watch this championship game. The homeowner has moved to dismiss the complaint.

What is the best argument in support of this motion?

- A. A police officer is not entitled to a recovery based upon the negligent conduct that created the need for the officer's professional intervention.
- B. A rescuer injured while attempting to avert a danger cannot recover damages from the endangered person.
- C. As a matter of law, the homeowner's conduct was not the proximate cause of the police officer's injury.
- D. The homeowner did not owe the police officer a duty to use reasonable care, because the officer was a mere licensee on the homeowner's property.

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

Under the rescue doctrine, persons who negligently endanger themselves or others are liable for injuries sustained by rescuers. But the **firefighter's rule** is a limitation on the rescue doctrine that applies to *all* professional rescuers (eg, police officers). This rule **bars professional rescuers from recovering** for harm that resulted from the **special dangers** of their jobs—eg, the **negligent conduct** that created the need for their professional intervention.

Here, the police officer was injured in his efforts to stop the fighting among the homeowner's guests. The officer then sued the homeowner, alleging that he was negligent in inviting the group (who were prone to fighting) to his house to watch the game. But since the officer cannot recover based upon the negligent conduct that created the need for his professional intervention, this is the best argument for dismissing his complaint.

(Choice B) An injured rescuer *can* recover damages from an endangered person if that person's own negligence created the need for his/her rescue. But the firefighter's rule still bars the police officer's recovery in this instance.

(Choice C) The homeowner's conduct *was* a **proximate cause** of the police officer's injury since harm to rescuers is always a foreseeable consequence of negligence.

(Choice D) Police officers are mere **licensees** when they enter a person's land. But land possessors (eg, the homeowner) owe licensees a duty to use reasonable care in conducting activities (eg, parties) on the land.

Educational objective:

The firefighter's rule bars firefighters and other professional rescuers from recovering for harm that resulted from the special dangers of their jobs—eg, the negligent conduct that created the need for their professional intervention.

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).

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