

Elements of Negligence

Duty: The defendant owed the plaintiff a duty to act reasonably. A reasonable person would consider (1) the burden of taking precautions; (2) the likelihood of harm; and (3) the seriousness of the harm. If the burden of taking precautions is low and the likelihood of serious harm is high, then a reasonable person would take that precaution. If the burden is high, and there is only a small risk of non-serious harm, then a reasonable person would not take that precaution.

Breach: The defendant's conduct violated that duty (the defendant did not act reasonably).

Causation: The defendant's conduct caused the plaintiff's harm and the harm was foreseeable.

Damages: The plaintiff suffered actual damages (medical costs, lost wages, pain and suffering, etc.).

