

Torts Answer Structure/ Template

NEGLIGENCE

(Sullivan v Moody) Liability does not result from negligence unless we demonstrate that the Defendant owed the Plaintiff a Duty of Care which starts with characterising the harm caused to the P to determine if the D owed the P a duty to take care.

The existence of a duty of care is a question of law.

1. Identify the issue of the problem
 - i. State concisely what the issue is.
Was it **REASONABLY FORESEEABLE** that this could occur?
2. Establish the duty of care
 - i. Class of Plaintiff
(Does class A owe a duty to class B)
 - ii. State the scope of the duty.
RTA v Dederer
Jones v Bartlett
Modbury Triangle v Anzil
Koehler v Cerebos (quote)
For example, the scope of duty would extend to taking steps to protect visitors to the park from foreseeable risks.
 - iii. Is it an **established category**? (Cite authority when establishing duty of care)
 - a. **Public Authorities** (**Sutherland v Heyman**)
 - b. **Bailees of Goods** (**Hobbs v Petersham Transport Co**)
 - c. **Hospitals** (**Ellis v Walsend District Hospital**)
 - d. **Occupier of Premises** (**section 20 CLA**) (**Safeway Stores v Zaluzna**) (**Strong v Woolworths**)
 - Neglected Land (**Goldman v Hargrave**)
 - Proprietors of licensed premises (**CAL No 14 Pty Ltd v Motor Accidents Insurance Board**) Owe a duty to those present on the premise to ensure that the premise are physically safe. They do not owe a general duty of care at common law to customers to monitor and minimise the service of alcohol, or to protect customers from the consequences of choosing to consume alcohol.
 - e. **Employers** (**Smith v Charles Baker**)
 - Safe System of work (**Hamilton v Nuroof**) (**Neil v NSW Fresh foods**)
 - Selection of Skilled persons (**Butler v Fife**)
 - Maintenance of Plant and Equipment (**Wilsons & Clyde**)
 - f. **Road Users**
 - (**Edwards v Noble**) – motorcycle side of road

Good Structure Torts Answer

Emily Finch, Stefan Fafinski

A red circular graphic with a gradient, appearing as a stylized arrow or a partial circle, located to the right of the authors' names.

Good Structure Torts Answer:

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so is by developing a taxonomy of defences The book shows that much can be learned about a given defence from the way in which it is classified This book has been awarded Joint Second Prize for the 2014 Society of Legal Scholars Peter Birks Prize for Outstanding Legal Scholarship

Great Debates in Tort Law Jonathan Morgan, 2022-11-17 Exploring the key discussions and arguments in tort law this book enables students to get a deeper and more rounded understanding of the subject Part of the Great Debates series it is an engaging introduction to the more advanced legal concepts such as negligent breach of duty and vicarious liability Each chapter is structured around questions and debates that provoke deeper thought It features summaries of the views of notable experts on key topics and each chapter ends with a list of further reading This book is ideal for use by ambitious students alongside a main course textbook encouraging them to think critically analyse the topic and gain new insights The development of these skills and the discursive nature of the series with an emphasis on contentious topics means the book is also useful for students when preparing their dissertations Suitable for use on courses at all levels this book helps students to excel in coursework and exams

Comparative Tort Law Mauro Bussani, 2021-02-26 This revised second edition of Comparative Tort Law Global Perspectives offers an updated and enriched framework for analysing and understanding the current state of tort law around the world Using a critical comparative methodology it covers not only the common tort law issues but also many jurisdictions often overlooked in the mainstream literature Contributions explore illuminating case studies from tort systems in Europe the US Latin America Asia and sub Saharan Africa including new chapters specifically discussing tort law in Brazil India and Russia

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Tort Theory Kenneth D. Cooper-Stephenson, 1993

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mask the resulting social consequences Yet these consequences are too important to remain hidden Mistaken court reviews of scientific evidence can decrease citizen access to the law decrease incentives for firms to test their products lower deterrence for harmful products and decrease the possibility of justice for citizens injured by toxic substances Even if courts review evidence well increases in litigation costs and attorney screening of clients can impede access to the law Newly revised and expanded Toxic Torts 2nd edition introduces these issues reveals the relationships that can deny citizens just restitution for harms suffered and shows how justice can be improved in toxic tort cases

Concentrate Questions and Answers Employment Law Roseanne Russell, 2021 Concentrate Q A Employment Law guides you through how to structure a successful answer to a legal problem Whether you are preparing for a seminar completing assessed work or revising for an exam this guide shows you how to break down each question take your learning further and score extra marks The Concentrate Q A series has been developed in collaboration with hundreds of law students and lecturers across the UK Each book in this series offers you better support and a greater chance to succeed on your law course than any other Q A guide Digital formats and resources The 2nd edition is available for students and institutions to purchase in a variety of formats and is supported by extensive online resources to take your learning further www.oup.com/lawrevision The e book offers a mobile experience and convenient access along with functionality tools navigation features and links that offer extra learning support www.oxfordtextbooks.co.uk/ebooks The online resources include additional questions with answer guidance and advice on revision and exam technique from experienced examiner Nigel Foster

Torts, Egalitarianism and Distributive Justice Professor Tsachi Keren-Paz, 2013-01-28 This book argues from a normative perspective for the incorporation of an egalitarian sensitivity into tort law and more generally into private law It shows how an egalitarian sensitivity can reformulate tort doctrine with an emphasis on the tort of negligence Rather than a comprehensive descriptive account of existing tort law this book pro actively searches for new approaches and conceptual tools to meet the challenges faced by egalitarians The understanding of tort law offered in this book will bring about better practical results in specific cases It supports the progressive troops in the ongoing philosophical and social battles that take place in the field of tort law and also adds another voice rich nuanced and sensitive to the chorus that is tort theory

A Theory of Tort Liability Allan Beever, 2016-08-25 This book provides a comprehensive theory of the rights upon which tort law is based and the liability that flows from violating those rights Inspired by the account of private law contained in Immanuel Kant s *Metaphysics of Morals* the book shows that Kant s theory elucidates a conception of interpersonal wrongdoing that illuminates the operation of tort law The book then utilises this conception applying it to the various areas of tort law in order to develop an understanding of the particular areas in question and just as importantly their relationship to each other It argues that there are three general kinds of liability found in the law of tort liability for putting another or another s property to one s purposes directly liability for doing something to a third party that puts another or another s property to one s purposes and liability

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