

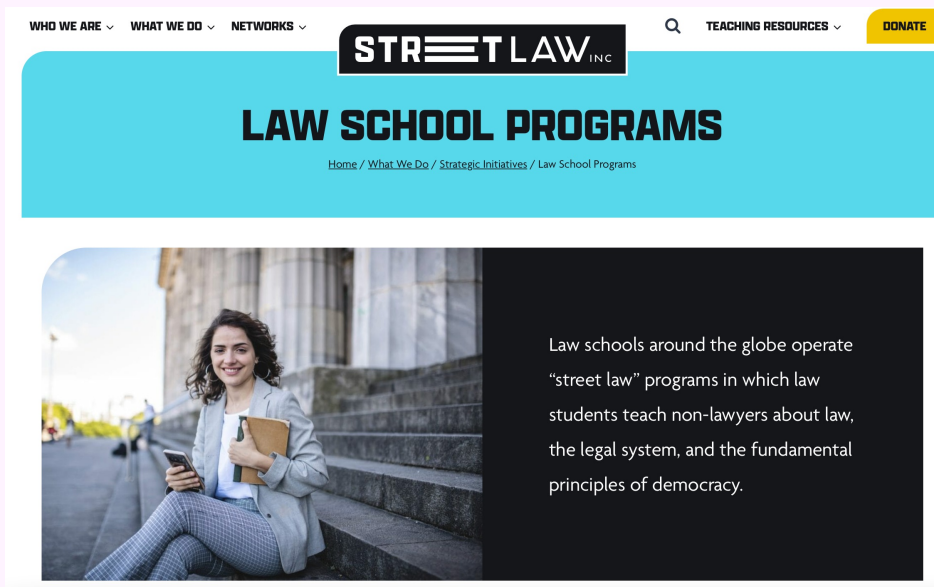


Welcome to Street Law!



Spring 2023

What is Street Law?



What will we be learning this semester?

1

Trial Strategy

2

Criminal Law

3

Immigration Law

... and more!

Video

<https://www.youtube.com/watch?v=zJdwU0aghd0>

Introduction to Torts



Criminal vs. Civil Law



Criminal Law

- Plaintiff is the Government (State v. Kim)
- Guilty or Not Guilty
- Guilty Verdict = Prison

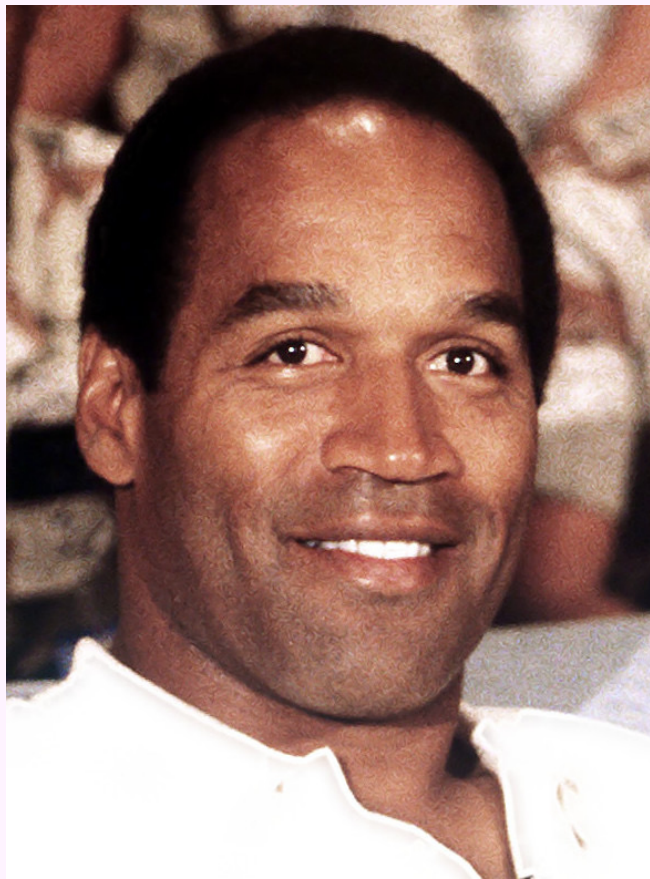
***Beyond a Reasonable Doubt Standard**



Civil Law

- Plaintiff is a private party (Doe v. Kim)
- Liable or Not Liable
- Liability = Paying Damages

***Preponderance of the Evidence Standard**



A True Tort Story



Raise your hand if you've heard of the following story:

In 1994, a 79-year-old woman bought a cup of coffee from the drive thru window at McDonalds. She put the cup between her knees and tried to open the lid to add cream and sugar. The coffee spilled and caused second and third degree burns to over 16% of her body. She spent 8 days in the hospital and had to undergo very painful skin graft operations. A jury found that McDonalds was liable, and awarded her \$160,000 in damages.

Types of Torts

Negligent Torts

E.g. Negligence

Intentional Torts

E.g. Assault, Battery,
Intentional Inflection of
Emotional Distress

Strict Liability

E.g. Blasting dynamite

Types of Torts

Negligent Torts

E.g. Negligence

Intentional Torts

E.g. Assault, Battery,
Intentional Inflection of
Emotional Distress

Strict Liability

E.g. Blasting dynamite

Elements of Negligence

$$\Sigma = \sqrt{\times}$$



Duty



Breach

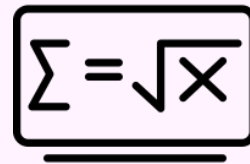


Cause



Damages

Elements of Negligence



Duty



Breach



AND

Cause



AND

Damages



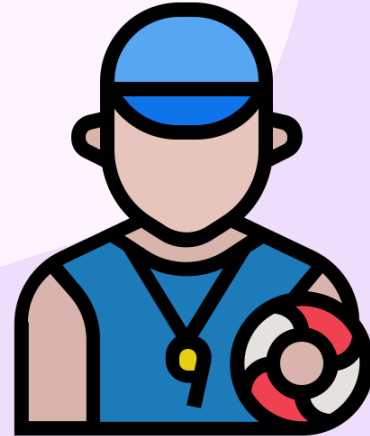
Duty

-Due care is the amount of care that a **reasonable person** would exercise under the circumstances.

Duty

Can you think of examples of due care that each of the following people must exercise?:

1. A lifeguard at a municipal pool.
2. A lumberjack felling a tree.
3. An owner of an aggressive dog.
4. A high school football coach.





Breach

-Once you determine the standard of care, you ask, **did the defendant follow that standard of care?**

Breach

Did the Defendant follow the standard of care in these cases?

1. The only lifeguard at a pool leaves to take a 10 minute phone call, leaving 5 children unattended.
2. A lumberjack felling a tree checks the area the night before to see if anyone is around the tree, but fails to check the morning of.
3. An owner of an aggressive dog puts a leash and muzzle on their dog and takes it to a dog park.





Causation

-There are two types of causation:
but-for causation **AND** proximate
causation. Both are needed to
prove negligence.

But-For Causation



The question is, **but for** the defendant's actions would the injury have occurred?

Example: A hits B in the shin with a golf club. B's shin would not have been injured **if A had not** him in the shin with a golf club.

Proximate Causation

-Foreseeability: Most courts say that a defendant is liable only for consequences of his negligence that were reasonably foreseeable when he acted

Example: A throws a golf club, but this time it flies through the window and hits a ladder B is using. B breaks both his arms. Is there proximate causation?

Causation

Ken is still practicing his swing in his house and he has a new neighbor, Eric, that loves to BBQ. It's a perfect storm. And sure enough, Ken launches his bat through his window into his neighbor's yard. The bat hits the BBQing neighbor, setting off another BBQ explosion. This time it kills the neighbor, and the neighbor's wife is severely injured in the ensuing fire. As she is being wheeled to the ambulance she is struck by lightning.

Q1: Is there causation in fact for each injury?

Q2: Is there proximate cause for each injury?





Damages

-The basic idea of damages is fairly simple: All injuries can be reduced to a monetary amount.

Damages

Betty and Derek are walking to school. Steven is driving down the street talking to his friends in the backseat. One of Steven's friends screams "Look out!" Steven reacts by turning the wheel of his car, which jumps the curb and pins Betty's arm to the wall crushing it. What remains of Betty's arm needs to be amputated.



Q1: How much is Betty's arm worth?

Q2: Does the answer change if Betty was a concert pianist?

Q3: What if Betty simply wanted to be a concert pianist, but wasn't one yet?

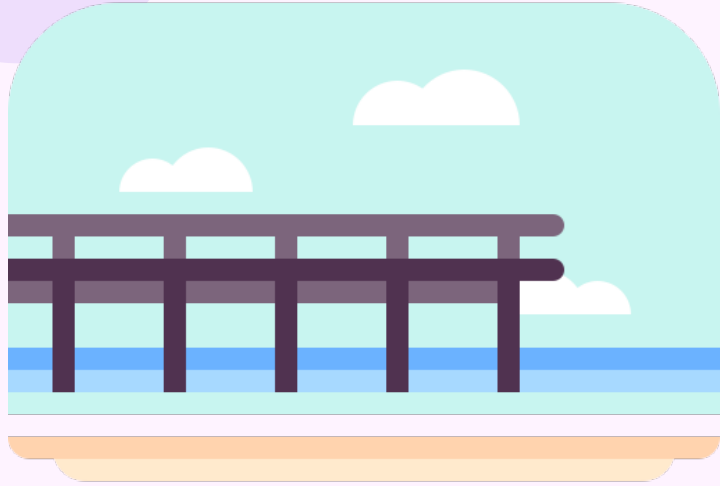
Other considerations

- There is much more to learn:
 - More defenses
 - How to prove the monetary value of a claim to the jury
 - Multiple causes of an injury
 - Complex scenarios involving multiple plaintiffs and multiple defendants



Group Hypotheticals





A man is standing on a pier. In the water near the end of the pier, a child is drowning. On the pier, next to the man, is a life preserver attached to a rope. The man need only kick the life preserver into the water to save the drowning boy. But he doesn't. The man just sits there, smokes a cigarette, watches the child drown, and then walks away. No one else is around to help the child, but everything is captured on surveillance tape and later played on the evening news. The boy's parents (Plaintiffs) sue the man (Defendant) for failing to save their drowning child.

Result

Defendant wins. In most states, the man would not be liable for the boy's death. Generally speaking, there is no duty to come to the rescue of another person, and a person cannot be prosecuted for doing nothing while another person is in peril.



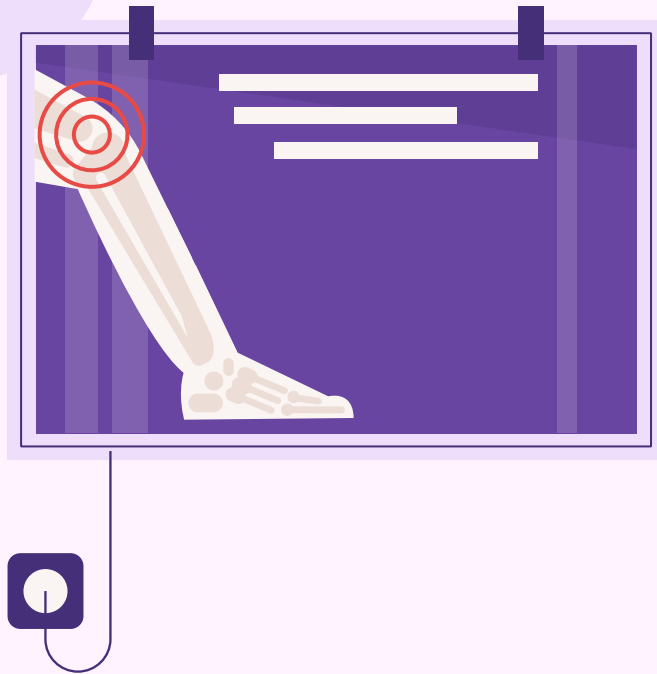


Mr. Potter is a patient of Dr. Moore, a psychologist. Potter informs Dr. Moore that he intends to kill Ms. Tatiana Johnson, a girl who has refused Potter's obsessive romantic advances. Dr. Moore asks the police to arrest Mr. Potter. Potter is briefly detained but soon released. Neither Tatiana nor her parents receive any warning of Potter's threat. Several months later, Potter kills Ms. Johnson. Ms. Johnson's parents (Plaintiffs) sue Dr. Moore (Defendant) for failing to warn them or their daughter of the threats against Tatiana's life.

Result

Real case: Plaintiffs win. The California Supreme Court found that a therapist has a duty not only to his patients, but also to persons who are specifically threatened by the patient, and that Dr. Moore breached this duty in failing to warn Tatiana or her parents. Tarasoff's parents were awarded a substantial sum of money in compensation for their daughter's death. This occurred at UC Berkeley.





Taylor Eshoo, a Korean immigrant who can't read English, steps down from an elevated rail platform in Chicago and urinates directly onto the railroad tracks below, which carry 600 volts of electric current. The stream of urine conducts the electric current directly from the tracks to Mr. Eshoo, killing him almost instantly. Mr. Eshoo's wife (Plaintiff) sues the City of Chicago (Defendant) on behalf of her late husband, arguing that the City was negligent in failing to post a warning sign in Korean that the tracks were electrified.

Result

Real case: Plaintiff wins. A court awarded \$1.5 million to Mr. Eshoo's widow on grounds that the City owed Mr. Eshoo a duty of care to warn of the danger presented by the electrified tracks and was negligent in failing to post such a warning in Korean.



Winning Group.... (2/27)

