

Notice: The “A” answer is one to which most professors would very likely give a grade of “A.” The grades assigned to the non-A answers indicate our opinion of their relative merit; however, given the great variation in grading practices, professors will almost certainly not universally agree on what grades they would give the answers. What is important is not the grade, but why the answers fall progressively short of the “A” answer.

The “C” Answer

Overview

To show that Teacher breached his duty, Learner can rely on cost-benefit ideas. Learner will not be able to establish that Teacher’s conduct was negligent by showing that the chair did not satisfy the statutory requirements. Proximate cause will be easy for Learner.

Breach of Duty

Violation of the Reasonable Person Standard - To establish breach of duty, Learner must show that Teacher acted unreasonably. Preventing Learner’s injury would have been cheaper than the costs of the injury once it occurred. On this basis, a jury could properly find that Teacher had failed to act with reasonable care. It violates public policy for a student to be injured in a classroom and for that reason liability should be imposed.

Violation of Statute - The violation of statute will not help Learner establish that Teacher acted unreasonably. To have that effect, a statute must be intended to control conduct by the kind of actor involved in the case, and its purpose must be to protect against the kind of harm suffered in the case. This statute does not satisfy that test.

Causation

Proximate Cause: Foreseeability Approach - Proximate cause is also easy to establish. Under the foreseeability approach, proximate cause is established if the kind of injury the risk of which led to characterizing the defendant’s conduct as negligent is similar to the kind of injury that the plaintiff actually suffered. Here, the risks associated with dangerous chairs are the same as the risks that hurt Learner.

Defenses

Learner was probably negligent in choosing to try to use the chair once he saw that there was something sticking out. Either contributory negligence or comparative negligence or assumption of the risk would be defenses available to Teacher, depending on the jurisdiction’s choice of rules.

Analysis of The “C” Answer

Common Blunder – Becoming Distracted by Public Policy That is Not At Issue

The breach discussion adds a statement about public policy that is too vague to be helpful. Saying that there is a public policy against students being injured does not advance the analysis, since it does not distinguish among all the kinds of injuries that might occur (some of which there are public policy reasons to deter and some of which may happen for reasons that do not contradict any public policies).

Common Blunder – Overlook Key Analyses

The causation analysis omits cause-in-fact. For proximate cause, it treats only one of the three approaches that tort law recognizes.

Notice: The “A” answer is one to which most professors would very likely give a grade of “A.” The grades assigned to the non-A answers indicate our opinion of their relative merit; however, given the great variation in grading practices, professors will almost certainly not universally agree on what grades they would give the answers. What is important is not the grade, but why the answers fall progressively short of the “A” answer.

Common Blunder – Wasting Time By Not Adhering to the Call of the Question

The last paragraph discusses ideas that are outside the scope of the question. The question did not ask about defenses. Furthermore, if defenses were a proper topic in the answer, this paragraph would need to be improved by including definitions of the defenses and a careful analysis of each one.