

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 “D” Answer

Overview

To show that Teacher breached his duty, Learner can show that a reasonable person would not have provided such a dangerous chair. Also, the chair did not satisfy the statutory requirements.

Breach

Violation of the Reasonable Person Standard - To establish breach of duty, Learner must show that Teacher acted unreasonably. A reasonable person would provide a better chair than Teacher provided.

Violation of Statute - The violation of statute will help Learner establish that Teacher acted unreasonably. Violation of a statute is negligence per se, and the facts state that this chair was in violation of the statute.

Causation

Proximate Cause - Proximate cause is also easy to establish. If the chair had not been provided in such a dangerous condition, Learner would not have been hurt. Furthermore, the injury was foreseeable.

Defenses and Other Causes of Action

Learner was contributorily negligent in using the chair and therefore cannot recover damages. Learner should seek damages from whatever state agency failed to enforce the statute, or from other students who did not notice the problem and try to protect him.

Analysis of The “D” Answer

Common Blunder – Stating a Conclusion Without an Underlying Analysis

Common Blunder – Stating a Wrong Conclusion

The introductory paragraph states a wrong conclusion about the violation of statute. Also, it states that conclusion without relating it to the issue of breach (it merely says that the chair did not meet the statute’s requirements, but does not use that fact to support a conclusion).

Common Blunder – Stating a Conclusion Without an Underlying Analysis

For breach, the answer’s statement that a reasonable person would have acted differently is not supported by any reference to facts in the question or commonly known facts about schools, students and chairs.

Common Blunder – Inadequate Statement of the Rule; Failure to Use Facts; Stating a Wrong Conclusion

The paragraph about violation of statute provides a truncated statement of the proper rule, and does not use any facts along the way to stating a wrong conclusion.

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Common Blunder – Conflating Two Issues Into One Issue; Stating Conclusions Without an Underlying Analysis

The causation paragraph incorrectly treats cause-in-fact as “proximate” cause. It does not state any rules about cause-in-fact or proximate cause, and just states conclusions on those two topics.

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

The last paragraph suggests strategies for Learner’s possible recovery against defendants not specified in the question. This is beyond the scope of the question.