

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.

Exam Busters: Breach and Causation

Tom Teacher operated a business that provided training in medical office management. It conducted classes in a store that had formerly housed a fast-food restaurant.

Larry Learner enrolled in one of Teacher’s courses. It was comprised of twenty, two-hour classes scheduled in a four-week period. Larry signed a contract agreeing to pay for the classes and he attended several classes without any problems.

When he arrived at the facility for his fourth class, he was free to sit at any of six or seven tables. He noticed that a wooden chair at one of those tables had a sharp split piece of wood protruding from the top of its back. He attempted to use that chair, and pulled it out from the table so that he could sit down on it. When Learner pulled the chair away from the table, the sharp piece of wood cut his hand severely.

The chair involved in this injury had been used at the store when it was used as a restaurant. A statute in effect at that time - and when Learner was injured - provided that to facilitate cleanliness and protect patrons from disease, restaurant furnishings were required to be made from materials that could be cleaned thoroughly, such as metal or plastic, and that if chairs were made with wood or fabric components, those components were required to meet specified standards.

The chair that was involved in Learner’s injury violated the statute’s requirements. Learner has sued Teacher for damages, claiming Teacher acted negligently in providing a dangerous chair for his use.

Discuss whether Learner will likely be able to establish the breach and causation elements of this tort case.