

Negligence In Sport Suit

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Introduction

The law states that any conduct that falls below the requirement of action against unjustifiable harm risk of harm will be considered negligence. Thus negligence may arise from the part of the applicant or defendant, which will be determined by the jury after examining the proof of negligence. A person is considered to have acted negligently when they have refused to adhere to the principles of the set conduct after serving under the same conditions (Levy, Golden, & Sacks, 2016). To define negligence as the cause of action as provided in the TORT laws, an applicant or plaintiff is expected to give the evidence beyond reasonable doubt that the defendant violated their duty of failing to adhere to the laid down standards of behavior. The court will examine whether the negligence was reasonably done and caused harm to the applicant and whether the applicant is indeed harmed. Notably, the idea of neglect was established in English law, which imposes liability for the incorrect behavior of other people. Negligence was brought in as the secondary cause of action.

Statement Of The Issue/Court Case

On April 22, 1997, Tara was hurt while playing a fastpitch softball game at St. Joseph's parish. At the moment, she was playing for the St. Mark's Parish at the second base in the 7th to 8th-grade team in the league. However, in the bottom of the first inning without concentrating on the outs, St Joseph's was considered to be winning the game against St. Mark's. In the view of Tara, a play in St. Joseph's, Amy G. hit the ball around the first and ended up heading to the second base. As a result, Amy slid first into the bare feet, which ended in a collision with Tara. At the time, the right foot of Tara was positioned at the back corner of the fixed base, which, therefore, was fixed by the pole into the ground. It is important to note that Tara had placed her foot along the side to the first base. However, she left another base part open in order not to obstruct the path of Amy. In the crash, the ankle of Tara was severely fractured. Tara's mother, who at the moment was watching the game, explained that Amy's slide was curved rather than straight as expected.

According to the jury, Amy was held responsible since she was expected to be well conversant with the rules of the game before engaging in the game. Moreover, she was in a position to see Tara and could have avoided the collision since Tara had left the side of the base to prevent the crash. Hence the jury decided that Amy had acted unreasonably in the game. Therefore, it was concluded that Amy was negligent and Tara was right to sue her.

It is considered that an individual has deviated from the action that is expected of them of a reasonably prudent person behaving under a similar situation (Johnson, 2015). Thus, the hypothetical

sensible person offers a sense of direction in which the behavior or conduct of other people is judged. The ideology of the reasonable individual distinguishes negligence from global torts, like battery and assault. To prove the international offense, it is the responsibility of the plaintiff to seek to establish that the offender purposely acted to injure the complainant. However, in the negligence suit, the complainant should prove that the defendant failed to serve as a sensible individual who caused injury to the plaintiff. For instance, a drunk driver who unintentionally causes harm to a pedestrian might not have had the intention of causing injuries to the pedestrian (Miller, Plybon, & Choi, 2017).

Nevertheless, since a sensible individual would not drive when intoxicated because it might pose unreasonable dangers to other drivers or even pedestrians using the same road, the drunk driver should be held responsible to an injured complainant for negligence in spite of their lack of intent to cause injury to the plaintiff. Also, the law takes into consideration several measures in the determination of whether an individual has acted as a proposed sensible person would have worked given a similar situation. These measures may comprise experience, perception as well as knowledge of the individual, the physical traits of the individual, the activities the individual is engaged in, and the situations surrounding the actions of an individual.

In most cases of knowledge, experience, and perception, the law takes into account the knowledge, understanding, and skills of an individual in determining if the person acted like a sensible and reasonable individual might have performed in a similar situation. Moreover, the behavior of a person must be judged in light of the actual observations and knowledge of a person since a person who is considered to be reasonable by the law takes this into account all the time. Therefore, when a driver perceives another car is approaching without lights on at night, it is the responsibility of the driver to act sensibly to avoid the accident, even though he/she might not be considered to be negligent in failing to see the approaching car.

In addition to the actual knowledge, the law also takes into account that most individuals have the same experiences, expertise, and capabilities to observe as the supposed reasonable individual. However, in the absence of unusual situations, an individual should perceive what both audible as well as visible (Spengler, Anderson, Connaughton, & Baker III, 2016) is. Thus, the driver of a car that is hit by a train at a clear railroad crossing, in any case, cannot claim that the driver was not negligent since he/she did not either see or hear the train crossing since a sensible individual should have heard or seen the train. Furthermore, an individual cannot deny the personal knowledge of the fact that is common to the community around them.

Moreover, a sensible individual has experience with how slippery ice is, how dangerous live wire is, or how alcohol impairs driving abilities (Miller, Plybon, & Choi, 2017). For a person to act like a sensible person, a person must consider his/her lack of knowledge of specific situations, which is common to all. Overall, an individual who does a particular activity is customarily deemed to have the necessary experience which is familiar to others who are equally engaged in the same event. For instance, a motorist should know the rules of the road. Similarly, a product manufacturer should know the traits as well as dangers of the product.

Also, people who engage in an activity that needs one to have exceptional skills, the norm at which their conducts are regarded as the conduct of a reasonably competent and skillful person. These groups of people are qualified and are authorized to participate in that activity. Notably, these people who attend in the skills are registered and given licenses (Johnson, 2015). Thus, any person who performs power is expected to conduct themselves in the right manner. Moreover, the law does not assume ye begins; everyone is regarded as any other person who is experienced.

The law also looks at the personal characteristics of an individual to determine whether their conduct is negligent. Equally, the court will examine one's mental capacity to establish negligence. A defendant is considered nonviable in negligence even though they did not act reasonably if they did not have any duty to the applicant. The law applies the notion of responsibility to reduce the circumstances in which a defendant remains liable for the applicant's harm. Regardless of whether the defendant owes a plaintiff's duty to protect him from damage, the issues will then be the decision of the jury.

It is quite difficult to describe the meaning of discrimination at first glance. If an applicant has a negative attitude against someone for their personality and unjustly treats such people as an outcome, thus this may not be enough proof for the claim against discrimination. To file a valid and suitable violation claim; the equal protection needs that individual's discrimination fall in one of the eleven categories. Anyone should not be equally protected against harm. In each of the specific protected classes under the discrimination laws, individuals tend to face a common form of discrimination (Johnson, 2015). Contract law can be described as that body of regulations that administer contractual agreements that exist between persons, or merchants. Notably, a contract is necessarily an agreement that exists between parties, highlighting their duties as well as responsibilities to each other. Thus, arrangements can be made for nearly any form of interaction. Therefore, contract laws can address a variety of transactions for the sale of products and services. Besides, the contract laws highlight what an individual can or cannot incorporate in a contract, as well as what the possible remedies are if an individual breaches their duties regarding the contract.

Tort laws govern different situations where a person has injured or somewhat harmed another person. The Tort laws effectively cover violations whereby the party deliberately harmed the other individual, like in a battery claim. Hence, Tort laws further address incidents whereby the party can be held accountable even if they failed to act intentionally, for instance, in negligence claims or rather strict liability claims. Tort laws usually lead to the liable person paying the victim financial damages to compensate for the losses. Contract laws, as well as tort laws, share numerous similarities. Notably, the most basic height, both contracts together with tort laws, usually address a duty that has been breached. With contract violations, any breach should relate to responsibilities that have been identified in the contract. For instance, a contract can state that a party has an obligation to pay one another for repair services, and the other person must do the services (Johnson, 2015). Therefore, if either person fails to do their duties, then the contract laws will prescribe an appropriate remedy to address the breach.

In summary, in the negligence suit, the complainant has the responsibility to prove that the offender did not act as a sensible individual would have performed given a similar situation. Hence, the court of law will instruct the bench as to the level of standard of behavior needed of the offender. For instance, in the suit of *Forex ample*, a defendant was prosecuted for negligent driving, which was judged in accordance with the way a sensible individual would have in the same situation. Moreover, the plaintiff has several means of demonstrating that the defendant did not behave as the hypothetical reasonable individual would have acted. In this situation, the plaintiff has the responsibility of proving that the defendant violated the law designed to protect against the kind of injury inflicted on the plaintiff. Moreover, the plaintiff would present expert witnesses, circumstantial evidence or the evidence of usual practice.

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