

Legal Issues



Introduction



∞ Tort- A civil wrong

∞ Negligence- A failure to exercise due care

∞ Vicarious Liability

∞ Risk Management

Learning Objectives

The student will:



- ❧ 1. Understand what a tort is and how it affects you
- ❧ 2. Know how you can be held liable for the acts of others
- ❧ 3. Understand “Course and Scope”
- ❧ 4. Use Risk Management steps
- ❧ 5. Conduct a peer “gut check”

What If ?



What
happens if

- You ask an intern to move your truck
- And he loses control damaging property or livestock

What
happens if

- You inform a client that ABC Fabricators could make their widget
- They buy one and are injured using it

What
happens if

- You suggest to client Jones that ABC ranch supply has stirrup extensions that make it easier to mount. They buy one and are injured while losing their mount

What If ?



What
happens if

- You suggest that your client might benefit from peer support
- You ask if you can facilitate exchanging phone numbers with other farmers and one is a stalker

What
happens if

- You tell your volunteer to have a client demonstrate how he accesses property in his power wheelchair. He does and is injured

What
happens if

- You tell your volunteer to see what needs to be assessed on access issues. He does and asks client to demonstrate rough terrain and is injured

Tort Law



- ✧ A **tort** is a violation of a duty imposed by the civil law
- ✧ Duty
- ✧ Breach
- ✧ Causation
- ✧ Damages

Vicarious Liability?



- ⌘ How you might be sued for an action performed by someone else
- ⌘ Ways to avoid or reduce your exposure

Vicarious Liability defined



- ❧ Vicarious liability is a legal doctrine that assigns liability for an injury to a person who did not cause the injury but who has a particular legal relationship to the person who did act negligently. It is also referred to as imputed Negligence.

Vicarious Liability Continued

- ⌘ Legal relationships that can lead to imputed negligence include the relationship between parent and child, Husband and Wife, owner of a vehicle and driver, and employer and employee. This includes interns and volunteers. Ordinarily the independent negligence of one person is not imputable to another person

The Seven Deadly Sins



Negligence in:



✧ Appointment

✧ Retention

✧ Entrustment

✧ Supervision

Continued:



☞ Training

☞ Directing

☞ Assigning

Risk Management



✧ the identification, assessment, and prioritization of risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events

Risk Management



- ❧ Composite Risk Scoring

- ❧ Management techniques

- ❧ ACAT

RM Process



∞ Identify

∞ Apply ACAT

∞ Decide management tool

RM Tools



✧ Avoid

✧ Control

✧ Accept

✧ Transfer

Conclusion



❧ Torts

❧ Negligence

❧ Vicarious Liability

❧ Risk Management and tools

References



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