

From Gunshots to Dog Bites

Class Notes

1st Edition | Revised

KAPLAN FINANCIAL
EDUCATION

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FROM GUNSHOTS TO DOG BITES CLASS NOTES, 1ST EDITION,
REVISED

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2809.0140 NOTICE TO STUDENTS: This educational offering is recognized by the Minnesota Commissioner of Commerce as satisfying 4.0 hours of credit toward insurance continuing education requirements.

Course Overview

When will it stop? Premises liability cases continue to challenge the courts with new and exotic claims.

No longer is there such a thing as a typical liability claim. Nowadays the courts are hearing claims covering everything from sexually transmitted diseases, to serving alcohol to minors, to slip and fall accidents, to gunshots and dog bites.

So how do you design coverage to make sure your clients are protected?

This popular course will provide you with the answers as these topics are discussed in light of the law. Actual cases are used to illustrate how the courts establish comparative fault, liability, and damages.

The law changes fast so a look at proposed and recent legislative changes will help keep you abreast on what's current.

Topics include:

- Gunshot issues
- Dog bites
- Slip and fall
- Landlord/tenant
- Claims and damages
- Comparative fault

II. COMMON PREMISES LIABILITY CLAIMS

Intro: Standards of Care: (1) Entrant; (2) Trespasser; (3) Minor Trespasser

A. SLIP AND FALL CLAIMS—BOTH PARTIES' BEHAVIOR JUDGED

1. Open and obvious hazard
 - a. No duty to warn
 - b. Judge makes decision, not jury
 - c. Summary judgment
 - d. Examples
 - 1.) Step into darkened area
 - 2.) Fall down steep hill
 - 3.) Trip over object on ground/floor

2. Ice and snow conditions

a. Natural accumulations

1.) Storms

2.) Public sidewalks

b. Artificial conditions

B. DOG BITES

1. Three basics for a claim

a. Negligence

b. Scienter

1.) Other animals

2.) Specific breeds

III. HOW DOES JURY DETERMINE LIABILITY?

A. JURY VERDICT FORM

1. Question number 1: Was the defendant negligent?

_____ Yes _____ No

2. Question number 2: If the defendant was negligent, was this negligence the cause of the injury?

_____ Yes _____ No

3. Question number 3: Was the plaintiff negligent?

_____ Yes _____ No

4. Question number 4: If the plaintiff was negligent, was this negligence a cause of the injury?

_____ Yes _____ No

5. If you find that both plaintiff and defendant were negligent and caused the injury, answer question number 5: What percentage of fault do you attribute to each of the parties?

Defendant: _____ % Plaintiff: _____ %
Total 100%

B. EFFECT OF COMPARATIVE FAULT

1. Pure comparative fault (California)