

II. Negligence

A. Prima-Facie Case

1. Duty

a. Legal Duty

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b. Standard of Care

i. Reasonable Care Under the “Circumstances”

[a]. Circumstances—External

[1]. Dangerous Activity

[2]. Emergency

[b]. Circumstances?—Internal—Actor’s Characteristics

[1]. Physical infirmity changes standard

[2]. Mental disability does not change standard

[3]. Superior knowledge or skill does not change the standard; but is relevant evidence on breach

[4]. Voluntary intoxication does not change the standard

[5]. Children—sometimes changes standard