

## Limiting or Expanding the Duty/Standard of Care

- I. Land Possessor (but not Lessors) (Duties owed to persons on land)
  - A. Common Law “Status” Approach
    1. Trespassers
      - a. Trespassers—Reduced Standard of Care
      - b. Discovered/Frequent Trespassers—Reasonable Standard of Care
        - i. Discovered:  $\partial$  (1) knows or from facts within his knowledge should have known that  $\pi$  was on the property and (2) knows or from facts within his knowledge should have known that  $\pi$  was at risk of harm.
        - ii. Frequent:  $\partial$  (1) knows that an area of her land is frequently used by trespassers and (2) knows that a trespasser could encounter a risk of harm there.
      - c. Child Trespassers—Reasonable Standard of Care if Attractive Nuisance
    2. Licensees
      - a. Licensees—Reduced Standard of Care
      - b. Discovered/Frequent Licensees—Reasonable Standard of Care
        - i. Discovered:  $\partial$  (1) knows or from facts within his knowledge should have known that  $\pi$  was on the property and (2) knows or from facts within his knowledge should have known that  $\pi$  was at risk of harm.
        - ii. Frequent:  $\partial$  (1) knows that an area of her land is frequently used by licensees and (2) knows that a licensee could encounter a risk of harm there.
      - c. Child Licensees—Reasonable Standard of Care if Attractive Nuisance
    3. Invitees—Reasonable Standard of Care
  - B. Rejecting the Status Approach and Using Reasonable Standard of Care
    1. For all Persons Regardless of Entrant Status; or
    2. For all Persons Regardless of Entrant Status Except Trespassers