

Chapter 3 Outline

Definition of a Tort

“Negligence” Defined

Elements of a Tort Action Based on
Negligence

Res Ipsa Loquitur (“The Thing Speaks
for Itself”)

Contributory Negligence

Only Four States Still Recognize
Contributory Negligence

Comparative Negligence

Important Points for Management

Competencies

1. Distinguish between a tort and a crime. (p. 21)
2. Define “negligence.” (p. 22)
3. Identify the four elements necessary to bring an action based in tort. (p. 22)
4. Explain the doctrine of *res ipsa loquitur*. (pp. 22–23)
5. Describe the concept of contributory negligence. (pp. 23–24)
6. Explain the rule of comparative negligence, and distinguish between the two types of comparative negligence. (pp. 24–25)