

The Role of Negligence in Personal Injury Claims

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The law systems of every nation in the world invest considerable assets in civil law to cover the resultant effects of the injury caused to an individual. In this area, the personal injury claims are a very important tool by which victims will seek redress in terms of physical, psychological, and monetary damages they have incurred as a result of the actions or failure to act of other people. Though these claims may be based on a wide range of legal principles, negligence or the best and most commonly used doctrine of liability is the most commonly cited. This wide sweep is dictated because it covers a broad range of many types of everyday activities that fail to meet certain standards of care, thus leading to unintentional but predictable harm. As such, knowing how negligence works and how it is structured is highly essential in knowing how personal injury litigation mechanics work.

Negligence under civil law, in its basics, refers to the inability to exercise the extent of care that one would have considered as reasonably prudent, in similar or comparable situations. Neither is it interchangeable with deliberate harming; instead, it deals with negligence or lack of due awareness of or concern for the safety of others (Humphrey et al., 2022). The burdensome principle is that there are some responsibilities that each person has towards each other in their actions and affairs. Once there is substantial injury to another person to whom one owes that duty, and where there are real damages and the fact that there was a breach of that duty, then the legal elements of negligence have been fulfilled, and this provides the foundation of liability. It is a conceptualization framework that converts these abstract concepts of responsibility into a specific legal reason of action.

A duty of care is the most important foundation for any negligence claim. This is a legal duty that dictates that a person or an organization should act according to a prescribed level of

behavior to safeguard other persons against extreme hazards of injury. Law defines whether this duty exists and to what extent it is possible, depending on such issues as foreseeability. The best known of these principles, as expressed in *Donoghue v Stevenson* (although a common law action, its effect is felt throughout civil law jurisprudence) is the idea that one should use reasonable care as to not engage in acts or omissions that he or she can reasonably anticipate is likely to cause harm to persons so closely and directly affected by his or her conduct that he or she ought reasonably to have foreseen (Mensah, 2024). Duties are generated in a multiplicity of situations: drivers have a duty to other road users; those with properties have a duty to people lawfully visiting them; manufacturers have a duty to people consuming their products; professionals (doctors, lawyers, and accountants) have certain duties of care towards their clients. The first, and most important, step in conducting a negligence inquiry is determining the exact duty to be performed in a particular case.

In a case in which a duty has already been accepted, the claimant has to prove that the defendant has violated the duty. This is where it is established that the conduct of the defendant was less than that under the duty owed. This norm is usually objective: the standard of the reasonable person. What would a hypothetical ordinary person of common prudence have acted in like circumstances with reasonable care? This is the benchmark upon which the actions of the defendant are evaluated by the court or trier of fact. Issues that affect this determination are the foreseeable probability and degree of certain harm, as well as the expense or feasibility of precaution to prevent the harm and the social benefit of the action by the defendant (Lewis & Bartlett, 2024). Professionals are held to a greater standard than those who are reasonably competent in that particular field. The evidence of the breach may be direct (injured person witness or expert testimony over professional standards) or indirect, and may invoke the doctrine

of *res ipsa loquitur* or the thing speaks for itself, where the very nature of the accident demonstrates that negligence must have occurred (an example being a surgical instrument left inside a patient).

But the existence of duty and breach is not enough to prove. The claimant should establish precedence, which is a notion based on two branches that cut across each other. In the first one, causation-in-fact (or factual causation) relates to the necessity of proving that the wrongful act of a defendant was, in fact, a precondition of the injury suffered by a claimant. But-for test is usually used: without the negligence of the defendant, would the injury to the claimant have taken place? In the instance of the rejection of yes, the factual causation is demonstrated. Second, the legal causation (proximate cause or remoteness) deals with the question of whether the relationship between the person who committed the violation and the harm inflicted is close and direct in the eyes of the law to warrant liability to be imposed. This implicates questions of foreseeability, i.e., did the kind of harm that eventuated predictably follow out of the negligence of the defendant in an obvious way, and whether the defendant is the right person to make responsible. The courts can conclude that between the negligent acts of the defendant, there was an intervening cause (a *novus actus*) that abrogates the chain of causation and that even when the intervening effect was not predictable or even came with harmful intentions (tortious), the chain of causation is interrupted.

Lastly, the actual damages are required to be proven by the claimant. A personal injury case cannot be made out of negligence where no harm was caused. The injury should be actual and compensable. In personal injury damages, the compensation tries to place the injured person as far as money will allow, where he or she would have been had the negligence never taken place. These include the pecuniary (financial loss that can be measured in terms of medical

expenses, physical rehabilitation cost, loss of earning capacity, lost wages, future earning capacity, and the cost of providing care) and the non-pecuniary (less measurable forms of harms including pain and suffering, lack of amenities of life, enjoyment of life, and psychological trauma) (Schaffer et al., 2021). It is usually the discretion of the court, based on precedent and various facts of the case, to calculate non-pecuniary damages, especially damages for pain and suffering.

Naturally, the defendant has a way out. Several defenses may affect or overturn liability in negligence-based injury actions. In contributory negligence situations, in which the claimant failed reasonably to take precautions to safeguard his or her safety, historical precedent had established contributory negligence as an absolute defence to recovery. Most developed modern civil law jurisdictions (and the common law jurisdictions) have, however, introduced a variant of comparative negligence (or shared fault). In this principle, the court determines the relative fault of both parties and awards the damages based on the ratio. When a claimant is found to be 30 percent at fault, his damages are limited by 30 percent. Another less popular but very powerful defense is voluntary assumption of risk (*volenti non fit injuria*), which must be proven by substantiating that the claimant was fully aware of a particular risk that the defendant caused due to the negligence and still decided at his/her own will to deal with that risk. These entities (e.g., government bodies in certain functions) may also be covered by statutory immunities against a negligence claim.

The omnipresence of the theme of negligence in the cases of personal injuries cannot be denied. It offers an efficient and elastic model of deciding fault and assigning liability to unintentional damages in an extremely wide scope of human actions and business practices, including car crashes, slip-and-fall, and medical malpractice, as well as defective products and

production. Its essential components, duty, breach, causation, and damages present a method of analysis to be used by the courts to find when the established standards of care in the society have been breached with the resulting injury. Although there are other types of harm (covered by doctrines such as strict liability, negligence is still the bread-and-butter of personal injury litigation. It represents the essential legal tenet that one has to carry on their affairs with proper care of the possible effects of their actions on the health and safety of other people. The civil law, through the mechanism of negligence claims, is interested in directly compensating the victims and indirectly discouraging lazy conduct and maintaining the necessary norms of reasonable behavior in society. Its further development by means of jurisprudence guarantees that it is relevant even to deal with the constantly transforming environment of the risks and relations in the contemporary world.

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