Sports law case paper

Your Name

Institution

Negligent Tort

# Case of Negligence Tort

Case study of an undergraduate student who has become a victim of negligence by the University management will be used in this paper. Tayraisha enrolled in the swimming class for the beginners. On the very first day, she drowned due to the negligence of the trainer. She plans to sue the Institute for the damages she had suffered because of the incident. The case of Tayraisha will be used in this paper to discuss a few elements of negligence tort law.

## Duty

In tort law, duty is defined as the care that an organization or an individual has to provide to its consumer (Wright, 1985). In the case of Tayraisha, the institute fails to fulfill its duty by hiring an unqualified instructor. It the responsibility of the institution to provide care to its student. When hiring the instructor/ trainer the institute shows negligence by hiring an uncertified person to perform the duty of instructor. Duty of care is a legal obligation which plays an important role in tort law. The duty under the study is to train a newbie on how to swim. This duty is obliged by certain standards, which the defendant (institute) has to follow in order to provide care to its student.

Once the duty is identified and the institute is subject to a duty of care, the next step in negligence tort law is underlining standard of care (Wright, 1985). The standard of care addresses the safety hazards that the institute fails to comply. In this case, it the duty of the institution to set a certain standard of procedure for hiring an instruction, especially for the field which has life threating hazards. How this duty, its care, and its standards are failed in this study will be discussed in next heading.

## Breach of Duty

Once it is determined that the institution has certain duties of care when dealing with the swimming training, it is then explained how the institute has failed to fulfill its duties. The approach of comparative will be used to identifying a breach of duties. Laws and standards related to swimming classes will be compared with the case of Tayraisha. Upon comparison, it will be realized that how many laws and standards is failed by the institution. It is the duty of the trainer to keep the student safe by using certified techniques. The first breach of duty is related to the trainer, as he failed to follow the standards which ensure the safety of the student. Second is related to institution HR and management and it is a severe one. The second breach targets the institution's criteria for hiring an instructor/ trainer. How they have hired an individual for a hazardous job who has no diploma or certification.

## Proximate Cause

Next element which should be addressed in tort law is actual causation and proximate causation. In this case, the actual cause of the injury is the unqualified instructor. The proximate cause of injury is the institute who hired the instructor. The accuser will prove that if the institution has not hired an unprofessional trainer, this incident would have been avoided.

## Damage

The accuser is suing the Institute for compensatory and punitive damage. In this case, an accuser can get both damages, as the incident could have cost her life. There are three factors which are related to damage. First, the accuser could have lost her life because of the incident. In addition, Tayraisha has developed a fear of water due to this incident. Third, the incident has caused the 50,000 $ expenses to the Tayraisha in the form of medical bills. The second and third factor can be used for claiming compensation. The first and second factor can be used to get punitive damage. Against the damages, Tayraisha will recover her medical bills in the form of compensatory damage. Moreover, Tayraisha will also be awarded punitive damage to punish the institution for its negligence

# References

Wright, R. (1985). Causation in Tort Law. *Calif. L. Rev*. Retrieved from https://heinonline.org/HOL/LandingPage?handle=hein.journals/calr73&div=61&id=&page=