

## II. Negligence

### A. Prima-Facie Case

#### 1. Standard of Care

##### a. Reasonable Care Under the “Circumstances”

##### i. Circumstances – External

[a]. Dangerous Activity

[b]. Emergency

##### ii. Circumstances – Actor’s

##### Characteristics

[a]. Children – sometimes changes standard; and where it does not, is irrelevant on breach

[b]. Mental disability does not change standard and is irrelevant on breach

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

[d]. Physical infirmity changes standard