

Case Briefing Format Sheet

Area of the subject Duty for physical injuries/Obligation to others

Case name and date: Farwell, 1976
p. 241

Facts: Siegrist(D) and Farwell(V), companions, followed two girls to a restaurant attempting to strike up conversation. The girls told male friends of the followers. The friends took chase upon Siegrist and Farwell, Siegrist escaped unharmed, Farwell was badly hurt by the pursuers. Siegrist applied ice to Farwell's injury, attempted to rouse Farwell upon Farwell's sleep. Then left Farwell alone all night in the car. Farwell died 3 days later as a result of the injuries sustained.

Procedural History: Circuit ct, jury verdict for P saying D owed duty to assist V that was not delivered. D presumably appealed on grounds that as matter of law D had no duty to act - appeals ct agreed and reversed trial court. Supreme court here reverses appeals ct and reinstates jury verdict, saying D does have duty

Issue(s): 1) Must one who voluntarily begins to render assistance use reasonable care in carrying out such assistance?
2) When people are engaged in a "common undertaking", does that bring about a special relationship, implying an obligation to assist if such assistance can be carried out safely?

Problem: As a society we want to encourage co-venturers to help one another out when difficulty arises, and Siegrist didn't provide that help; further we want those who do try to help, to do so reasonably and not instead cause more harm to the person.

Holding: 1) Yes. One who voluntarily begins to render assistance must use reasonable care in carrying out such assistance. 2) Yes. When people are engaged in a common undertaking, a special relationship is formed, implying an obligation to assist if such assistance can be carried out safely.

The Result: Court finds Siegrist did owe duty to injured that was breached. Judgment for P Farwell.

P argues: that public policy dictates that companions assist one another when assistance can be safely provided. Further, D began assistance and did so unreasonably, breaching his duty.

D argues: that by applying ice, he had not undertaken Farwell's care. Further, Siegrist is under no legal obligation to obtain medical assistance for Farwell.

Dissent: No authority is cited to support the position that a close relationship establishes a legal duty to act. This is the wrong case to establish such precedent. Therefore, the general rule that Siegrist owed no duty of affirmative action to assist applies, Siegrist never assumed a duty, therefore Appeals Court properly found that no duty was owed, as a matter of law.

Prof's comments: