

Publications

“The Class of Injuries Test: A Unifying Proposal to Determining Duty, Proximate Cause, and Superseding Cause in Negligence Claims”

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Associate [Julia Doherty](#) co-authored an article with Judge Leonard J. Feldman discussing the potential for a new test for negligence claims. Over a nearly two-year journey of researching, writing and editing, Julia and Judge Feldman hope this article can provide more clarity on the subject.

Abstract:

While there seems to be universal agreement that liability in tort cannot be unlimited, there is widespread disagreement regarding the various tests that courts utilize to limit such liability. We assume here that breach can be proven: the defendant failed to conduct themselves in accordance with the salient standard of conduct (for example, failure to exercise reasonable care under all the circumstances). In the ensuing litigation, the court and jury are asked to decide several issues that each limit liability for negligence. Here, we focus on three oft-debated issues: duty, proximate cause, and superseding cause. The tests for each are overlapping, varied, inconsistent, contradictory, and confusing. This Article examines the existing confusion in determining duty, proximate cause, and superseding cause and then identifies a single test that, if adopted, would both unify and clarify these defenses.

To read more and download the full article, visit the [Seattle University Law Review's website](#).

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