

Susan, a student at University, lived in a University dormitory. Access to Susan's dormitory was restricted to dormitory residents and guests who entered the dormitory with a resident. Entry to the dormitory was controlled by key cards. Dormitory key cards opened all doors except for a rear entrance, used only for deliveries, that was secured with a deadbolt lock.

On November 30, at 2:00 a.m., Ann, a University graduate, entered the dormitory through the rear entrance. Ann was able to enter because the deadbolt lock had broken during a delivery four days before Ann's entry and had not been repaired. Ann attacked Susan, who was studying alone in the dormitory's library.

Jim, another resident of Susan's dormitory, passed the library shortly after Ann had attacked Susan. The door was open, and Jim saw Susan lying on the floor, groaning. Jim told Susan, "I'll go for help right now." Jim then closed the library door and went to the University security office. However, the security office was closed, and Jim took no other steps to help Susan. About half an hour after Jim closed the library door, Susan got up and walked to the University hospital, where she received immediate treatment for minor physical injuries.

One day after Ann's attack, Susan began to experience mental and physical symptoms (e.g., insomnia, anxiety, rapid breathing, nausea, muscle tension, and sweating). Susan's doctor has concluded that these symptoms are due to post-traumatic stress disorder (PTSD). According to the doctor, Susan's PTSD was caused by trauma she suffered one month before Ann's attack when Susan was robbed at gunpoint. In the doctor's opinion, although Susan had no symptoms of PTSD until after Ann's attack, Ann's attack triggered PTSD symptoms because Susan was suffering from PTSD caused by the earlier robbery. The symptoms became so severe that Susan had to withdraw from school. She now sees a psychologist weekly.

Since the attack, Susan has learned that Ann suffers from schizophrenia, a serious mental illness. From August through November, Ann had been receiving weekly outpatient psychiatric treatment from her Psychiatrist. Her Psychiatrist's records show that on November 20, Ann told her Psychiatrist that she "was going to make sure" that former University classmates who were "cheaters" got "what was coming to them for getting the good grades I should have received." Ann's Psychiatrist did not report these threats to anyone because Ann had no history of violent behavior. Ann's Psychiatrist also did not believe that Ann would take any action based on her statements.

At the time of the attack, Susan knew Ann only slightly because they had been in one class together the previous semester. Susan received an A in that class.

Susan is seeking damages for the injuries she suffered as a result of Ann's attack and has sued University, Jim, and Ann's Psychiatrist.

1. May Susan recover damages for physical injuries she suffered in Ann's attack from

(a) University? Explain.

(b) Jim? Explain.

(c) Ann's Psychiatrist? Explain.

2. Assuming that any party is found liable to Susan, may she also recover damages from that party for the PTSD symptoms she is experiencing? Explain.

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## Question Presented

Susan, a dorm resident, was studying alone in the dormitory library, a common area the university controlled.

← a landlord must protect tenants from foreseeable crime in common areas it controls

Ann, a graduate, entered at 2 a.m. through a rear delivery door whose deadbolt had been broken for four days and never repaired, and attacked her.

← the unrepaired lock = breach + a cause of the attack

Jim, another resident, saw Susan groaning, said 'I'll go for help,' then closed the door and did nothing more.

← no duty to rescue, but a voluntary undertaking must not leave her worse off

Half an hour later Susan walked herself to the hospital for minor injuries.

← not left worse off → Jim added no harm

Ann's psychiatrist had records that Ann threatened 'cheater' classmates who 'got what was coming to them,' but warned no one (Ann had no history of violence).

← a therapist must warn only a readily identifiable victim; a vague threat is not enough

A day later Susan developed severe PTSD, triggered from an earlier gunpoint robbery, and withdrew from school.

← eggshell-skull rule: take the victim as found

1(a). May Susan recover from University?

← → landlord's duty

1(b). From Jim?

← → voluntary rescuer

1(c). From Ann's psychiatrist?

← → duty to warn

2. May she also recover for the PTSD symptoms?

← → eggshell plaintiff

## Question 1(a): University (Landlord's Duty)

**Issue.** Whether University, as landlord, is liable to Susan for negligence.

Does a landlord duty attach?

**Rule.** G/R: negligence requires duty, breach, actual and proximate causation, and damages. A landlord owes tenants a duty to take reasonable measures to protect them against foreseeable criminal acts in common areas under the landlord's control, and a breach that proximately causes injury creates liability.

*Common-area duty against foreseeable crime.*

**Analysis.** Here, University controlled the dorm's common areas and had secured the rear door with a deadbolt, showing the criminal risk was foreseeable; leaving that lock broken for four days breached its duty, and the broken lock let Ann enter and attack Susan, a proximate cause of her injuries.

*Broken lock for 4 days = breach + cause.*

**Conclusion.** Therefore, University is likely liable to Susan for her physical injuries.

*University liable.*

### Question 1(b): Jim (Voluntary Rescuer)

**Issue.** Whether Jim is liable to Susan for negligence as a volunteer rescuer.

*Does undertaking create a duty?*

**Rule.** G/R: there is generally no affirmative duty to rescue, but one who voluntarily undertakes to aid must use reasonable care and must not leave the victim worse off than before the undertaking.

*No duty to act; if you act, do not worsen the victim's position.*

**Analysis.** Here, Jim undertook to get help and then abandoned the effort and closed the door, but Susan was not left worse off: she rose and walked herself to treatment within half an hour, so his conduct did not cause any added harm.

*No aggravation → no liability.*

**Conclusion.** Therefore, Jim is not liable to Susan.

*Jim not liable.*

### Question 1(c): Ann's Psychiatrist (Duty to Warn)

**Issue.** Whether the psychiatrist owed Susan a duty to warn or protect her.

*A special-relationship duty?*

**Rule.** G/R: a therapist has a duty to take reasonable steps to protect a readily identifiable victim whom the patient has seriously threatened; there is no duty to warn the public of a vague or general threat.

*A readily identifiable victim is required.*

**Analysis.** Here, Ann's statement about 'cheater' classmates who got 'what was coming to them' named no identifiable victim, and Susan, an A student Ann barely knew, was not identifiable; with no history of violence, the vague threat did not trigger a duty to warn.

*Vague threat, no identifiable target.*

**Conclusion.** Therefore, the psychiatrist owed Susan no duty and is not liable.

*Psychiatrist not liable.*

## Question 2: PTSD Damages (Eggshell Plaintiff)

**Issue.** Whether Susan may recover for her PTSD symptoms from any liable party.

*Scope of recoverable harm?*

**Rule.** G/R: under the eggshell-plaintiff rule a tortfeasor takes the victim as found and is liable for the full extent of the harm, even the aggravation of a preexisting condition the defendant did not know of; emotional harm accompanied by physical injury is recoverable.

*Take the victim as you find her.*

**Analysis.** Here, the attack caused minor physical injury and triggered severe PTSD rooted in Susan's earlier trauma; because the emotional harm accompanies a physical injury and flows from the attack, a liable defendant answers for the full PTSD consequences.

*Physical injury + emotional harm = recoverable.*

**Conclusion.** Therefore, Susan may recover PTSD damages from any party liable for her physical injuries.

*Full PTSD recovery.*

## Step-by-Step: Duty in a Multi-Defendant Negligence Case

*Test each defendant's duty separately, then measure damages under the eggshell rule.*

### 1. Landlord: reasonable care against foreseeable crime in a common area it controls?

→ Lock broken 4 days → breach → **University likely liable**



### 2. Rescuer: no duty to act, but a voluntary undertaking must not worsen the victim's position.

→ Susan not left worse off → **Jim not liable**



### 3. Therapist duty to warn: only a readily identifiable victim of a serious threat.

→ Vague threat, no identifiable victim → **psychiatrist not liable**



### 4. Damages: eggshell plaintiff; emotional harm with physical injury is recoverable.

→ **full PTSD recovery from any liable party**