

ADMINISTRATION OF JUSTICE

YOU MAKE THE DECISION!

The Lady and the Bad Golf Shot

Name: _____ Period: _____ Row: _____ Score: _____

TODAYS CASE: You are listening to the civil case of Norma Peterson against Homer Hacker. Norma claims that she was injured by Homer, and is seeking compensatory damages.

Norma's attorney questions her on the witness stand. "Miss Peterson, will you tell us where and when the event took place that has caused you to file this claim?"

Norma testifies "the injury occurred June 20th, 2001, while I was on the 10th hole at the Royal Vista Golf Course."

"What were you doing there at that time?"

"Well, I had been playing golf with three of my friends for several hours and was on the green of the tenth hole, about 10 feet from the cup preparing to putt."

"What happened at this point?"

"Just as I was addressing the ball everything faded to black and the next thing I find myself in the hospital. I remained in the hospital for about two weeks with a fractured skull and still have headaches to this day."

"And the reason was, you had been hit on the head by a golf ball sliced off a nearby tee by Mr. Hacker, as your friend has already testified?"

"Yes."

Homer Hacker's attorney cross-examined Norma. "You have heard, Miss Peterson, of people being injured on golf courses by misdirected golf balls, have you not?"

"Yes."

"And you knew, as you played this particular day, that there were other people on the course?"

"Yes, I did."

"In fact, it was rather crowded, so that there were people driving golf balls in all directions, on all the holes?"

"Yes, there were a lot of other people playing."

"And wasn't this a very windy day?"

"Yes, it was quite windy."

"Thank you, Miss Peterson; that is all."

At this point, judge, you ask the attorneys to present their views.

Norma's attorney says, "People are responsible if they do something that hurts others. That is, if they're negligent. And Homer Hacker here was negligent, because his ball went far from where he intended, and hit Norma. She had to be hospitalized, and so she is entitled to payment for her bills, and for her time off work. Homer should pay this."

Homer's attorney says, "Regardless of what Homer did, he should not have to pay because Norma assumed the risk of being on the golf course. She didn't have to be there. She knew something of the danger, but went anyway. She knew the risk. So the fault was really hers."

You say, "Thank you, counselors; I'll think over your evidence and remarks, and give my decision later."

* * *

Now you are alone in your judge's chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official Opinion and Order.

Judge's "Case Analysis Sheet"

To make an informed decision in a court dispute you must first examine the facts in issue.

1. Specifically **describe** where Norma was and what she was doing when she got hurt:

2. What **factors** would make a crowded golf course more dangerous than one with only a few people playing golf?

3. How can weather conditions, such as the wind, affect the flight of a golf ball?

4. Does the fact that Homer sliced a golf ball show that he used any less care than the average golfer?

5. What, if any, responsibility does a golfer accept when they choose to play the game of golf?

6. If Homer Hacker's golf ball struck a passing auto on the street adjacent to the golf course what do you think his liability would be to the owner of the car?

7. What do you think the liability and responsibility the golf course has with respect for protecting homes and highways along the golf course from injury or damage?

8. What factors should be considered when deciding this case? **Try to name three things?**

IN THE SUPERIOR COURT OF THE STATE, COUNTY OF MONROE

NORMA PETERSON

Plaintiff

vs.

HOMER HACKER

Defendant

Civil Case NO. 486-81

COURT'S OPINION AND ORDER FOR JUDGMENT

The facts here show that while on a golf course, Homer Hacker, the defendant, sliced a ball that went astray and hit Norma Peterson. Miss Peterson suffered a fractured skull and was hospitalized for about two weeks.

The day was windy, and the course crowded. So the course was _____
more / less
dangerous at that time.

It seems to the court that Homer _____ careless when he sliced that ball.
was / was not
He _____ have known that if he hit it badly, someone might be hurt.
should / should not

What about the taking of the risk by Norma? Some state courts say that because she took it, she can't get damages. Other courts don't like that risk-taking idea, and do give damages. It is true that people are sometimes hurt on golf courses by flying balls. But almost everything we do involves some risk. We assume a risk when we cross a street. Does that mean if we assume the risk of crossing the street and are hit by a car we automatically should not be able to recover damages?

This belief _____ seem reasonable. It is true that we must cross streets from
does / does not
time to time, and we do not need to play golf.

But there are many people who do both. If we rule that golf-playing is dangerous, will many current players *no longer want to play golf*? It does not seem we can write off the taking-the-risk rule entirely. Otherwise, a person could climb the outside of a 35-story building on a dare, perhaps. Then while climbing the building he loses his grip falling to the ground and demands payment because he fell. We _____ allow the building owner to say, "You
should / should not
knew that climbing was dangerous."

"No one made you do it. You took the risk. So don't expect us to pay you."

This court believes we _____ have a rule of law that says people
should / should not
cannot recover damages where they take unusually dangerous risks without good reason.
We therefore rule _____ Norma Peterson.
in favor of / against

JUDGE OF THE ABOVE TITLED COURT