









Legal Issues

Guidelines for Staying Out of Trouble

-  **Knowledge & Training**
-  **Equipment**
-  **Discipline & Control**
-  **Liaison With Other Organizations**
-  **Conduct Critiques**
-  **Document Everything**



Points To Remember

Civil Suits are private legal actions brought to court by Plaintiff(s) who believe they have been harmed by the person being sued (defendant).

- ✓ Goal of a Civil Suit is **MONEY**
- ✓ Plaintiff has the burden of proof
(fault caused damage)

Types of Fault

(Degrees of Negligence)

- ★ **Slight Negligence** - A failure to act perfectly (or just being human).
- ★ **Negligence** - Commission of some wrong act or omission of some correct act, which would not have been done or omitted by a reasonably prudent person in the position of the wrong doer (Conduct of a Fool!).
- ★ **Gross Negligence** - A great departure from proper standards of care (*Damn Fool*).
- ★ **Bad Intent** - Conduct which is malicious, willful, wanton.

" Good Samaritan Laws "

- It is generally held that **EMERGENCY RESPONSE PERSONS** lose this protection when they volunteer their time and efforts as part of a "planned response" under the "color of the law".

● By volunteering to go to the scene of an emergency, responders assume a **LEGAL DUTY** to give the victim reasonable care and **NOT** to increase the risk of harm or cause further harm which leaves the victim worse off than he/she was before receiving any care. If the responder breaches that duty, he/she can be held personally liable for civil damages. . . .

Training as a Defense Against Liability

- ★ *Training Must Meet an Accepted Standard*
- ★ *Personnel Must Not Exceed Their Level of Training*

*..... and, conversely, personnel must
perform up to their level of training.*