





## Discussion Questions for Week 1

A "threaded discussion" is a discussion forum that allows students to respond to questions posted by the professor (original responses), which can then be read by other users who add their own comments in response (secondary postings). Unlike chat rooms and other "real-time" interaction forums, threaded discussions do not require different users to be logged on at the same time.

Discussion questions are assigned each week. **Original responses to these questions must be posted by Thursday at 11:59PM.** Original responses must be at least **250 words** and must incorporate concepts from the lectures and assigned readings.

**Secondary Responses/Postings:** Each student must post **two or more** secondary responses to other students' postings **for each discussion question.** Secondary responses are due by **11:59PM on the Monday following the week in which the questions were assigned.** They must be a minimum of **150 words** and, like original responses, should incorporate concepts from the lectures and assigned readings. Students are encouraged to embark on interactive discussions that go beyond the minimum number of secondary postings.

Although the discussion board is expected to be student-driven, professors will be participating in the discussions as well.

**DQ 1.1:** Assume a car manufacturer identifies a new safety feature that, if adopted, would prevent \$50 million in damages per year, including several deaths. The feature would cost \$30 per car, or \$60 million for all 2 million cars the manufacturer produces in a single year. The cost could be passed on to consumers in the form of higher prices, but because competition is tight the manufacturer is reluctant to raise prices (and it obviously does not want to absorb the \$60 million cost on its own). So it decides not to install the new feature. If someone is injured in an accident that could have been avoided had the new feature been installed, would the manufacturer be considered negligent under the formula outlined by Judge Hand in *U.S. v. Carroll Towing*? Do you think the Hand formula captures all of the considerations that are relevant to assessing whether the manufacturer exercised reasonable care?

**DQ 1.2:** If violation of a safety statute constitutes negligence per se, should compliance with a safety statute be considered "non-negligence per se"? Is it possible for someone to comply with all applicable statutory requirements and still act unreasonably?