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Law



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Comparative Fault The Indiana 34 gives and explain clearly how the jury will determine the compensation to be awarded to the complainant in cases of injury, death or losses that arise because of negligence or faults. This statute further involves the determination of the proportion of the faults that is attributed to the plaintiff and the defendant. The case of Samantha therefore falls within the ambit of this law and the court's decision will be made with regard to the provision of this statute.

According to the statute, Samantha can claim compensation for injury and other losses she experienced. The office management will be demanded to make compensation for Samantha for the injury and pay for the medical bill that may be incurred. The Indiana comparative fault statute also includes the sharing of the fault that led to the injuries or losses. The office management can thus argue that Samantha should take blame for the injury by failing to be careful and because of the distraction that was caused by her two-year-old child. The statute states that in case the claimant causes more than 50% of the fault, no compensation will be awarded. However, in case the percentage of fault by the claimant is less than 50%, s/he will be granted the right to fair compensation from the defendant (Indiana's comparative fault act 23).

Moreover, the Indiana act also considers instances in which the various claimants can be considered as a single party because of their relationship (Indiana's comparative fault act 26). At the same time, where the cause of the fault is attributed to a third party, the defendant can claim mitigation since s/he did not intend to cause the harm. On the contrary, full compensation will be awarded to the claimant if there is proof that the fault was intentional and that the defendant had total control on the cause and

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impact of the fault. The US comparative negligence also has similar provisions in case of injuries and losses that arise because of tortuous acts. In summary, the Indiana comparative fault statute lays down factors that the jury puts into consideration when awarding damages, how the proportion of faults is distributed among the parties and what determine the damages to be awarded.

#### Work Cited

Indianas comparative fault act. Indianapolis: Indiana Continuing Legal Education Forum, 1984. Print.