

Jurisdiction

Law



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and number Jurisdiction— Gonzales v. Oregon Physician-assisted suicide occurs when a medical doctor aids in the death of a patient by providing information and/or necessary means to enable the patient to carry out a life-ending act. The legal consequence of the ruling of the Oregon court is clear: Oregon medical doctors may recommend drugs under the Death with Dignity Act (DWDA) without any fear of federal punishment. I dissent with the opinion of the majority that pursuant to the Constitution, the federal government should not rule out physician-assisted suicide where a legislature has decided to consent the process because letting medical doctors to take part in assisted suicide would cause more damage than good. Moreover, Physician-assisted suicide is essentially contradictory with the medical doctor's role as healer, would be hard or impossible to manage, and would pose serious risk to the entire society. Instead of taking part in assisted suicide, medical doctors should aggressively respond to the immediate needs of patients. Additionally, Patients should not be deserted once it is established that treatment of the illness is impossible. Patients who feel that death is preferable to life should continue to receive sufficient pain control, emotional support, good communication, comfort care and respect. Katherine A. Currier and Thomas E. Eimermann. A Critical Thinking Approach, 5th Ed, Aspen Publishers; ISBN # 978-0-7355-9875-1

Case 1

In this case, Gena failed to exercise high level of care that a rational being would have exercised under the same condition. Therefore, Gena is liable for the damage because she failed to exercise reasonable care to prevent the damage, her own action resulted to damage and that there is a proximate cause of the damage—she kicked the ball which broke the window.

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Retrieved from: <http://www.law.cornell.edu/wex/negligence>

Case 2

Although I am entitled to replacement or repair costs of the damaged property, I am supposed to compensate Gena \$35 for the damages suffered due to deceit and fraud.

Preferred Mortgages Ltd v Countrywide Surveyors Ltd (Ch D (Edward Bartley Jones QC) 25/7/2005)

Case 3

I must prove that Gena owed a duty of care, that Gena breached or neglected that duty, that the tortfeasor caused the damage (but for Gena's actions, I would not have suffered the damage), that I suffered the loss as a result of that breach and finally, that there was proximate cause to prove the breach resulted to damage.

Twerski. Third Restatement of Torts: Issue One: Article: Negligence Per Se and Res Ipsa Loquitur: Kissing Cousins. Wake Forest Law Review. (2009)

Case 4

The term assault can be defined as an intentional placing of another person in apprehension of imminent offensive contact with the clear ability to perform it. In this case, it is clear that Gena's act was intended to cause apprehension of offensive contact and also her act indeed caused it.

Therefore, Gena committed the tort of assault and so she is liable for it.

-<http://injury.findlaw.com/torts-and-personal-injuries/elements-of-assault.html#sthash.aETUnssp.dpuf>

Case 5

This kind of divorce is categorized under Ex parte divorce which occurs only when one spouse take part in court proceedings. The court can only <https://assignbuster.com/jurisdiction/>

grant this kind of divorce only and if the person filing the divorce meets the domicile requirements which is normally six months and if in any case he/she has given the other spouse a written notice by a “ process server”. In this case, the court cannot grant me a divorce simply because I did not issue a written notice to Gena informing her of my intention to divorce her.

Montemurro v. Immigration and Naturalization Service, 409 F. 2d 832 (9th Cir. 1969).

Case 6

Where a conduct is one which a rational being would recognizes as entailing a risk of damage, the risk is inordinate and the conduct is neglectful if the risk is of such level to overshadow what the law perceives as utility of the conduct or a particular way in which it is done. In this case, the court should apply balancing test to establish whether the risk of damage from Gena’s action was so great to be considered as unreasonable. only the magnitude of the damage would be determined and the value of the window will not make a difference in the court with jurisdiction.

Retrieved from: http://www. leagle. com/decision/1977825400Mich425_1802. xml/MONING%20v.%20ALFONO