



Is the Driver Liable?

No. A party is liable for common law negligence only if the claimant can prove duty, breach, proximate cause, and damages. All of these elements must be proved to establish liability. While the driver of the car had a duty to operate the vehicle in a reasonably safe manner and while that duty was breached by driving the car while intoxicated, that unreasonable conduct was not the proximate cause of the pedestrian's injury.

Learn More About AEI's Tort Concepts Self-Study Course

AEI's [*Tort Concepts*](#) course provides an in depth analysis of common law negligence. Recognizing and understanding the elements of negligence gives the claims professional the confidence to properly evaluate the strengths and weaknesses of a claimant's action.

This is just one example of how AEI's convenient self-study courses and [programs](#) can increase your claims law knowledge. For more information on the entire Legal Principles program, click [here](#).