

UCJI 20.02

NEGLIGENT CONDUCT DEFINED

The law requires every person to use reasonable care to avoid harming others. A person's conduct is negligent if that person fails to use reasonable care.

Reasonable care is the degree of care and judgment used by reasonably careful people in the management of their own affairs to avoid harming themselves or others. A person fails to use reasonable care when that person does something that a reasonably careful person would not do, or fails to do something that a reasonably careful person would do under similar circumstances.

In deciding whether a person used reasonable care, consider the dangers apparent or reasonably foreseeable when the events occurred. Do not judge the person's conduct in light of later events; instead, consider what the person knew or should have known at the time.

COMMENT: *See Kirby v. Sonville*, 286 Or 339, 344–45, 594 P2d 818 (1979); *White v. Milner Hotels, Inc.*, 267 Or 628, 632–36, 518 P2d 631 (1974).

There are specific instructions that define reasonable care in particular situations. *See, e.g.*, UCJI 44.01, 44.02, and 45.04.