

Bond Case Briefs

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NEGLIGENCE - MONTANA

Gourneau ex rel. Gourneau v. Hamill

Supreme Court of Montana - October 15, 2013 - P.3d - 2013 MT 300

Mother, individually and on behalf of student, her deceased son, filed a negligence complaint against school board after student committed suicide the day he was suspended from the high school wrestling team. The District Court granted school board summary judgment. Mother appealed.

The Supreme Court of Montana held that school board did not have a duty to prevent student from committing suicide after he was suspended from the school wrestling team.

Whether a party owes a legal duty depends largely on whether the allegedly negligent act was foreseeable. As it relates to the existence of a legal duty, foreseeability is measured on a scale of reasonableness dependent upon the foreseeability of the risk involved with the conduct alleged to be negligent.

In this case, the school board did not have a duty to prevent student from committing suicide, as the suicide was unforeseeable. Student had a history of disciplinary problems at school and he had never harmed himself or exhibited dangerous tendencies following the imposition of prior discipline. Student had no history of mental health problems or treatment, and there was no special relationship between school board and student.