



## **TORT LIABILITY** IN THE STANDARDS WORLD

2007 ANSI Legal Issues Forum



# **Risks of Tort Liability for SDOs Involved in Standards Setting**

*Presented by*

Creighton R. Magid

Dorsey & Whitney LLP

1050 Connecticut Avenue, N.W., Suite 1250

Washington, D.C. 20036

(202) 442-3000



# Bases of SDO Liability

- Voluntary Rescue Doctrine
- Authority to Control
- Duty Arising from “Fairness”



# Voluntary Rescue Doctrine

- Undertaking to provide services to another necessary for protection of a third person
- Failure to exercise reasonable care increases risk of harm or
- Undertaking to perform a duty owed by the other to a third person or
- Harm suffered because of reliance of the other – or the third person – upon the undertaking



# Nikko Principle

