

Should Emergency Good Deeds Go Unpunished? An Analysis of the Good Samaritan Statutes of the United States

45 Rutgers L. Rec. 105 (2018) | [WestLaw](#) | [LexisNexis](#) | [PDF](#)

It is a well settled common law rule that ordinarily, ?in the absence of some special relationship, no legal duty rests on a member of the general public to render services in the preservation of the person or property of another even if the means with which to do so are at hand.? We may have a moral obligation to help our fellow citizens, especially when we can to do with little effort and risk to ourselves, but in general, we have no legal obligation to do so. As commentators have noted, ?[w]hile providing no general duty to aid, the Restatement of Torts. . . allows a person who voluntarily comes to the rescue of another to be held liable for any negligence in doing so.? Thus, the safest course of conduct for citizens who come across emergency situations is to walk on by, rather than risk potential civil liability for rendering assistance that is later found to have been negligent. Good Samaritan statutes seek to ?encourage people [with no duty] to aid others in need by granting statutory immunity? from negligent acts or omissions to rescuers who provide assistance to their fellow citizens in emergency situations.

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