



LEGAL BRIEFS

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PERSONAL INJURY • NURSING HOME NEGLECT • MEDICAL MALPRACTICE • ELDER LAW

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Don't Do This At Home: Jackass 2 - The Movie Florida Law - Assumption of Risks

Jackass 2 The Movie is coming out today in theaters across the nation. The movie chronicles the exploits and stunts of several crazy guys who subject themselves to death defying acts for the fun of it. It sounds silly and dangerous but it sells. Jackass was originally a television series on MTV and then Jackass the Movie came out in 2003.

The success and sales of Jackass the Movie led to Jackass 2. You can find out more about Jackass 2 by clicking on the photo with the men on mini-bikes.



Jackass 2 is full of physical humor or absurdity depending on how you view it. Most of the scenes and dialogue were loosely planned and in many respects gross. As stated one of the stars of the movie (Johnny Knoxville), "most actors and actresses have to learn their lines. We just have to eat beans or raw cabbage to get gas so we can light a fart underwater. That's our preparation."

This month's Mystery Song is about getting cut or hurt by love. It was the closest that I could think of at the moment to associate with this month's topic. Name the artist who has a distinctive voice and style. He is not the best singer out there but he is very popular and has been so for many years. E Mail me with the correct entry to win a free lunch gift card at a restaurant in your area like a Ruby Tuesday's or Longhorn.

According to the www.freedictionary.com, the term Jackass is a noun that refers to a *man who is a stupid incompetent fool or a person who lacks good judgment*. To my knowledge, there are no laws that utilize the term Jackass in Florida but there are many cases that I have pursued over the past 16 years where a person has lacked good judgment.

We live in a free country. While I do not believe that the movie should be banned in any way, I do have concerns about people imitating or duplicating the acts in the movie. Naive children, dumb teenagers, and dumb adults for that matter may try to perform their own Jackass acts of stupidity. This is especially so when alcohol is involved. This not only produces a danger to the participants but also innocent bystanders. As the movie warns, the stunts in the movie were performed by professionals. While some of the folks in the movie were professional skateboarders, nothings prepares a person to be flipped by a bull, yanked off a deck by a boat, or lit on fire.

The Jackass television shows and movies do illustrate a legal concept that I deal with on a daily basis. It is called "assumption of the risk". If a person knows or should have known the dangers of an activity or an area, this may serve as a partial or complete defense if the person is injured. A prime example would be a person jumping over the fence at the Jacksonville Zoo and getting bit by the alligators. I have not represented such a client but I have represented many clients who were victims of slip and falls. In virtually every slip and fall case, the Defendant / Claims Adjuster will argue that the Plaintiff assumed the risk of harm and / or was personally negligent for the fall. I evaluate every slip and fall case on its own merits. Most people do not stare at the floor as they walk through a mall or down a side walk. Usually, a person is unaware of a spill or a problem with a sidewalk or walkway until they are tumbling to the floor. I do not believe that these folks assumed the risks in any sense. The liability of the Defendant is contingent on the condition of the property and the Defendant's knowledge of the condition and ability before the fall to remedy the problem and / or warn the visitors of the problem.

As for the stars of the Jackass movies, I do not think that they would have much of a claim against the producers of the movie or the property owners where the stunts were performed. While I am not inclined to light parts of my body on fire or roll into walls, the stars of the Jackass movie as well as the producers have made quite a bit of money performing these acts.

In the real world, all of us deal with Jackasses every day. While most people do not want to intentionally cause havoc in our lives, some do. Whether an act is intentional or not, attorneys are often called in to try to help. At Wood, Atter & Associates, we have a team of attorneys ready to help you with your legal needs.

Hopefully, your September is not affected by the acts of a "Jackass". If you do have a problem with a "Jackass" or any other legal problem, give us a call. At Wood, Atter, we are "On Your Side - At Your Side" even in times when you are the "Jackass". If any of you happen to see the movie, let me know what you think. You can also view other newsletters by clicking on the links at the top of the page.