

Hyatt Regency Court Case

How the defense could have won

The Defense

Gross Negligence

- Indifference for an obvious task
- No uniform definition
- Conflicting witnesses

Common Practice

- Fabricators decide steel connections
- Difference in responsibilities between contractors and licensed professionals

Shifting Blame

- Gillum blames Duncan
- Gillum's seal makes himself responsible

Gross Negligence

Definition

United States

- “reckless indifference to the rights of others.”
- “smack of intentional wrongdoing”

Consensus

States

- ‘want of even scant care’
- Some do not recognize gross negligence

Court Case

Expert Witnesses

- Both sides had reputable witnesses
- No consensus on standard practice

Solution

Hanlon's Razor

"Never attribute to malice that which can be adequately explained by stupidity"

Common Practice

The Norm

Fabricators

- Decide steel connections
- Follow general design

Responsibilities

Roles

Contractors bid for work

Ensure best price for owner

Licensed professionals are paid hourly

Must abide by standards

Solution

Theory of International Norms

Three steps:

1. Group advocates for norm
2. Belief cascades to gain support
3. Belief becomes norm

Shifting Blame



Claim

Blame

- Gillum was in charge of Duncan
- Gillum shifts blame to Duncan



Outcome

The Seal

Shop drawings had Gillum's stamp

Stamp represents Gillum's approval

Solution

Positive and Negative Rights

Action vs Inaction

- “an agent is positively relevant to a harmful upshot when his most direct contribution to the harm is an action”
 - “relevance is negative when his most direct contribution is an inaction,”
-

Bibliography

Howard-Snyder, Frances. "Doing vs. Allowing Harm." Stanford University.

Stanford University, 2002. Web.

"Hyatt Regency Walkway Collapse." ENGINEERING.com. 24 Oct. 2006. Web.

"Jargon, Node: Hanlon's Razor." Jargon, Node: Hanlon's Razor. Web.

Luth, Gregory P. "Chronology and Context of the Hyatt Regency Collapse." J.

Perform. Constr. Facil. *Journal of Performance of Constructed Facilities* 14.2 (2000): 51-61. Web.

McBroom, Mandy M., MPH. "Occam's Razor." Salem Press Encyclopedia (2016): Research Starters. Web.

19 Dec. 2016

Parkan, Baris. "On Multinational Corporations and the Provision of Positive Rights." *Journal of Business Ethics* 85.S1 (2008): 73-82. Web.

Bibliography

Pickavance, James. "Gross Negligence in Construction Contracts." Eversheds. Web.

Rechtien, Matthew. "The Hyatt Regency Disaster Revisited." STRUCTURE Magazine. STRUCTURE, Mar. 2014. Web.

"The Hyatt Regency Walkway Collapse." The Hyatt Regency Walkway Collapse. 1 Jan. 2007. Web.