

The Hand Rule

Tom W. Bell*

Intro:

G C F C
In this world of accidents, it pays to know your negligence.

G C F D7
Unless you want to play to fool, you'd better learn that 'ol Hand rule.

Refrain:

G C G C

G G G C
Learned, learned, Learned. Learned in the law was he.

G G G D
Learned Judge Hand, Learned, he judged so learned-ly!

G C D7 F
So learn what the Hand Rule teaches: "There's no liability,

G C D Gbar
If the burden of the cost exceeds the loss times the probability.

G C D Gbar
If the burden of the cost exceeds the loss times the probability."

Gbar\Fbar C

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Verse 1 (play as intro):

G C F C
In the case of Carrol Towing Co., Learned Hand set forth to show

G A7 D
The meaning of "reasonability."

G C F C
Defendant failed to leave in charge, a man to watch its unmoored barge.

G A7 D7
And plaintiff's cargo met calamity.

G C F C
"Negligence!" plaintiff complained and on appeal, Judge Hand explained.

G A7 D
The proper scope of liability.

Refrain

Bridge (play as instrumental all but opening to refrain)

Verse 2:

It would not have posed a burden large, to keep a man on board that barge,
To guard against the probability.

That something would go wrong — and how! — would go "glub gulb," or go, "Ka-
Pow!"
Thus the case for liability.

But carelessness will not obtain, when safety is not worth the pain.
That's the rule Hand gave posterity.

Refrain

Coda (play as refrain's last two lines):

You can even sing it mathematically:
Ask if B is greater than L multiplied by P .
If so, there is no negligence liability.

If the burden of the cost exceeds the loss,
If the burden of the cost exceeds the loss,
If the burden of the cost exceeds the loss times the probability.

$G_{bar} \setminus F_{bar} \quad C \quad C^7 \quad C \quad G$

Fin.