

Understanding the Gateway Elements to Liability Exceptions Under the ITCA
Jacob H. Naylor

- I. Introduction/Brief Background of Idaho Tort Claims Act (5 min)

- II. Discussion of Exceptions to Governmental Liability (10 min)
 - A. Differences between I.C. § 6-904, § 6-904A, § 6-904B
 - B. Separate “gateway elements” apply to different torts
 - D. Where or when should immunity apply?
 - 1. Pleading requirements?

- III. Specific Gateway Elements to Exceptions (20 min)
 - A. Within Course and Scope of Employment
 - 1. Legal Definition
 - 2. Specific Cases/Examples
 - 3. Legal Issues or Questions
 - a. Rebuttable presumption (I.C. § 6-903(5))
 - B. Without Malice
 - 1. Legal Definition
 - 2. Specific Cases/Examples
 - 3. Legal Issues or Questions
 - a. Rebuttable presumption (I.C. § 6-903(5))
 - C. Without Criminal Intent
 - 1. Legal Definition
 - 2. Specific Cases/Examples
 - 3. Legal Issues or Questions
 - a. Rebuttable presumption (I.C. § 6-903(5))
 - D. Without Reckless, Willful and Wanton Conduct
 - 1. Legal Definition
 - a. I.C. § 6-904C
 - 2. Specific Cases/Examples
 - 3. Legal Issues or Questions
 - E. Without Gross Negligence
 - 1. Legal Definition
 - a. I.C. § 6-904C
 - 2. Specific Cases/Examples
 - 3. Legal Issues or Questions

- IV. Summary/Q&A