G | P
Grand Park Law Group
A Professional Corporation

Westside Towers
11835 W. Olympic Boulevard #870E
Los Angeles, California 90064

O:+1 888.629.4754
F: +1 310.900.0805

PRACTICE GUIDE · PERSONAL INJURY

The Statutory & Common-Law Framework

Grand Park Law Group · 2026



A.

The General Duty of Ordinary Care — Civ. Code § 1714(a)

California Civil Code § 1714(a) is the textual cornerstone of California negligence law. It provides, in part: "Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself."

Section 1714(a) does three doctrinal jobs at once. First, it establishes a general, statutorily prescribed duty of ordinary care running from every person to every foreseeable victim — a baseline against which exceptions must be justified. Second, it incorporates a comparative-fault principle (the "willfully or by want of ordinary care, brought the injury upon himself" clause) that prefigures *Li v. Yellow Cab*'s pure comparative regime. Third, it operates as a presumption: California courts have repeatedly held that, in the absence of statutory or policy reasons to depart from § 1714(a), the default duty of ordinary care applies. (See *Cabral v. Ralphs Grocery Co.* (2011) 51 Cal.4th 764, 771.)

B.

The Rowland v. Christian Multi-Factor Duty Analysis

The modern California duty analysis is a creature of *Rowland v. Christian* (1968) 69 Cal.2d 108. *Rowland* abolished the rigid common-law trichotomy of invitee, licensee, and trespasser for premises liability and replaced it with a unified duty of ordinary care assessed under a multi-factor balancing test. The *Rowland* factors, as currently articulated, include: (1) the foreseeability of harm to the plaintiff; (2) the degree of certainty that the plaintiff suffered injury; (3) the closeness of the connection between the defendant's conduct and the injury; (4) the moral blame attached

to the defendant's conduct; (5) the policy of preventing future harm; (6) the burden on the defendant and the consequences to the community of imposing a duty; and (7) the availability, cost, and prevalence of insurance for the risk involved.

For four decades after *Rowland*, courts and litigants frequently treated the factors as freely manipulable in case-by-case adjudication. *Cabral v. Ralphs Grocery Co.* (2011) 51 Cal.4th 764 imposed an important corrective. The Supreme Court held that the *Rowland* analysis is not to be applied at the granular level of individual fact patterns; rather, the factors must be evaluated at a level of factual generality sufficient to produce categorical, predictable rules of duty. *Cabral* held that a truck driver who pulled to the shoulder of a freeway owed a duty of ordinary care to a passing motorist who collided with the parked truck, rejecting the argument that the unusual factual posture justified a duty exception. The decision is now the controlling articulation of how *Rowland* is to be applied: courts ask whether, as a categorical matter, the policy considerations justify creating an exception to § 1714(a)'s default duty.

C. Statutes of Limitations and Tolling

The default statute of limitations for personal injury actions is two years from the date of injury, codified at Code of Civil Procedure § 335.1. Section 335.1 was enacted in 2002 (Stats. 2002, ch. 448) and replaced the prior one-year period under former § 340(3). It applies to actions for "assault, battery, or injury to, or for the death of, an individual caused by the wrongful act or neglect of another."

Several doctrines extend or suspend the limitations period. The discovery rule postpones accrual until the plaintiff knew, or reasonably should have known, of the facts constituting the injury and its negligent cause; the rule is most often invoked in toxic-exposure, latent-injury, and medical-device cases. Equitable tolling suspends the limitations period when a plaintiff has reasonably and in good faith pursued one of several alternative remedies (administrative or otherwise) and the defendant has not been prejudiced. Equitable estoppel, by contrast, prevents a defendant from invoking the statute when its own affirmative conduct induced the plaintiff's delay. Minority and certain disabilities toll the running of the period under CCP § 352.

D. The Government Claims Act (claims against public entities)

When the prospective defendant is a public entity — the State, a city, a county, a school district, a transit authority — the plaintiff must comply with the presentation requirements of the Government Claims Act before filing suit. Government Code § 911.2 requires that a claim relating to a cause of action for death or injury to person or to personal property be presented "not later than six months after the accrual of the cause of action." A claim for any other cause of action must be presented within one year. The claim must comply with the content requirements of Gov. Code § 910 and be served on the entity's designated clerk or governing body.

Failure to present a timely claim is, with limited exceptions, a complete bar to suit. A claimant who misses the six-month deadline may file an application for leave to present a late claim under Gov. Code § 911.4 within one year of accrual, but the application must be granted on enumerated grounds (mistake, inadvertence, surprise, excusable neglect, minority, incapacity, or the death

| Beverly Hills • San Francisco • San Diego • Chicago |
| Main: (888) 629-GPLG (4754) • Fax: (310) 900-0805 • www.GrandParkLawGroup.com |

of the claimant). Once a claim is rejected, the claimant has six months from the date of the written rejection notice to file suit. Substantive liability of public entities is governed by separate statutes, principally Gov. Code § 815 (no liability except as provided by statute) and Gov. Code § 835 (dangerous condition of public property).

Practice	Personal Injury
Topics	Rowland · Statute of Limitations · Government Claims Act
Publication	Practice guide · Chapter II · 2026

Available online at injury.grandparklawgroup.com/articles/the-statutory-amp-common-law-framework. This publication is provided for general information and is not legal advice.
© 2026 Grand Park Law Group, A.P.C. Attorney Advertising.

| Beverly Hills • San Francisco • San Diego • Chicago |
| Main: (888) 629-GPLG (4754) • Fax: (310) 900-0805 • www.GrandParkLawGroup.com |