ship, referencing the courts' reluctance in those cases to impose a duty to prevent crimes related to alcohol use. They also cited a 2006 California Supreme Court case, *Avila v. Citrus Community College Dist.*, 38 Cal.4th 148 (2006), where the court found a university had "a duty to students in school-sponsored athletic events . . . 'warranted by the[ir] relationship'" (*Rosen*, p 16).

Having found a legally special relationship between universities and their students, the court considered policy considerations that support or weigh against the establishment of a limited duty to protect. The court evaluated a variety of policy considerations, including the California Constitution's extension of a right to public safety to postsecondary campuses, and the burden this duty would impose on universities.

The court, mentioning the social context of recent mass shootings such as Virginia Tech, stated that policy considerations support the establishment of the above duty: "violence against students in the classroom or during curricular activities, while rare, is a foreseeable occurrence . . ." (*Rosen*, p 23). Furthermore, universities are already aware of the need to identify and defuse "potential threats to student safety"; UCLA "expressly marketed itself . . . as 'one of the safest campuses in the country'" (*Rosen*, p 28).

Discussion

In general, a defendant does not have a duty to protect a plaintiff from a third party's violent behavior. There is an exception to this rule when a defendant and the plaintiff have a (legally defined) special relationship. The California Supreme Court found such a relationship between a university and its students. The resultant duty is limited to "enrolled students . . . participating in curricular activities at the school" (*Rosen*, p 29).

The court did not describe the standard of care, but noted that universities are not expected to prevent all violence on their grounds as this would be an impossible task. A university must exercise "reasonable care when aware of a foreseeable threat of violence in a curricular setting" (*Rosen*, p 29). Although not specifically stated in the opinion, it is likely that the increasing use of "threat assessment protocols and multidisciplinary teams to identify and prevent campus violence" (*Rosen*, p 24) will shape the standard of care, and perhaps judicial interpretation thereof.

In discussing foreseeability, the court mentioned the importance of notice: whether a university was aware that a student was "at risk to commit violence against other students" (*Rosen*, p 25). The court's holding, relying on foreseeability and reasonableness, will likely be challenging for lower courts. The California Supreme Court cautioned lower courts against hindsight bias. Each case must be decided based on the specific facts, including consideration of whether the perpetrator had made prior threats and whether there was an identifiable victim.

The American Psychiatric Association had filed an amicus brief in support of the defendants. Their brief voiced concern about a possible expansion of the duty of psychotherapists to protect third parties from harm. The Supreme Court of California declined to review this issue because Rosen's "petition for review was limited to the issue of duty" (*Rosen*, p 31).

ERRATUM

In a Legal Digest article reviewing *Mena v. Idaho State Board of Medicine* (J Am Acad Psychiatry Law 44:499–501, 2016), the authors described the imposition of sanctions on a physician by the Idaho Board of Medicine. The subtitle used the word "suspension" instead of "sanctions." The subtitle should have read: "Physician's License Sanctions Reversed Absent Finding of Impairment in Accordance with the Disabled-Physician Act." We apologize for any confusion created in the originally published subtitle.

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