

Bartenders Who Kill

Picture this: Four 20-something, young males out on the town celebrating whatever twenty-something males celebrate. They enter Jack's Cantina and Brewery, a place known for wild parties and even wilder patrons, with the "wild" generally fueled by copious amounts of alcohol. One had been assigned "designated" driver duties, a concept not heard of 40 years ago when my father would routinely drive home from the Irish Harp (an establishment recreating a pub-like atmosphere where the Guinness flowed freely) after downing a few cold ones post-work.

Back to these young men. As the night progresses, the owner of Jack's Cantina and Brewery initiates a contest where everyone in the bar must down 2 vodka shots. The owner knows there are designated drivers in the crowd but also realizes his profits can increase by 20-25% nightly if everyone is drinking. And he also knows that usually once an individual has one drink it leads to two drinks, three drinks, etc... (most of us have been there and done that). Being the smart proprietor that he is and knowing that the weakness of many young men is a young, scantily clad, pretty female, the shots of Vodka are passed out by who? -- You guessed it, the aforementioned young, scantily clad, pretty females.

By the end of the evening everyone is hammered and it's time to go home. The bartenders make a game of "throw the drunk guy the keys" where every guy who catches his keys while consuming a shot gets a free drink coupon for the next time they come in. Our designated driver catches his keys while downing the last shot and then all 4 of our young male twenty-something's weave out the door to the car. No one thinks that the designated driver is drunk since, well, they are drunk. They get in the car, roar out of the parking lot, and immediately get into a horrible crash where three people die.

Come to find out the designated driver only has the minimal \$15,000/\$30,000 limits of auto insurance liability coverage and so the grieving families of the people who died want to hold Jack's Cantina and Brewery responsible as well. The legal question then becomes: "Can the bar be held liable for the carnage caused as a result of the collision"? The answer to that question here in California is generally a resounding no, (see [Business and Professions Code Sections 25602](#)).

There is an exception to that rule that applies if the alcohol is served to an obviously intoxicated minor. However, last time I checked, minors can't go to bars and if they lie about their age, the Bar owner is off the hook. So is the exception really an exception? Hardly, it was a bone thrown to [MADD](#).

Is this a fair law? Personally, I don't think so because when you take away responsibility for someone's actions, carnage usually ensues. Is the bar owner going to change what he does? Why should he? The Restaurant Industry is a powerful voice up in Sacramento and (as I continue to preach), the Golden Rule always prevails: he who has the gold, makes the rules, and the rest of us get to deal with the carnage.