

If a Repairman Ruins My Computer, Is He Liable to Pay?

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Question: I gave my computer to a technician for a minor repair. As he was working on it, one of his tools slipped and broke the computer completely. Is he liable to pay me the cost of the entire computer?

Answer: The Gemara discusses similar cases of “blue collar malpractice,” i.e., malpractice done by a worker who works with his hands. The general rule is that if someone is supposed to fix an item and ends up damaging it, the extent of his liability would hinge upon whether he is an expert worker or a regular, non-expert. If he is a non-expert, we can assume that damage he causes is his fault, and he can be held liable. If he is an expert worker, we say that accidental damage was probably not his fault, and he is not held liable. It is not entirely clear how to determine if someone is an expert worker. The Poskim say that a *shochet* gets the status of an expert after three successful *shechitahs*, although it is not clear how to apply this criterion to other workers.

Question: Does it make a difference if the worker is paid or not?

Answer: Yes. As we said, a non-expert is always held liable for damage he causes, whether he is paid or not. An expert worker is exempt from liability as long as he is not paid and is doing the job as a favor. If he is being paid, though, he is held to a higher standard and would be held liable for accidental damages