



The Law of Torts

One of the primary purposes of the law is to protect people from the wrongful acts of others

The Law of Torts

- Grounded in the concept of rights
 - Right to be free from bodily harm
 - Right to enjoy a good reputation
 - Right to conduct business without unwarranted interference
 - Right to have one's property free from damage or trespass
-

Tort



- From the latin word *tortus* meaning “twisted”
- A wrong against an individual
- Differs from a crime which is a wrong against the public at large

Tort

- One person's interference with another's rights, either through intent. Negligence, or strict liability
 - A person who commits a tort is called a *tortfeasor*
 - Lawsuits are brought by the injured party themselves
-

Tort

- Alleged injured party is usually seeking money as compensation for some type of loss
 - Sometimes a crime can be a tort as well
-

Intentional Torts

- Assault (Chapter 2 – Criminal Law)
 - Battery (Chapter 2 – Criminal Law)
 - Trespass
 - Nuisance
 - False Imprisonment
 - Defamation
 - Invasion of privacy
-

Trespass

- A wrongful injury to or interference with the property of another
-

Nuisance

- Anything that interferes with the enjoyment of life or property
 - Loud noises
 - Noxious odors
 - Public Nuisance
 - One that affects a large group of people
-

False Imprisonment

- Law enforcement officers must have probable cause or a warrant to arrest someone
 - Consequently, they are subject to a lawsuit for false imprisonment if they make an arrest without meeting these requirements
-

Defamation

- The wrongful act of injuring another's reputation by making false statements
 - Libel
 - Slander
 - Those in the public eye or public office are required to follow a higher standard
-

Libel

- A false statement in written or printed form that injures another's reputation or reflects negatively on that person's character
-

Slander

- A false statement made orally, that injures another's reputation or reflects negatively on that person's character
-

Invasion of Privacy

- Interfering with a person's right to be left alone
-



Negligence

Negligence is an accidental or unintentional tort



Negligence - definition

The failure to exercise the degree of care that a reasonable person would have exercised in the same circumstance

Elements of Negligence

- The defendant owed the plaintiff a duty of care
 - The defendant failed to act as a reasonable person would have and therefore did not use the degree of care required under the circumstances (breach of duty)
-

Elements of Negligence

- The breach of duty by the defendant was the proximate cause of the injury to the plaintiff
 - The plaintiff suffered some actual harm or injury
-

Duty of Care

- Law of torts grounded in the concept of rights
 - The plaintiff must demonstrate that the defendant owed him or her a duty of care
 - If not demonstrated, negligence is not apparent
-

Breach of Duty

- Committed by not exercising the degree of care that reasonable person would exercise in that same situation
 - The reasonable person test is an objective test
-

Proximate Cause

- Something that produces a result, and without which, the result would not have occurred
 - not the same as actual cause
 - an action might actually cause the plaintiff's injury but still not be the proximate cause
 - Was the injury foreseeable

Actual Harm

- Since the nature of any tort suit is a violation of a duty resulting in an injury to the plaintiff...
 - the plaintiff must show that he or shee suffered actual harm
-

Strict Liability

- There are some activities that are so dangerous that the law will not apply the principles of negligence nor the rules of intentional torts to them
 - Should these activities injure someone or damage property, then the people engaged in those activities will be held liable
-

Strict Liability

- Regardless of how careful they were and regardless of their intent
 - This only applies to ultra-hazardous activities
 - those activities that involve a great risk to people and property
 - no amount of care will eliminate the risk
-

Strict Liability

- Using explosives, keeping wild animals, storing inflammable liquids in heavily populated areas
 - has been applies to product liability cases
 - cases in which people are injured from defects in products they purchased
-