

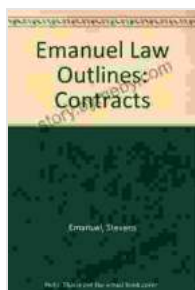
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Emanuel Law Outlines for Contracts (Emanuel Law Outlines Series) by Steven L. Emanuel

★★★★☆ 4.7 out of 5

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Screen Reader : Supported
Enhanced typesetting: Enabled
Word Wise : Enabled
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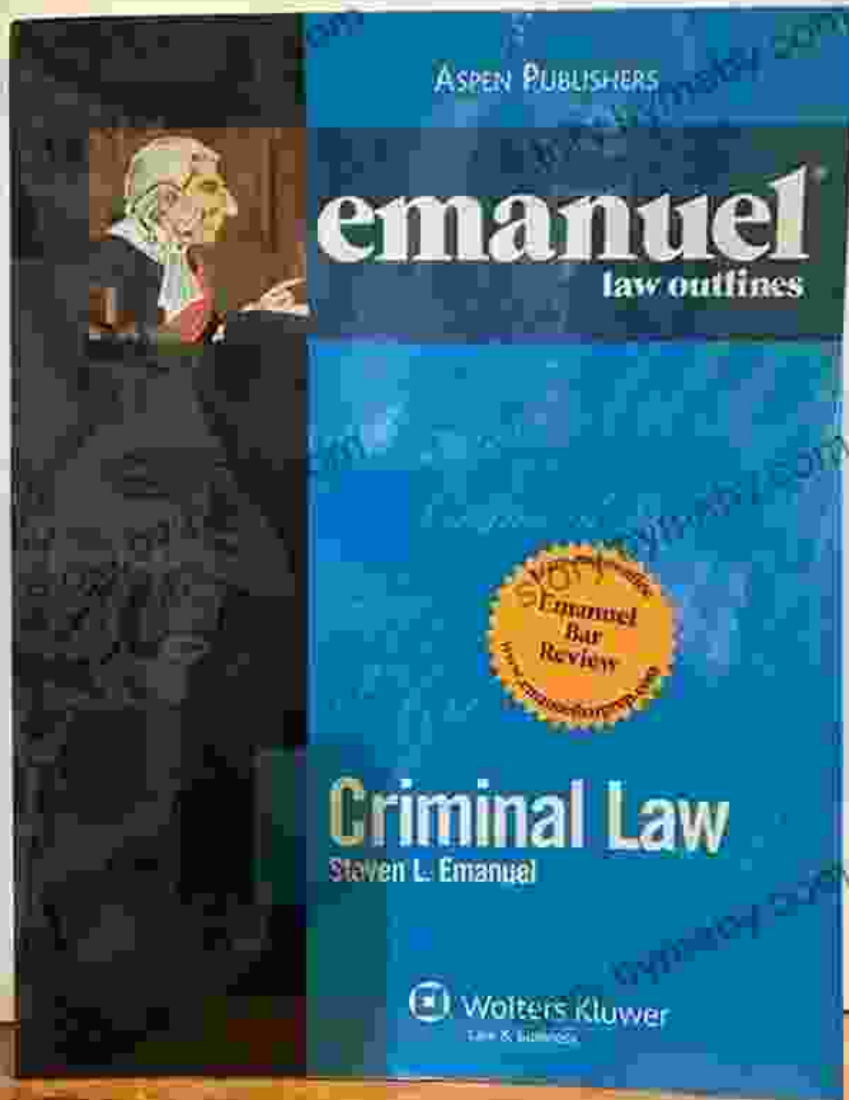
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[Note: Numbers in brackets refer to the printed pages of the Emanuel Law Outline where the topic is discussed.]

Emanuel Law Outlines Torts

Chapter 1 INTRODUCTION

I. GENERAL INTRODUCTION

A. Definition of tort: There is no single definition of "tort." The most common (by a long way) test for a civil wrong committed by one person against another, and (2) tort, can and usually do arise outside of any agreement between the parties. [1]

B. Categories: There are three broad categories of torts, and there are individual named torts within each category. [2-4]

1. Intentional torts: First, *intentional* torts are ones where the defendant desires to bring about a particular result. The main intentional torts are:

- a. *Battery*
- b. *Assault*
- c. *False imprisonment*
- d. *Infliction of mental distress*

2. Negligence: The next category is the general tort of "negligence." Here, the defendant has not intended to bring about a certain result, but has merely behaved carelessly. There are no individual named torts in this category, merely the general category of "negligence." [5]

3. Strict liability: Finally, there is the least culpable category, "strict liability." Here, the defendant is held liable even though he did not intend to bring about a particular result, and even though he behaved with utmost carefulness. There are no named individual named torts that apply here. [6]

- a. *Conducting of abnormally dangerous activities* (e.g., blasting) and
- b. *The selling of a defective product* which causes personal injury or property damage.

C. Significance of categories: There are two main consequences that arise as a result of the three above categories a particular tort falls into: [4]

1. **Scope of liability:** The three categories differ concerning D's liability for *foreseeable, unexpected consequences*. The more culpable D's conduct, the more far-reaching his liability for unexpected consequences—so an intentional tortfeasor is liable for a wider range of unexpected consequences than is a negligent tortfeasor. [4]
2. **Damages:** The measure of damages is generally broader for the more culpable category. In particular, D is more likely to be required to pay *punitive damages* when he is an intentional tortfeasor than a tortfeasor who is negligent or strictly liable. [4]

D. From approach: First, review the facts pattern to spot each individual tort that has, or may have been, committed. Then, for each tort you have identified:

1. **Prima facie case:** whether a prima facie case for that tort has been made
2. **Defenses:** what defenses and justifications, if any, D may be able to raise

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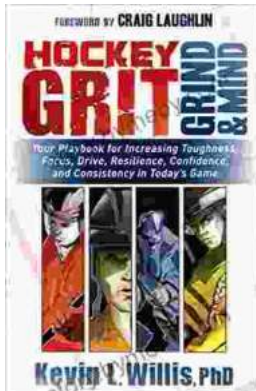
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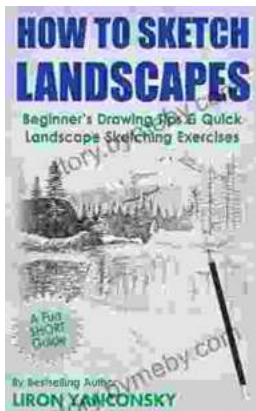
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