

Module 5: Torts

5.1 Meaning of Terms

- Tort
- Intentional Tort
- Negligence
- Strict Liability
- Prima Facie

5.2 Intentional Torts

- Battery
 - Harmful contact; intent; causation
 - Specific or general intent sufficient
 - No need to show harm
- Assault
 - Reasonable apprehension of imminent contact; intent; causation
- Transferred intent for assault and battery
- Intentional infliction of emotional distress
 - Extreme conduct; intent or reckless disregard; causation; damages
- Defenses: consent, self-defense, defense of others

5.3 Negligence

- Duty
 - Standard of care
- Breach
 - Res ipsa loquitur
- Causation
 - Proximate and but for causation
- Damages
- Defenses
 - Contributory/comparative negligence
 - Assumption of risk

5.4 Strict Liability

- Absolute duty of care
 - Imposed by statute or by a court for ultra-hazardous activity or products liability
- Breach
- Causation
- Damages
- No defenses available

5.5 Harms to Reputation or Economic Interests

- Defamation (Slander or Libel)
 - False statement
 - Harming reputation
 - Communicated to another
 - With either negligent (private figure) or reckless (public figure) disregard for its truth or falsity
 - Damages (presumed for libel and certain slanders)
- Interference with Business Relations
 - Valid business relationship
 - Defendant knew of relationship and intentionally interfered
 - Damages

5.6 Vicarious Liability

- One person liable for torts of another
 - Respondeat Superior
 - Exceptions
 - Frolic and Detour
 - Intentional Torts (unless in furtherance of employer's business)