

LECTURE NOTES: Torts

Foundations of Tort Law

I. Tort Defined:

A Tort: A civil wrong resulting in injury to the person or property of another.

1. tortious conduct
2. cause of action
3. tortfeasor
4. liability: financial responsibility

II. History: English common law from 1066

A Writ of trespass in the King's Courts alleging a breach of the King's peace in the form of intentional, forceful act causing injury to person or property.

B Writ of trespass on the case: a wrongful [as opposed to intentional and forceful act] causing injury to person or property

III. Evolution: Modern authority:

A primary

1. legislative enactments
2. case law

B secondary

IV. Purpose

A Punishment: Punitive or exemplary damages

B Deterrence:

C Compensation: Risk shifting

V. Categories

A Parties:

1. Plaintiff

2. Defendant

B Elements:

1. Legal right of plaintiff

2. legal duty of defendant

3. violation of the duty by act or omission

4. damage as a result of violation

C Classes of Torts:

1. negligent

2. intentional

3. strict liability without fault