Introduction to Tort Law and Practice
Chapter 1
Definitions and Purpose

• When someone harms or damages the person or property of another the other party is entitled to a remedy in court.
• Courts have jurisdiction over criminal and civil cases.
• Criminal is self explanatory
• Civil is the law that governs rights and duties between private persons or government agencies.
Definitions and Purpose

• There are four major purposes of tort law:
  • Peace
  • Deterrence
  • Restoration
  • Justice
Elements of all the Torts

• Every tort is a cause of action.
• You must list the facts that give you judicial relief against the TORTFEASOR.
• The elements are located in figure 1-3.
• The elements must be supported by the facts.
Categories of Torts

There are 3 main categories of torts:
• Intentional
• Negligent
• Strict liability
Categories of Torts

- Intentional tort is for the plaintiff to show that the defendant wanted the harm to result or knew that there was a substantial certainty of harm based on what the defendant did or failed to do.
- Negligent tort is when the plaintiff needs to show that the defendant created an unreasonable risk of harm.
- Strict liability is responsibility regardless of blameworthiness or fault.
Introduction to Causation

- Causation is an element of all torts but more prominent in negligent torts.
- There are two main tests to determine causation.
  - But-for test: without the act or omission the event would not have happened.
  - Substantial factor test: the act or omission had a significant role in the bringing about of the event.
Relationship between Torts and other areas of Law

• These are a few areas of law:
• Contract law
• Criminal law
• Constitutional law
• Estate law
• You will find the others in the book.
Sources of Tort Law

• Primary authority
• Secondary authority
• What is primary authority?
• Case opinions
• Statutes can effect tort litigation in several ways: statutes change common law
• Statutes can define the standard of care
• Statutes can create new torts. (exp. Cause of action for coerced prostitution)
Sources of Tort Law

- Secondary authority:
- Legal encyclopedias
- Legal periodicals
- Legal treatises
- Restatements of Torts
THE END