

Introduction to Tort Law

Introduction to Tort Law – Study Notes

1. What Is Tort Law?

Aspect	Description
Definition	A branch of civil law that provides remedies for private wrongs not arising from contracts. • Compensate victims for loss or injury.
Purpose	• Deter wrongful conduct. • Allocate risk to the party best able to prevent the harm.
Key Feature	Liability is based on a duty owed, a breach of that duty, causation, and damages.

2. Core Elements of a Tort Claim

Element	What It Means	Typical Evidence
Duty	A legal obligation owed by the defendant to the plaintiff.	Statutes, case law, relationships (e.g., doctor?patient).
Breach	Failure to meet the standard of care required by the duty.	Negligent act, reckless conduct, or intentional act.
Causation	The breach must be the actual and proximate cause of the injury.	Timeline of events, expert testimony, “but?for” test.
Damages	Actual loss suffered by the plaintiff (personal, property, economic).	Medical bills, repair costs, lost wages, pain?and?suffering.

All four elements must be proven for a successful tort action (except in strict liability cases, where fault is not required).

3. Major Categories of Torts

Category	Typical Examples	Key Characteristics

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Intentional Torts	Assault, battery, false imprisonment, intentional infliction of emotional distress, trespass.	Defendant intended the act that caused harm.
Negligence	Car accidents, slip?and?fall, medical malpractice.	Failure to exercise reasonable care; the standard is that of a “reasonable person.”
Strict Liability	Defective products, abnormally dangerous activities (e.g., blasting), ownership of wild animals.	Liability imposed without fault ; plaintiff only needs to show causation and damages.
Nuisance	Noise, odors, pollution affecting property use.	Interference with the plaintiff's use or enjoyment of land.
Defamation	Libel (written), slander (spoken).	Publication of false statements that harm reputation.

4. The Tort Process – Step?by?Step Overview

1. Pre?Litigation

- Investigation & evidence gathering.
- Demand letter / settlement negotiations.

2. Pleadings

- Plaintiff files a complaint outlining duty, breach, causation, damages.
- Defendant may file an answer, defenses, or a motion to dismiss.

3. Discovery

- Interrogatories, document requests, depositions, expert reports.

4. Pre?Trial Motions

- Motions for summary judgment, evidentiary rulings.

5. Trial

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- Jury or bench trial; presentation of evidence; burden of proof rests on plaintiff (preponderance of the evidence).

6. Judgment & Remedies

- **Compensatory damages** – actual losses (economic & non-economic).
- **Punitive damages** – awarded to punish especially reckless conduct (rare, subject to statutory limits).
- **Equitable relief** – injunctions, specific performance (less common in torts).

7. Post-Trial

- Appeals, enforcement of judgment, possible settlement after trial.
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5. Important Doctrines & Defenses

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