

TORT LAW

A body of rights, obligations, and remedies that is applied by courts in civil proceedings to provide relief for persons who have suffered harm from the wrongful acts of others. The person who sustains injury or suffers pecuniary damage as the result of tortious conduct is known as the plaintiff, and the person who is responsible for inflicting the injury and incurs liability for the damage is known as the tortfeasor.

Three elements must be established in every tort action. First, the plaintiff must establish that the defendant was under a legal duty to act in a particular fashion. Second, the plaintiff must demonstrate that the defendant breached this duty by failing to conform his or her behaviour accordingly. Third, the plaintiff must prove that he suffered injury or loss as a direct result of the defendant's breach.

The law of torts is derived from a combination of common-law principles and legislative enactments. Tort actions are not dependent upon an agreement between the parties to a lawsuit, they are brought by private citizens. Remedies for tortious acts include money damages and injunctions (court orders compelling or forbidding particular conduct). Tortfeasors are subject to neither fine nor incarceration in civil court.

TORT LAW: AN OVERVIEW

Torts are civil wrongs recognised by law as grounds for a lawsuit. These wrongs result in an injury or harm constituting the basis for a claim by the injured party. While some torts are also crimes punishable with imprisonment, the primary aim of tort law is to provide relief for the damage incurred and deter others from committing the same harms. The injured person may sue for an injunction to prevent the continuation of the tortious conduct or for monetary damages. (See Damages)

Among the types of damage the injured party may recover are: loss of earnings capacity, pain and suffering, and reasonable medical expenses. They include both present and future expected losses.

There are numerous specific torts including trespass, assault, battery, negligence, products liability, and intentional infliction of emotional distress.

Torts fall into three general categories: intentional torts (e.g., intentionally hitting a person); negligent torts (e.g., causing an accident by failing to obey traffic rules); and strict liability torts (e.g., liability for making and selling defective products - See Products Liability). Intentional torts are those wrongs which the defendant knew or should have known would occur through their actions or inactions. Negligent torts occur when the defendant's actions were unreasonably unsafe. Strict liability wrongs do not depend on the degree of carefulness by the defendant, but are established when a particular action causes damage.

There are also separate areas of tort law including nuisance, defamation, invasion of privacy, and a category of economic torts.

Tort law is state law created through judges (common law) and by legislatures (statutory law). Many judges and states utilise the Restatement of Torts (2nd) as an influential guide. The Restatement is a publication prepared by the American Law Institute whose aim is to present an orderly statement of the general law of the United States.

www.law.cornell.edu/wex/tort

I. Match definitions with the given words:

1. Tort law 2. Strict liability torts 3. areas of tort 4. sources of tort law 5. A defendant
6. Negligent torts 7. Intentional torts 8. Damage 9. Aim of tort law 10. a tortfeasor
11. a plaintiff 12. The injured 13. remedy for tortious acts 14. a 16. Restatement

- A. Nuisance, defamation, assault, piracy, trespass
B. e.g. intentional assault, trespass, battery,
C. To provide relief for the damage suffered and deter others from committing the same wrongs
D. Torts connected with failing to obey rules of negligence
E. A publication of the US general law
F. money, damages and injunctions
G. Injury, suffering, loss of earnings,
H. The person who sustains injury or suffers pecuniary damage as the result of tortious conduct is known
I. He/she must prove that that he suffered injury or loss as a direct result of the defendant's breach.
J. is responsible for inflicting the injury and incurs liability for the damage
K. Responsibility for producing and selling faulty goods
L. Common law and statute law
M. A body of rights, obligations, and remedies that is applied by courts in civil proceedings to provide relief for persons who have suffered harm from the wrongful acts of others
N. He/she was under a legal duty to act in a particular fashion but breached this duty

II. Transform active sentences into passive:

1. Law recognises three categories of torts.
2. The injured party may recover damages such as: monetary compensation.
3. A particular action causes damage.
4. Damage includes both present and future expected losses.
5. Courts apply various remedies for torts.
6. A person can sustain injury or suffer pecuniary damage as the result of tortious conduct.
7. We derive the law of torts from common-law principles and legislative enactments.
8. Injured can sue tortfeasors on grounds of torts.
9. Tort law provides relief for the damage incurred.
10. Law will punish tortfeasors for negligence, breach of duty of care, etc.

