

The book was found

# Torts Laminate Reference Chart

BarCharts, Inc.® AMERICAN'S #1 LEGAL REFERENCE GUIDE  
Copyrighted Material  
**QUICK STUDY**  
**LAW**  
**TORTS**

<b>INTENTIONAL TORTS</b> <b>PRIMA FACIE CASE</b> • <b>ACT</b> 1. Voluntary a. Non-accidental physical muscular exertion 2. Failure to act when there is a legal duty • <b>INTENT</b> 1. Unlawful and purposeful state of mind or knowledge with substantial certainty that consequences would result from act a. Distinguished from Negligence, which requires foreseeable risk which a reasonable person would avoid b. Knowledge with substantial certainty requires knowledge of facts that a possibility of the cause sponsor resulting 2. Includes transferred intent a. Example: Person A shoots a gun at Person B, intending to harm Person B, but the bullet hits Person C instead. Person A is liable to Person C for the intentional tort of battery b. Alternative Example: With five men chasing, assault, false imprisonment, trespass, trespass to chattels, if Person A intends to commit tort with respect to Person B, but commits a different tort with respect to Person C, Person A is liable for second tort even though intent was that targeted to correct tort • <b>CAUSATION</b> 1. Distinguished from negligence in that causation need not be specifically proven • <b>DAMAGES</b> 1. Notional available 2. Generally, greater liability imposed for acts involving to invade another's rights than for acts in danger of consequences	<b>EMOTIONAL DISTRESS</b> 1. Act of extreme and outrageous conduct a. Special duty of common carriers and innkeepers to patrons (including remark intentional outrageous) b. Known vulnerability (young children, pregnant women, expectant mothers, elderly) c. May include willful, wanton or reckless behavior exhibiting deliberate disregard of a known high degree of risk 2. Actual damages required a. Evidence of physical harm or extreme outrage 3. Recreational liability only when defendant knew that plaintiff to prove	<b>CAPACITY REQUIRED</b> a. Unavailable if offending person is incompetent, intoxicated, or young child • <b>SELF-DEFENSE</b> 1. Reasonable belief as to apparent necessity 2. Force reasonably proportionate to the harm threatened • <b>DEFENSE OF OTHERS</b> 1. Available where victim has privilege of self-defense 2. Limited to use of force reasonably necessary • <b>DEFENSE OF PROPERTY</b> 1. Limited to preventing commission of tort a. Exception: "Hot pursuit" 2. Reasonable belief as to apparent necessity 3. Reasonable use of force permissible 4. Use of deadly force unavailable unless personal safety is threatened 4. Use of deadly mechanical devices is impermissible • <b>NECESSITY</b> 1. Applies when threatened injury is substantially more serious than that resulting from the act committed 2. Private necessity a. Liable for damages b. Private systems threatened 3. Public necessity a. No liability for damages b. Public interests threatened c. Defendant acts reasonably d. Emergency is great enough to justify action
<b>TORTS TO PERSONS</b> • <b>BATTERY</b> 1. Intentional or offensive contact judged by reasonable person standard a. Physical invasion of victim's person or something so connected to victim's person that it is customarily regarded as part of person 2. No actual injury required a. Taking inducement that is without consent such as a slap on the buttocks i. May be used as alternative pleading in sexual harassment case 3. Damages a. Victim entitled to nominal damages and compensation for resulting mental disturbance b. Punitive damages can be awarded except when defendant has defense of mistake of fact • <b>ASSAULT</b> 1. Reasonable apprehension of immediate harmful or offensive contact a. Apparent ability to cause harm is sufficient b. Minimal invasion of victim's peace of mind 2. Requirement of overt act a. Words coupled with conduct 3. No proof of harm required 4. Damages available are same as for Battery • <b>FALSE IMPRISONMENT</b> 1. Act or omission of confinement to bounded area a. Restraint must be against victim's will 2. Awareness of confinement or injury resulting from confinement a. Not bounded if means of reasonable means of escape 3. Length of time period immaterial 4. Damages	<b>TORTS TO PROPERTY</b> • <b>TRESPASS TO LAND</b> 1. Physical invasion a. Intention to intrude without authorization and without privilege under law b. Interference with possession of another's property c. Measure of fact as to ownership of property as defined d. Distinct from private nuisance, which requires interference with use and enjoyment of property i. Example: Floodlight projecting onto neighboring property or smoke from barbecue carried by air onto neighboring property is not physical invasion actionable under trespass but would be interference with use and enjoyment actionable under private nuisance k. Example: Directing hose at neighboring property causing it to flood is physical invasion actionable as trespass 2. No proof of actual damage required 3. Liable for all consequences 4. Measure of law is no defense • <b>TRESPASS TO CHATTEL</b> 1. Act interferes with right of possession 2. Physical damages or deprivation of use for substantial period of time • <b>CONVERSION</b> 1. Unlawful dominion or control over another's full value damages 2. Common Law - Defendant who found lost goods converted them to his/her own use rather than returning them 3. Measure of law or fact is no defense 4. Measure found - interference must be sufficiently serious to amount to conversion	<b>NEGLIGENCE</b> <b>PRIMA FACIE CASE</b> • <b>DUTY</b> 1. Obligation to protect another against unreasonable risk of injury • <b>BREACH OF DUTY</b> 1. Failure to perform obligation • <b>CAUSATION, PROXIMATE (LEGAL) CAUSE &amp; CAUSE IN FACT</b> 1. Close causal connection between action and injury • <b>DAMAGES</b> 1. Actual losses suffered
<b>DEFENSES</b> • <b>CONSENT</b> 1. Voluntary a. Manifested by words or actions i. Example: Patient consents to routine medical procedure b. Manifested by silence and inaction where a reasonable person would speak if s/he objected to intentional interference i. Example: No consent when reasonable person would object to high risk experimental medical procedure 2. Not valid if induced by fraud a. Must go to essential matter which makes it harmful rather than collateral matter which serves as an inducement for consent i. Example: Essential matter - Patient consents to treatment - collateral matter - Doctor is not	<b>DEFINITION</b> 1. Negligence occurs when an individual's actions fall below standard of conduct imposed by law which protects others against unreasonable risk of harm a. Reasonable person should assume risk of harm b. An individual acts unreasonably by not guarding against risk of harm which should be apparent 2. Distinct from intentional tort, which is based on desire to cause harm or knowledge with substantial certainty that consequences will follow • <b>RISK vs. BENEFIT</b> 1. Probability that event will occur (i.e. children will play on a railroad trestle) = P 2. Degree of harm resulting from occurrence of event (i.e. child's foot is severed at ankle) = L 3. Burden, such as inconvenience or costs, of taking adequate precautions to prevent occurrence of event (i.e. placing locks on trestle) = B 4. P(B > PL), the precautions should have been taken	<b>NEGLIGENCE</b> <b>DEFINITION</b> 1. Negligence occurs when an individual's actions fall below standard of conduct imposed by law which protects others against unreasonable risk of harm a. Reasonable person should assume risk of harm b. An individual acts unreasonably by not guarding against risk of harm which should be apparent 2. Distinct from intentional tort, which is based on desire to cause harm or knowledge with substantial certainty that consequences will follow • <b>RISK vs. BENEFIT</b> 1. Probability that event will occur (i.e. children will play on a railroad trestle) = P 2. Degree of harm resulting from occurrence of event (i.e. child's foot is severed at ankle) = L 3. Burden, such as inconvenience or costs, of taking adequate precautions to prevent occurrence of event (i.e. placing locks on trestle) = B 4. P(B > PL), the precautions should have been taken
		<b>DUTY OF CARE</b> <b>OBJECTIVE STANDARD</b> • <b>REASONABLE, ORDINARY, PRE-DEUT PERSON</b> 1. Physical characteristics considered 2. Average mental ability (mental disabilities not considered)



## Customer Reviews

Its okay for a commercial outline but you really need to play the professor, not the subject. If you want another study aif lying around (i.e. for some last minute cramming in the bathroom) buy this. But DO NOT expect this little study chart to get you an A.I gave it five stars because it is good for what it is. It has all the key terms, it is laminated, and it is very sturdy. Once again though, don't expect this to get you an A.For 5 bucks, its worth it. even if you learn one little thing from it, it might help your grade (most law schools grade on a curve).

You can pretty much get a college education with these Quick Study sheets. Just pick your subject and read. These are basically checklists of all the material you are expected to learn throughout the courses. I love these things!

This is very useful for a basic overview of Torts. It is useful to both the beginner or someone with experience who needs to refer back quickly to see required elements of meeting certain criteria.

As a paralegal, these notes come in handy. I like that it's not intense reading. Everything is at a glance. I don't do without them. I have the entire collection

Totally saved me from failing class. This was so helpful that my professor asked for the information to retain copies or as to how the students can obtain a copy.

This Tort Laminated Reference Chart is packed with information and is a pretty good reference chart to refresh your memory on the different causes of action.

Quick and to the point. This helped to clarify some issues I had with first year Torts and is useful for recalling concepts from the past.

Pathetic. I want to to return and they are charging me more for the label than evn the price I bought it for. I am really shocked.

[Download to continue reading...](#)

Torts Laminate Reference Chart How to Read a Nautical Chart, 2nd Edition (Includes ALL of Chart #1): A Complete Guide to Using and Understanding Electronic and Paper Charts Porcelain

Laminate Veneers  
Glannon Guide to Torts: Learning Torts Through Multiple-Choice Questions and Analysis (Glannon Guides)  
Glannon Guide to Torts: Learning Torts Through Multiple-Choice Questions and Analysis, 2nd Edition  
Cases and Materials on Advanced Torts: Economic and Dignitary Torts - Business, Commercial and Intangible Harms (American Casebook Series)  
Casenote Legal Briefs: Torts, Keyed to Dobbs, Hayden, and Bublick, Seventh Edition (with Torts Quick Course Outline)  
Precalculus - REA's Quick Access Reference Chart (Quick Access Reference Charts)  
Algebra 2 - REA's Quick Access Reference Chart (Quick Access Reference Charts)  
Algebra 1 - REA's Quick Access Reference Chart (Quick Access Reference Charts)  
Geometry 2 - REA's Quick Access Reference Chart (Quick Access Reference Charts)  
Anatomy of the ear e-chart: Quick reference guide  
My Potty Reward Stickers for Girls: 126 Girl Potty Training Stickers and Chart to Motivate Toilet Training  
My Potty Reward Stickers for Boys: 126 Boy Potty Training Stickers and Chart to Motivate Toilet Training  
Traditional Flower Chart in Tube  
Denominations Comparison (PowerPoint presentation) (Denominations Comparison Chart)  
KJV Ten Commandments wall chart- LAMINATED  
Where Jesus Walked: Then and Now: Wall Chart 20x26 Inches  
Laminated Food combining chart  
Understanding Skin Flip Chart (Flip Charts)

[Dmca](#)