# Types of Torts

- Trespass
- Assault
- Battery
- Negligence
- Products liability
- Malpractice
- Intentional infliction of emotional distress
- Defamation
- Invasion of privacy
- Nuisance
Forms of Liability

Fault Liability
(Activities involving ordinary risk)
   Intentional
   Reckless
   Negligent

Strict Liability
(Necessarily hazardous activities)
Forms of Damages

Compensatory Damages
Derive from Duty to Repair
Injuries to Others

Punitive Damages
To Assure that Others Follow
Duty Not to Injure
Causation

Cause in Fact
The actual cause - “but for” X, the injury wouldn’t have occurred

Proximate Cause
The legal reason for liability, it places conditions on which forms of causation create liability
Engaging in Risky Behavior

Assumption of Risk

Because plaintiff engaged in risky activity, that plaintiff voluntarily and knowingly assumed the risks inherent in the activity.

Consent

A formal version of assumption of risk, such as found on a lift ticket.
Two Approaches to Mixed Negligence

Contributory Negligence

A defense claiming that the plaintiff, through his own negligence, contributed to his own injury

Comparative Negligence

Because plaintiff added to own injury, defendant is only liable for own contribution to plaintiff’s injury
Holden v. Wal-Mart Stores, 525

Holden, who had prior leg problems, stepped into an alleged pothole in a Wal-Mart parking lot.

Following the Wal-Mart accident, Holden underwent knee surgery, costing her $25,000.

Jury finds Holden 40% responsible, Wal-Mart 60% responsible.