

Intentional Torts

Intent

Abridged Definition from Restatement (Third) of Torts

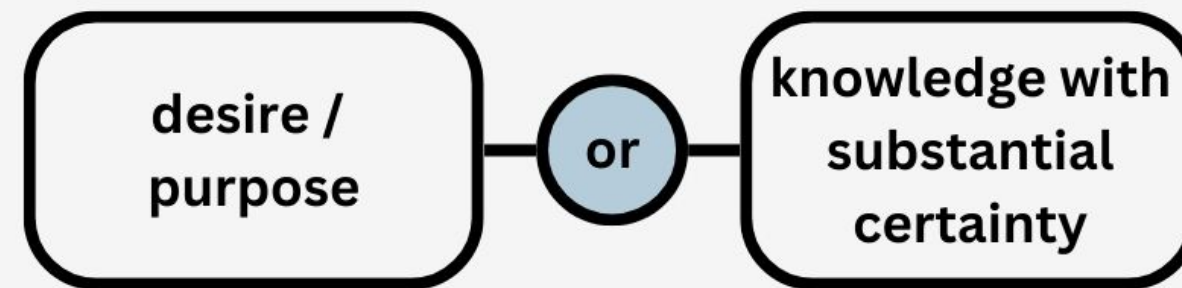
A person acts with the intent to produce a consequence if:

(a) the person acts with the purpose of producing that consequence;

or

(b) the person acts knowing that the consequence is substantially certain to result.

Intent



With intentional torts, always consider

1. The legal interest that each intentional tort addresses
2. The requirements of the defendant
3. The requirements of the plaintiff
4. Any objective requirements, including analysis that the judge or jury must conduct

The legal interest that each intentional tort addresses

Battery

Freedom from harmful or offensive contact

Assault

Freedom from apprehension of harmful or offensive contact

False Imprisonment

Freedom from confinement

IIED

Freedom from severe emotional distress

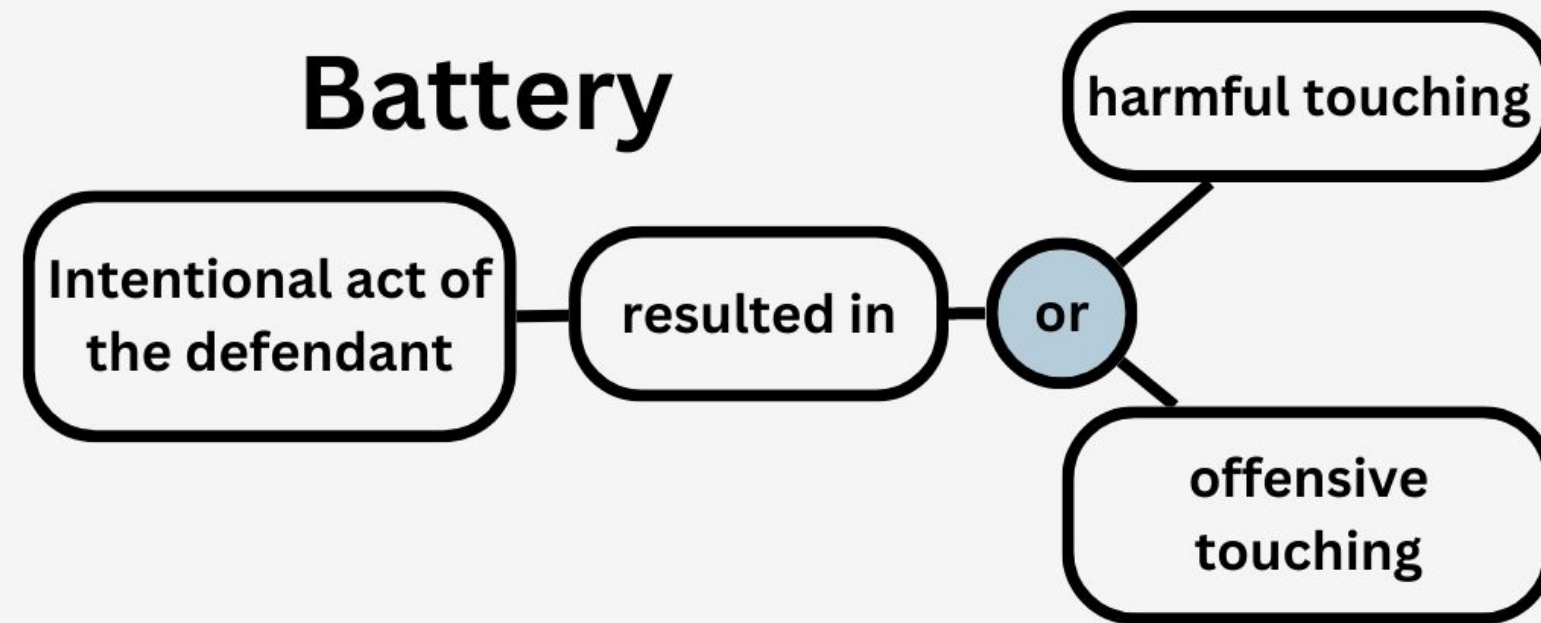
Battery

Interest Protected: Freedom from harmful or offensive contact

Abridged Definition from Restatement (Second) of Torts

An actor is subject to liability to another for battery if he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and a harmful or offensive contact with the person of the other directly or indirectly results.

Battery



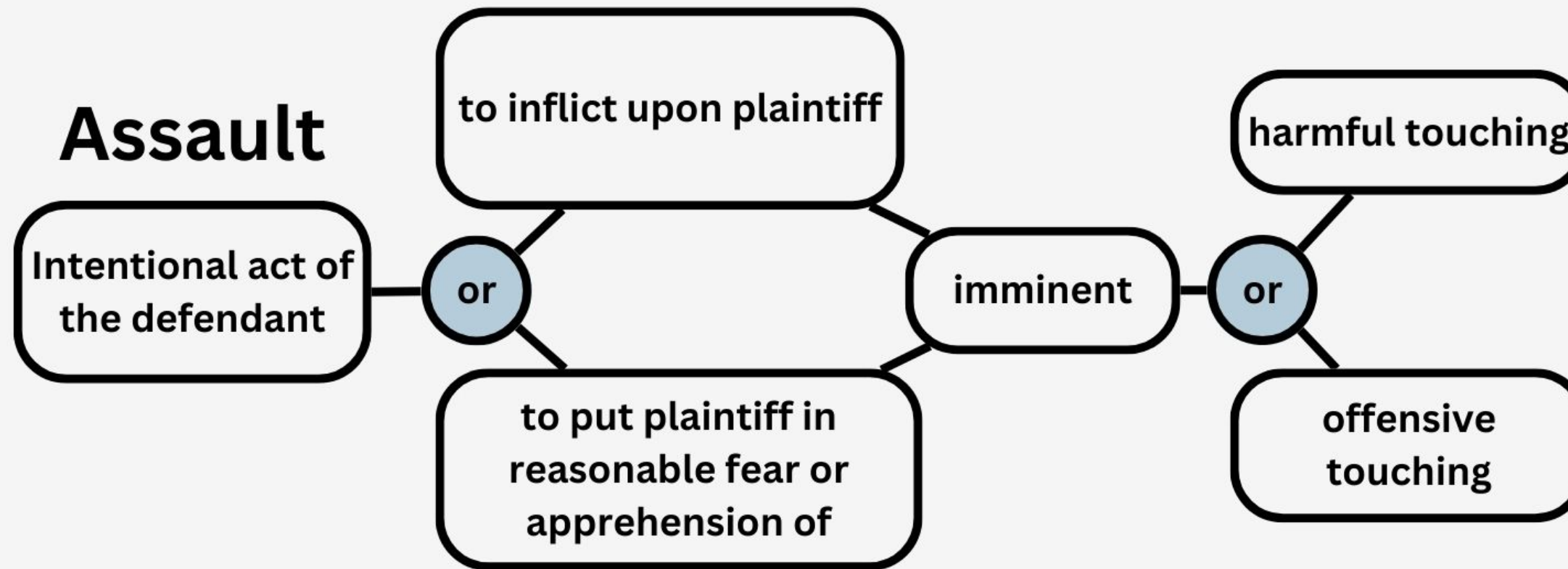
Assault

Interest Protected: Freedom from apprehension of harmful or offensive contact

Abridged Definition from Restatement (Second) of Torts

An actor is subject to liability to another for assault if

- (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and
- (b) the other is thereby put in such imminent apprehension.



Alcorn v. Mitchell

“The Angry Spitter”

Picard v. Barry Pontiac-Buick, Inc.

“The Camera Toucher”

Wishnatsky v. Huey

“The Offended Interrupter”

False Imprisonment

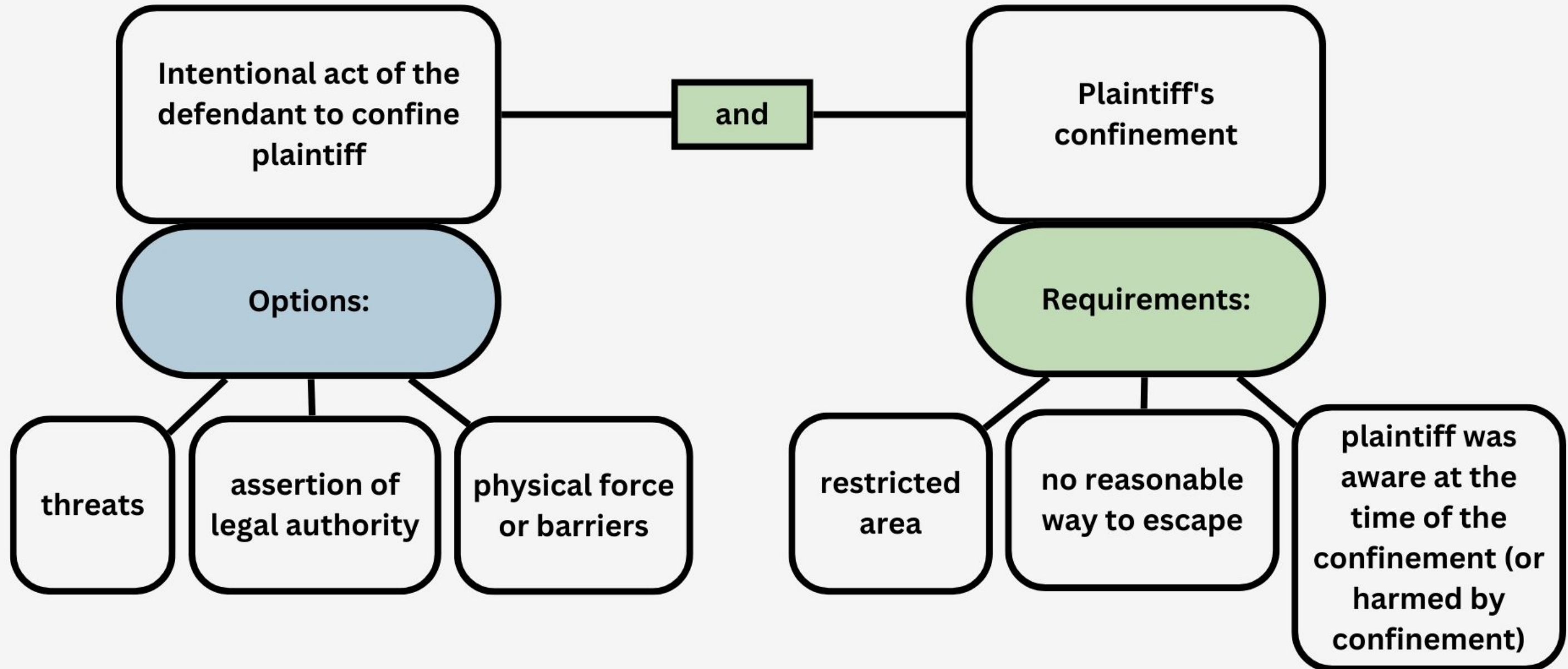
Interest Protected: Freedom from confinement

Abridged Definition from Restatement (Second) of Torts

An actor is subject to liability to another for false imprisonment if

- (a) he acts intending to confine the other or a third person within boundaries fixed by the actor, and
- (b) his act directly or indirectly results in such a confinement of the other, and
- (c) the other is conscious of the confinement or is harmed by it.

False Imprisonment



Lopez v. Winchell's Donut House

“The Accused Employee Who Freely Left”

Shen v. Leo A. Daly Co.

“Confined to Taiwan”

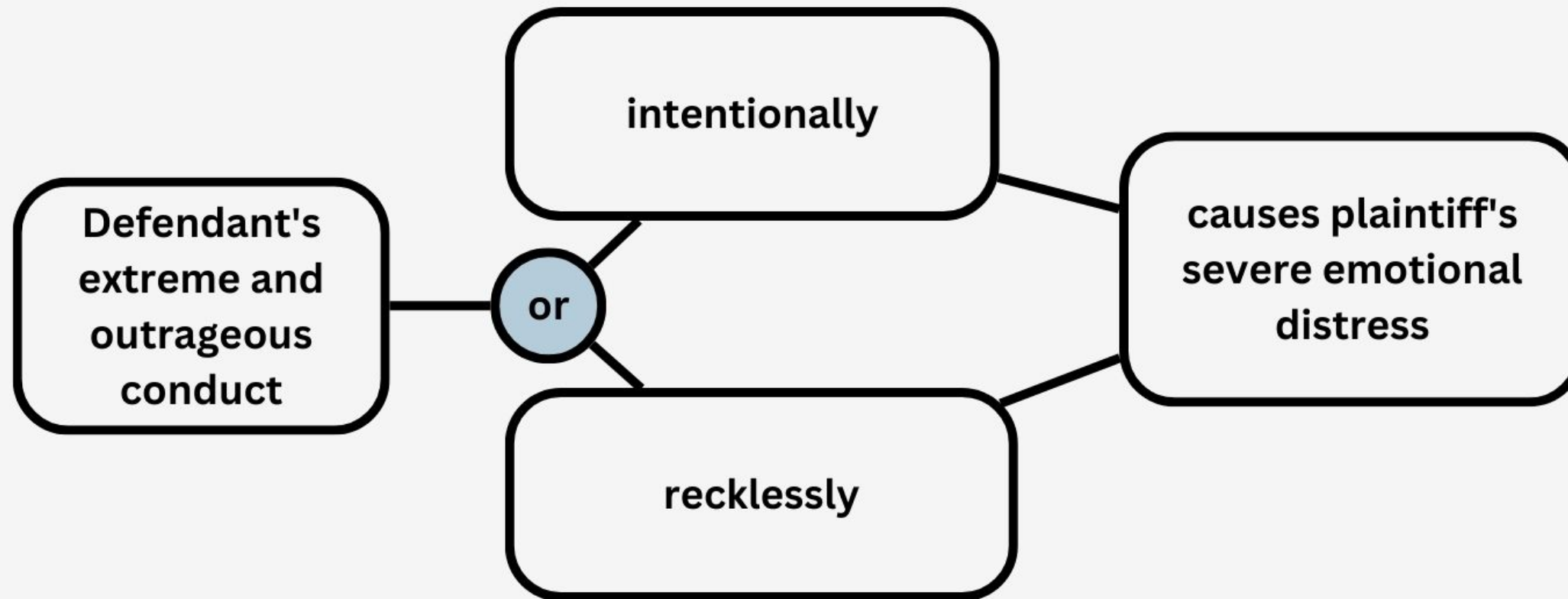
Intentional Infliction of Emotional Distress

Interest Protected: Freedom from severe emotional distress

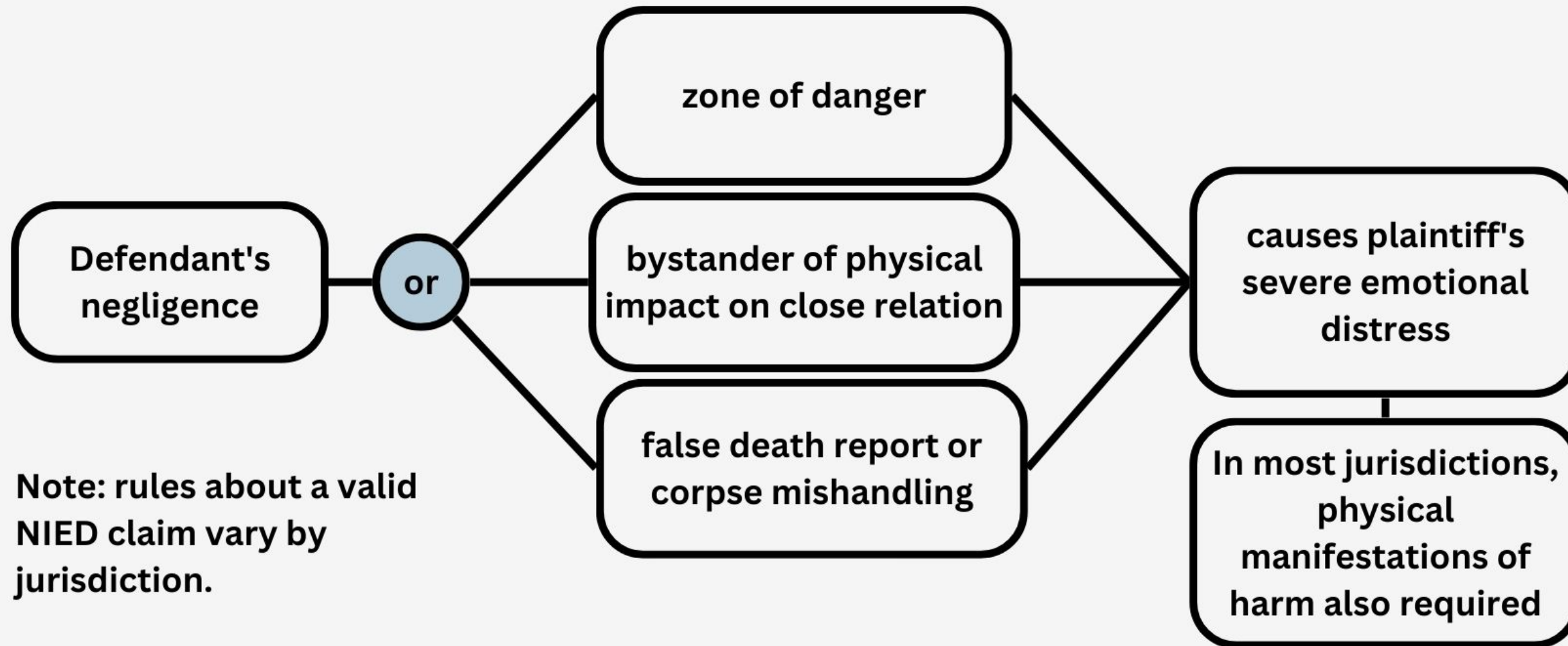
Second Restatement Definition

“One who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress, and if bodily harm to the other results from it, for such bodily harm.”

Intentional Infliction of Emotional Distress



Negligent Infliction of Emotional Distress



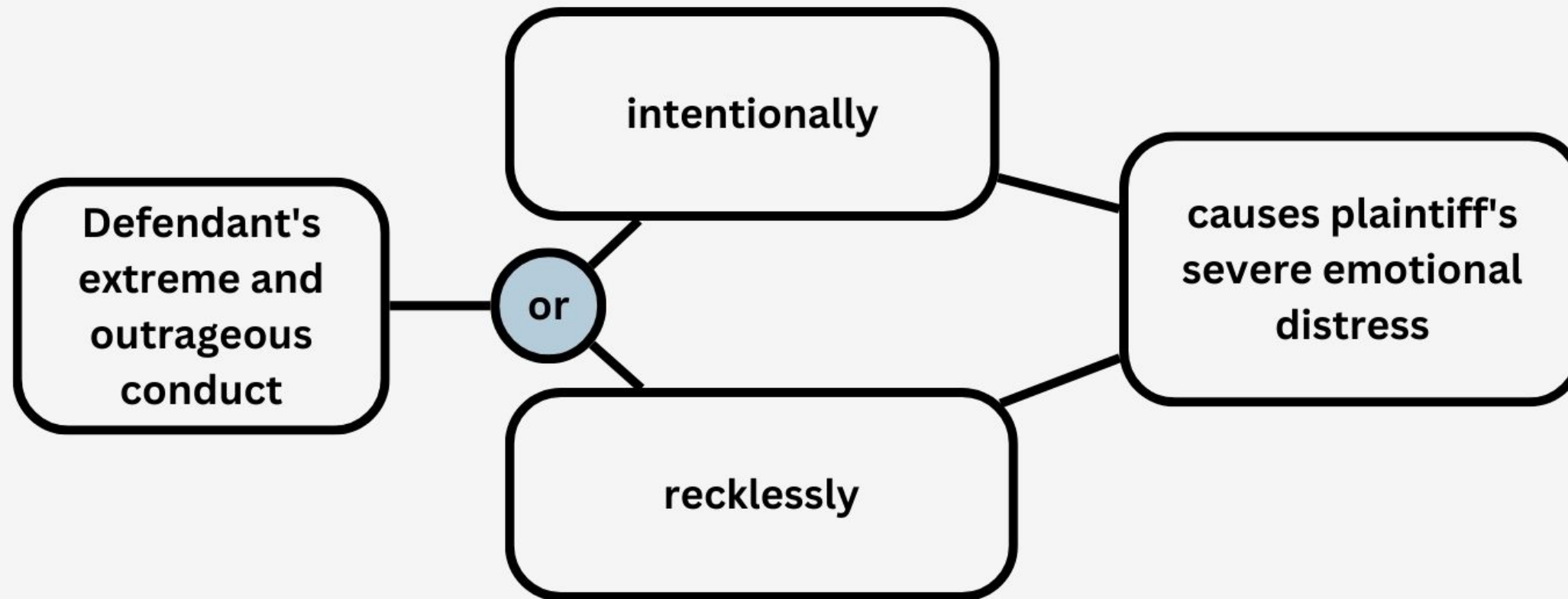
Womach v. Eldridge

“The Distressing Accusation of Molestation”

Snyder v. Phelps

“Protesting Soldiers’ Funerals”

Intentional Infliction of Emotional Distress



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The legal interest that each intentional tort addresses

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