

Intentional Torts

Your exam schedule?

Tuesday, Dec. 2 — CivPro

Tuesday, Dec. 9 — Torts

Friday, Dec. 12 — Contracts

Tuesday, Dec. 16 — Criminal Law

Structure

Intentional Torts:

— ~~Battery~~

— ~~Assault~~

— ~~False imprisonment~~

--- Intentional infliction of emotional distress

Defenses:

--- Consent

--- Self-defense

--- Defense of property

--- Necessity

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

Intentional Infliction of Emotional Distress

Interest Protected: Freedom from severe emotional distress

Second Restatement Definition

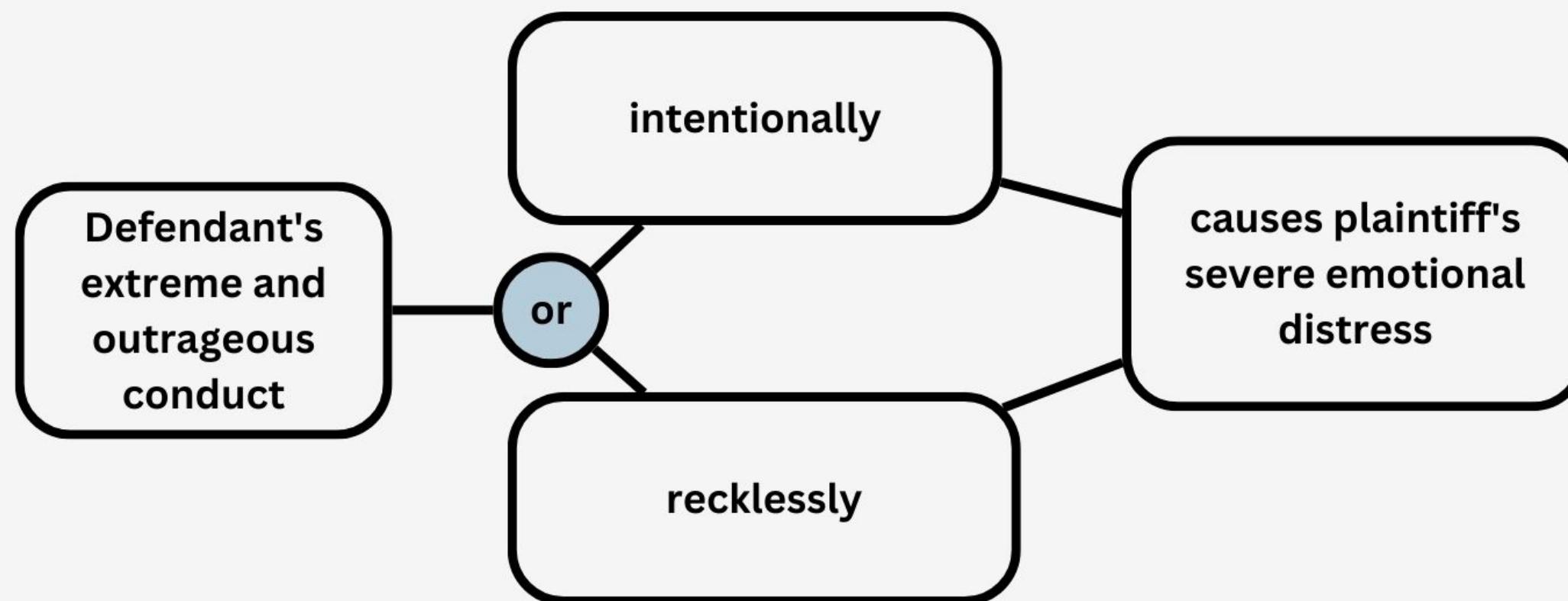
“One who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress, and if bodily harm to the other results from it, for such bodily harm.”

Paraphrased Third Restatement Definition of Recklessness:

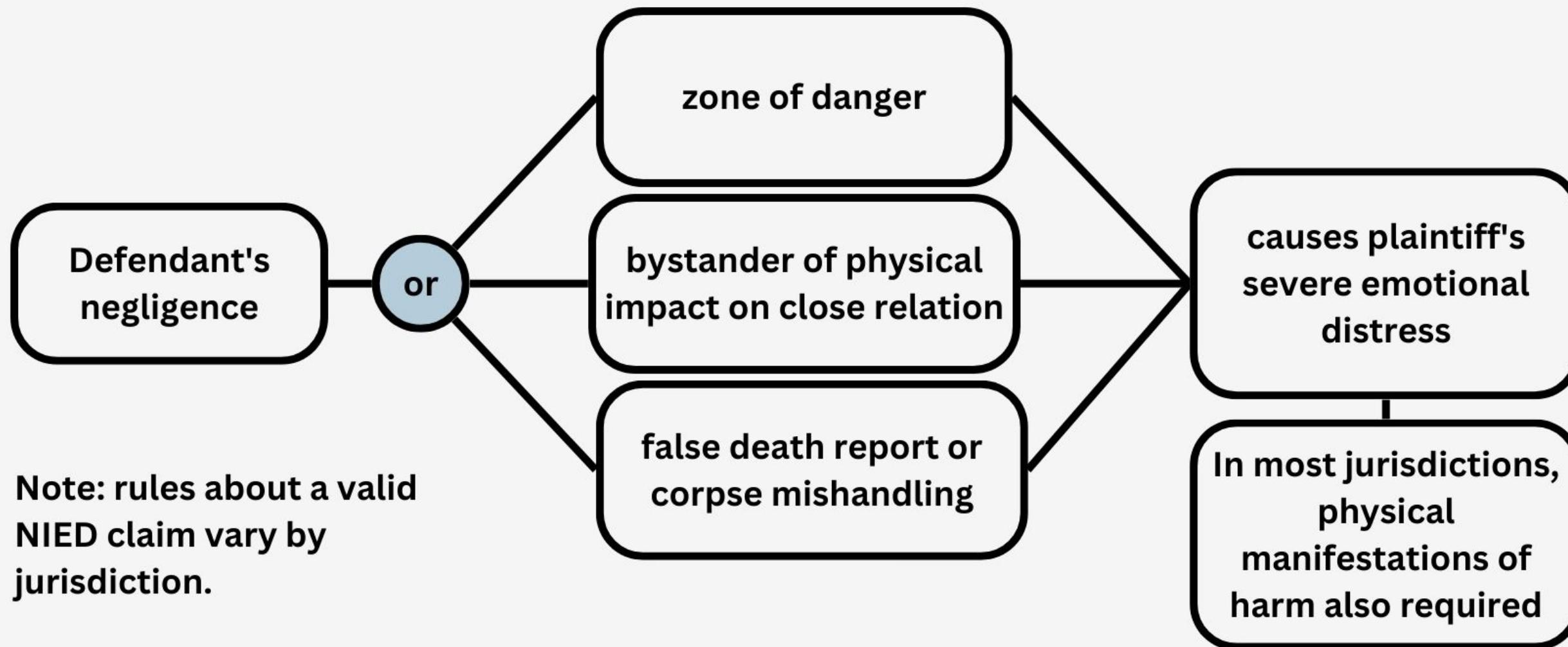
Synonymous with willful or wanton misconduct: means that someone:

- (a) knows of the risk of harm that their actions create and
- (b) the burden of precaution to address the risk is “so slight relative to the magnitude of the risk”

Intentional Infliction of Emotional Distress



Negligent Infliction of Emotional Distress



Womach v. Eldridge

“The Distressing Accusation of Molestation”

Snyder v. Phelps

“Protesting Soldiers’ Funerals”

Defenses

Consent

Self Defense

Defense of Property

Necessity

Consent

Hart v. Geysel

“Consenting to a Prize Fight”

Hackbart v. Cincinnati Bengals

“Professional Football Injury”

O’Brien v. Cunard

“The Silent Vaccine Objector”

Self Help Defenses

Self Defense

Defense of Property

Necessity

Self defense

Courvoisier v. Raymond
“Mistaken Self-Defense”

Defense of property

Katko v. Briney

“The Spring-Gun Boobytrap”

Necessity

Ploof v. Putnam

“The Private Island in a Storm”

Vincent v. Lake Erie Transportation Company

“The Boat Slamming Against the Dock”

Hand Formula

$$B < P^*L$$

Negligence when the burden on the defendant of taking precautions is less than the probability of loss for the plaintiff multiplied by the magnitude of that loss.

Culpability

Strict Liability

Negligence

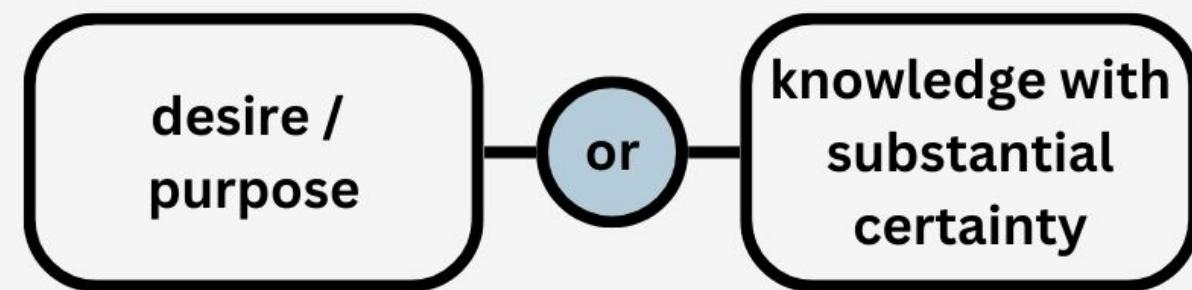
Intentional Torts

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

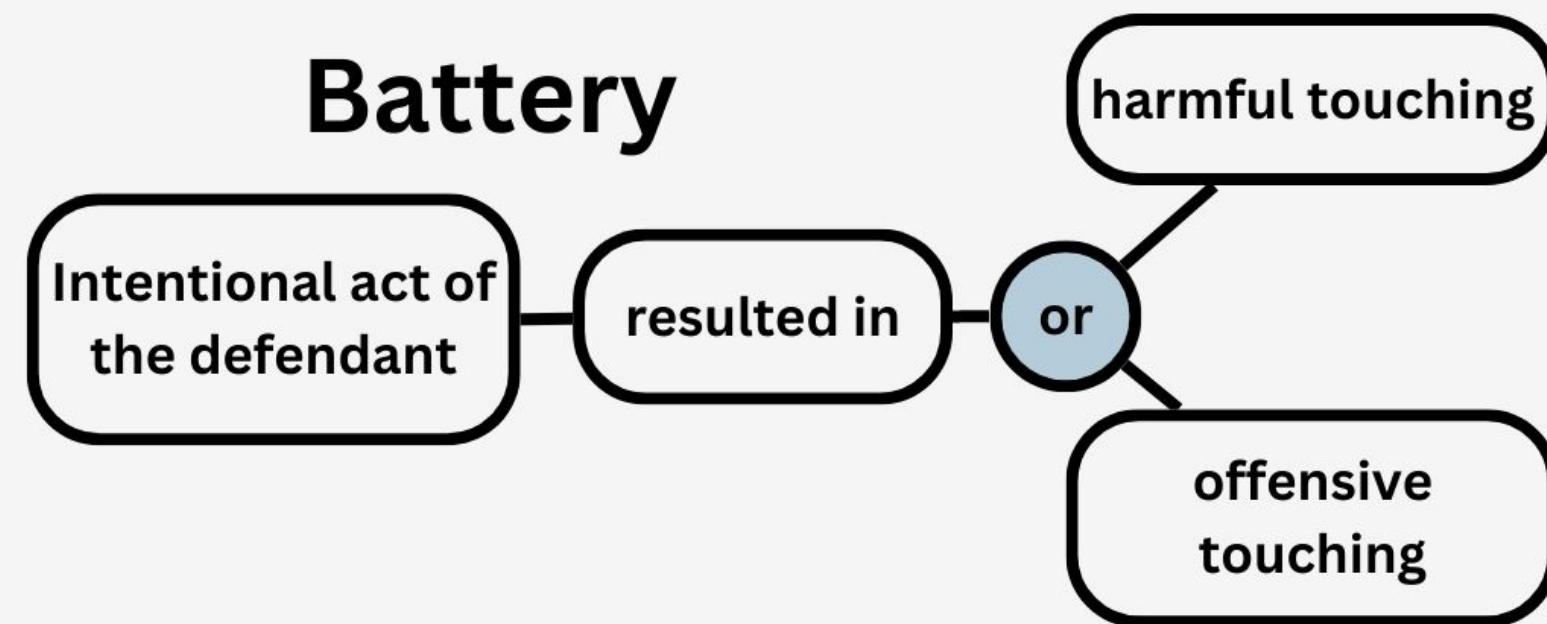


Battery

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

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.

Assault

Intentional act of
the defendant

to inflict upon plaintiff

to put plaintiff in
reasonable fear or
apprehension of

or

imminent

harmful touching

or

offensive
touching

False Imprisonment

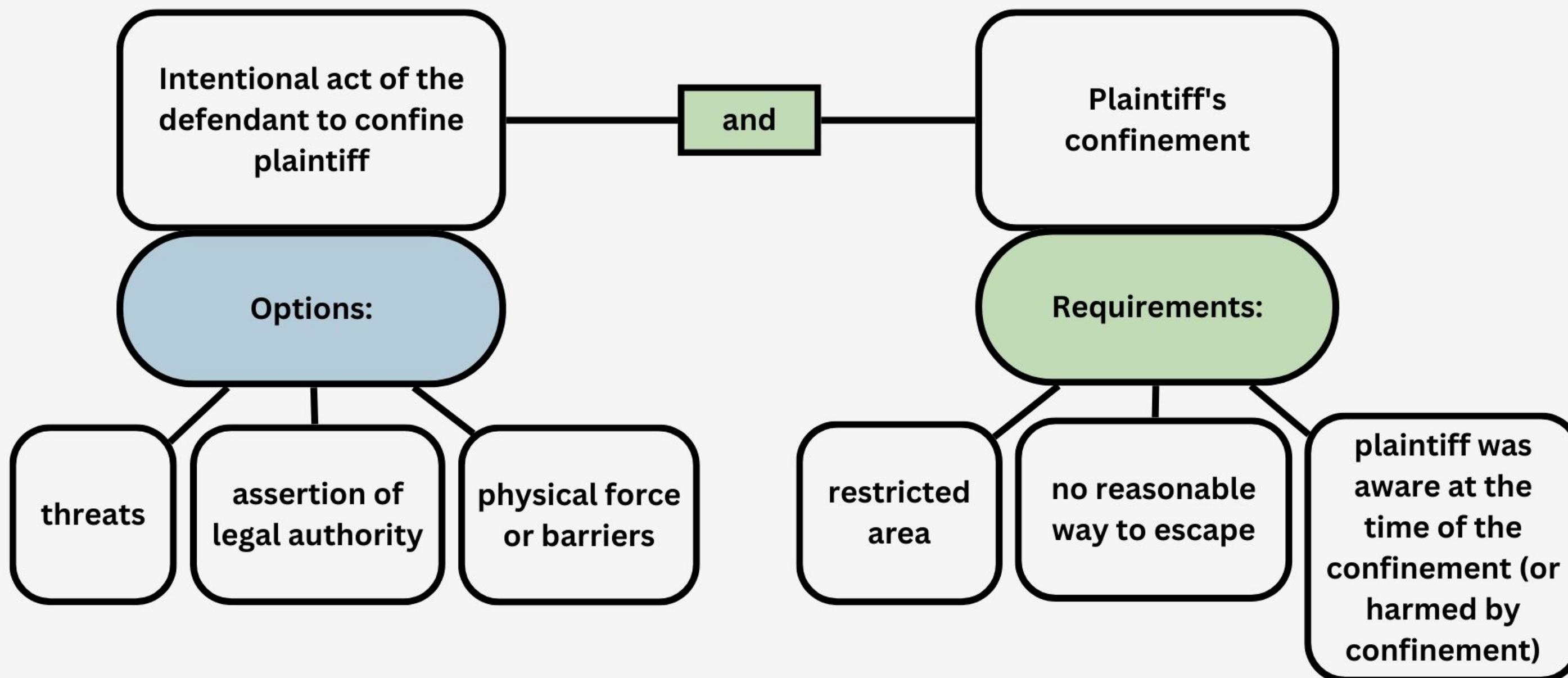
Interest Protected: Freedom from confinement

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



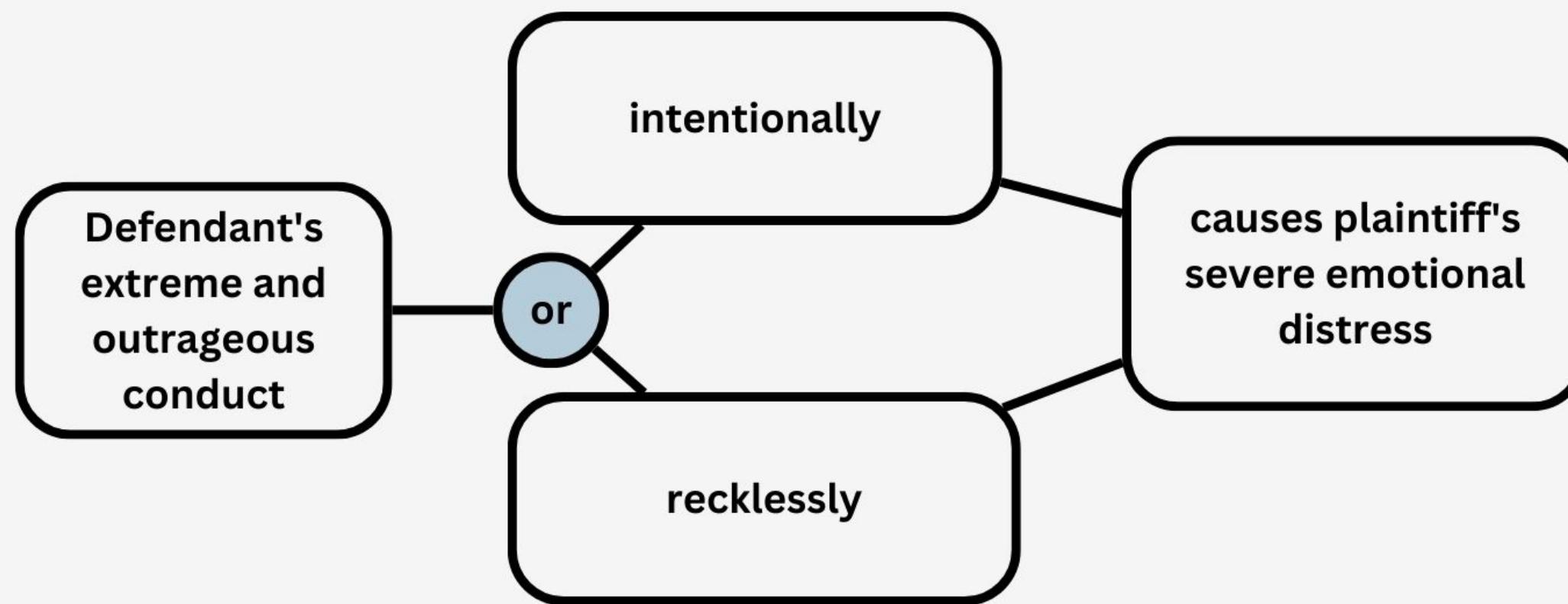
Intentional Infliction of Emotional Distress

Interest Protected: Freedom from severe emotional distress

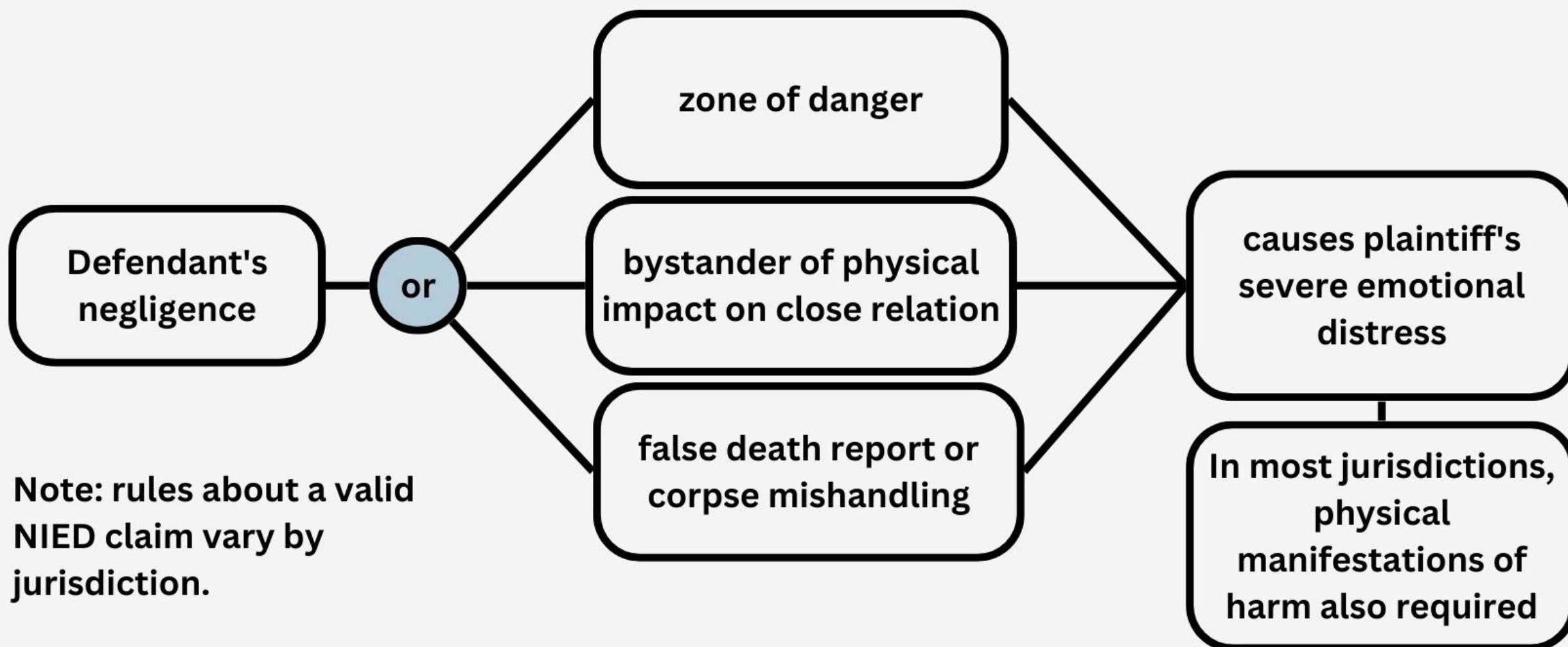
Second Restatement Definition

“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



Defenses:

- Consent
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- Defense of property
- Necessity