

# Intentional Torts

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## Introduction

### Setting

- Tort law is about the obligations that we owe to one another
- People rarely discuss the role of tort law in society
- Tort law defines the duties that we all have, as well as the remedies that are available when we breach those duties

### Objective

In this lecture, we learn about the law of torts and about how it regulates behavior

## A tort is a civil wrong causing loss or harm to another

The law of torts governs the duties that we owe to others

- People have certain interests that others have the obligation or duty to respect.
- These interests and the duty of others to respect them does not depend upon promises or agreements
- The violation of the duty to respect the interest is called a "tort"
- Tort law is the body of principles that defines these interests and duties

Tort law performs three functions

- Compensation of the victim
- Justice
- Prevention of future costs (regulation)

Tort law is primarily state common law

- The tort rules that we will discuss came out of cases
- Statutory law is not important in the area of torts

## Torts may be classified in different ways

There are three broad categories of torts

- Intentional Torts: Willful acts causing harm.
- Negligence: Accidental harm due to unreasonable risk creation.
- Strict Liability: Liability regardless of intent, mainly for defective products and abnormally dangerous activities.

## Intentional torts

## Intentional torts require that a defendant intend a harmful or offensive act

- Intentional torts are non-criminal wrongs committed on purpose
- Intent is formed if an action is
  - Purposeful, or
  - Knowing
- The test for intent focuses on whether the tortfeasor intended the act and not the result

## Intentional business-related torts

Defamation is a publication that injures another's character, reputation, or good name

- Defamation consists of false and harmful statements about a person's reputation
- Defamation may occur through either slander or libel
- Elements:
  - Defamatory statement,
  - dissemination,
  - specificity,
  - damages.

## Trade Libel/Product Disparagement

- False statements harming a business or product can be a tort
- Some statutes were designed to enable agricultural and food corporations to prevent potential critics from criticizing the safety of their products
- Case discussion: Amarillo, Texas beef trial

## Fraudulent Misrepresentation

- Occurs when someone makes a false statement of fact to induce another party to enter into a contract
- Elements
  - Agreement: An agreement must be made.
  - False representation: The representation must be false.
  - Knowledge: The defendant must have known the representation was false when the contract was made, or made the statement recklessly without knowing if it was true.
  - Dishonesty: The person who made the statement must have dishonestly made it
  - Harm: The plaintiff must have suffered measurable harm from the misrepresentation

## Negligent Misrepresentation

- A plaintiff must prove the following elements to establish a claim for negligent misrepresentation:
  - False statement: The defendant made a statement about a material fact that they believed to be true but was actually false.
  - Negligently made: The defendant should have known the statement was false.
  - Intended reliance: The defendant intended for the plaintiff to rely on the statement.
  - Plaintiff's reliance: The plaintiff reasonably relied on the statement.

- Injury: The statement caused the plaintiff to suffer harm, such as economic loss.

## False Imprisonment

- Unlawful restraint of an individual
- Elements:
  - Intentional confinement: The person who confined you must have deliberately taken actions that resulted in your detention.
  - Without consent: You must show you did not consent to the confinement.
  - Without legal authority: The person who confined you must not have had a legal right to do so.
  - Bounded area: The area must limit freedom of movement in all directions. However, if there is a reasonable means of escape, the area is not bounded.
  - Harm: The plaintiff must have suffered injuries or other quantifiable harm as a result.

## Conclusion

### What did we learn today?

- The law of torts governs the duties that we owe to others
- The law of intentional torts governs much of our behavior
- Every intentional tort is made up of certain elements
- Businesses may commit intentional torts