

Torts Template

I. General Considerations

A. Vicarious Liability

1. Respondeat Superior (vs. Independent Contractor)
2. Partners
3. Parent for Child

B. Immunities

1. Governmental
2. Charitable
3. Familial

II. Intentional Torts

- A. Battery
- B. Assault
- C. False Imprisonment
- D. IIED

- E. Trespass to Land
- F. Trespass to Chattels
- G. Conversion

Defenses:

Consent, Self-Defense (others, property)

III. Negligence

- A. Duty (affirmative duties to act, common carriers)
- B. Breach
- C. Causation
 - 1. Actual
 - 2. Proximate (foreseeability, fairness)
- D. Damages

Defenses: Contributory Neg, Assume Risk, Comparative Fault

Negligence Per Se (Statute)

- 1. Intent to protect from specific harm
- 2. Intent to protect specific class of people

Res Ipsa Loquitur

IV. Products Liability (Negligence, Strict Liability main theories)

- A. Manufacturing Defect
- B. Design Defect
- C. Failure to Warn

V. Strict Liability (No Fault)

- A. Animals
- B. Ultrahazardous/Abnormally Dangerous Activities

VI. Nuisance

- A. Private
- B. Public

Defenses: Coming to the nuisance.

VII. Harm to reputation/economic interests

- A. Defamation
- B. Invasion of Privacy
- C. Misrepresentation