

Torts Definitions Assignment

The purpose of the definitions assignment is to move students beyond mere familiarity with legal terminology, to understanding what the terms mean. There are two parts to the assignment:

First, students must give a definition or rule of law for each term. The definition need not be in a student's own words. Any reliable legal source may be used, such as *Black's Law Dictionary*, *Clancey's Outlaw*, commercial law outlines, etc. so long as the definition is correct, concise, and includes all necessary elements. We do not recommend Wikipedia, websites containing other law students' work, or similar sources, as the information may not be accurate.

Second, in their own words students must provide either: 1) a short hypothetical which shows understanding of the term by illustrating or providing an example of its usage; or 2) a further explanation of detailed information concerning the term. It is not sufficient to simply restate the rule provided in part one in one's own words — an illustration or additional information that demonstrates an understanding of the term or rule must be included.

1. **Battery:** Battery is the intentional, harmful or offensive touching of another. (*Clancey's Outlaw*)

Example: John intentionally hit Robert with a baseball bat, breaking Robert's arm.

2. **Assault:** Assault is the intentional threatening of another with a battery, and the creating of reasonable apprehension of immediate bodily harm in the victim. (*Clancey's Outlaw*)

Example: Fred entered the bank, pointed a gun at the teller, and said "I'm going to shoot you." The teller fainted.

3. **False Imprisonment:** False imprisonment is the intentional confinement of the plaintiff by the defendant. (*Clancey's Outlaw*)

Further Explanation: The tort generally requires confinement within a place; being locked out of a place does not suffice.

Additionally, if there is a reasonable means of escaping from the place in which a person is confined, it is not false imprisonment.

4. **Intentional Infliction of Mental (or emotional) Distress:** Intentional infliction of mental (or emotional) distress, is the intentional causing of severe emotional or mental distress in another through extreme and outrageous conduct. (*Clancey's Outlaw*)

Example: Al was trying to cause his wife to go crazy, so he tormented her every day by gruesomely killing her pet cats in front of her.

5. **Trespass to Land:** Trespass to land is an intentional entry upon real property in the possession of another. (*Clancey's Outlaw*)

Example: Susy owned an apartment complex and rented one of the units to Bob. Susy then entered Bob's apartment to look around when Bob wasn't home.

6. **Trespass to Chattel:** The act of committing, without lawful justification, any act of direct physical interference with a chattel possessed by another. (*Blacks's Law Dictionary*)

Example: John grabbed Sally's cell phone and began scrolling through her messages.

Terms to be Used for the Torts Definitions Assignment:

1. battery
2. assault
3. false imprisonment
4. intentional infliction of mental distress
5. trespass to land
6. trespass to chattel
7. conversion
8. intent (as used for intentional torts)
9. Substantial Certainty Doctrine
10. Transferred Intent Doctrine
11. defense of consent
12. self-defense
13. defense of others
14. step-in-shoes jurisdiction
15. reasonable appearances jurisdiction
16. defense of property
17. defense of prevention of crime
18. defense of legal authority
19. defense of necessity
20. defense of recovery of property
21. Shopkeeper's Rule
22. fresh pursuit
23. negligence
24. general duty
25. Cardozo rule on duty
26. Andrews rule on duty
27. negligence per se
28. nonfeasance
29. duty owed by a good Samaritan
30. duty owed to a rescuer
31. negligent supervision
32. invitee
33. business invitee
34. public invitee
35. duty owed to an invitee
36. licensee
37. duty owed to a licensee
38. trespasser
39. duty owed to a trespasser
40. Attractive Nuisance Doctrine
41. duty owed to a person off the premises
42. duty owed with regard to natural conditions on land
43. lessor
44. lessee
45. breach of duty
46. *res ipsa loquitur*
47. actual cause or cause in fact
48. But For Test
49. Substantial Factor Test
50. *sine qua non*
51. proximate cause

52. dependent intervening act
53. independent intervening act
54. Thin Skull Plaintiff Rule
55. contributory negligence
56. comparative negligence
57. Last Clear Chance Doctrine
58. assumption of the risk
59. joint tortfeasors
60. concurrent tortfeasors
61. successive tortfeasors
62. joint and several liability
63. contribution
64. indemnity
65. vicarious liability
66. joint venturers
67. *respondeat superior*
68. scope of employment
69. strict liability
70. products liability
71. design defect
72. manufacture defect
73. warning defect
74. intentional misrepresentation
75. negligent misrepresentation
76. defamation
77. slander
78. slander per se
79. libel
80. libel per se
81. libel per quod
82. colloquium
83. inducement
84. fair comment privilege
85. malicious prosecution
86. abuse of process
87. disparagement
88. interference with an economic relationship
89. private nuisance
90. public nuisance
91. invasion of privacy
92. appropriation of likeness
93. intrusion upon seclusion
94. public disclosure of private facts
95. false light
96. special damages
97. general damages
98. punitive damages
99. Doctrine of Avoidable Consequences
100. Collateral Source Rule