



Defenses to Intentional Torts

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Konomark
Most rights sharable

Defenses to Intentional Torts

- **Consent**
 - Implied
 - Express
- **Privilege of self-defense**
 - (entitled to make a reasonable mistake)
- **Privilege of defense of others**
 - (not entitled to make a reasonable mistake)

Defenses to Intentional Torts (more)

- **Private necessity**
 - (incomplete defense, still owe compensatory damages)
- **Public necessity**
 - (complete defense, don't owe compensatories)

Florida Publishing v. Fletcher

- Appreciate that consent can be implied.
- Consider the role of public policy in implied consent.
- Consider how consent implied by fact can arise by community norms, custom, etc.
- Consider the the news media as defendant and what's at stake in tort cases involving the media.
- Consider the stretchability of the consent defense.

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Realoathetical**





Food Lion v. Capital Cities / ABC

- Appreciate that consent can be implied.
- Consider the role of public policy in implied consent.
- Consider the the news media as defendant and what's at stake in tort cases involving the media.
- Consider consent obtained by fraud and the scope of consent.
- Consider the role of damages.
- Understand that consent to enter is distinct from what legally can be done with knowledge/ information/photos obtained while on land.

Koffman v. Garnett

- Understand the importance of scope of consent.
- Consider the social context for the consent defense.
- Further consider the stretchability of the consent defense.



Vincent v. Lake Erie Trans. Co.

- A vivid example of private necessity.
- See the conflict between real property rights and necessity.
- Understand the role of damages with regard to private necessity, and be able to contrast with public necessity.
- Begin to think about this from an economic perspective in terms of incentives, transaction costs, and economic efficiency.

Surocco v. Geary

