



The Place of Torts and a Model Tort

Torts
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Konemark
Most rights sharable

The Law

**There are three
elemental claims in
the law.**

**There are three
elemental claims in
the law.**

**Every preschooler
knows them ...**

You hurt me.
You promised me.
It's mine.

You hurt me. → torts
You promised me. → contracts
It's mine. → property

**There are, fundamentally,
two things the courts can do
about it.**

- **The court can punish you.**
- **The court can make you make it up to the person wronged.**

- The court can punish you.

→criminal

- The court can make you make it up to the person wronged.

→civil

- *How the courts go about punishing you ...*


→criminal procedure

- *How the courts go about making you make it up to the person wronged ...*

→civil procedure

A Model Tort

A Model Tort



Let's see if
we can build
a tort from
scratch ...

You hurt me.

You hurt me.

- Act
- Causation
- Damages
- Culpability

*You wrongfully did something
that caused me harm.*

You hurt me.

- Act
- Causation
- Damages
- Culpability



You hurt me.

- Act
- Actual causation
- Proximate causation
- Damages
- Culpability

You hurt me.

- Act
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You hurt me.

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You wrongfully engaged in an act that actually caused me harm that is pretty directly connected to your action.

You hurt me.

- Act
- Actual causation
- Proximate causation

Keep in mind: This is not a real, legally recognized tort. (So don't use it on the exam.) It's a simplified or idealized model.

...fully engaged in an act that actually caused me harm that is pretty directly connected to your action.