

## The Place of Torts and a Model Tort

Torts Eric E. Johnson ericejohnson.com



# 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

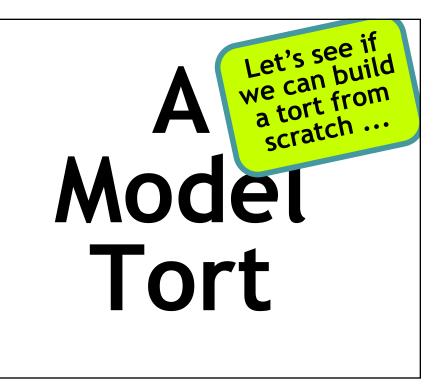
• The court can make you make it up to the person wronged.

→ 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



#### You hurt me.

- Act
- Causation
- Damages
- Culpability

You wrongfully did something that caused me harm.

- Act
- Causation



- Damages
- Culpability

## You hurt me.

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

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

#### You hurt me.

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

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

- Act

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

act that actually caused me harm that is pretty directly connected to your action.