



The Place of Torts and a Model Tort

Torts
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Most rights sharable

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.

You hurt me.

- Act
- Causation
- Damages
- Culpability

**You wrongfully did something
that caused me harm.**

You hurt me.

- Act
- Causation
- Damages
- Culpability



You wrongfully did something
that caused me harm.

You hurt me.

- 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.

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.

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