



Learning Topic

Law of Torts

The legal system in the United States is a common-law system with civil law and criminal law components. The civil-law component of the US common-law system should not be confused with the civil-law system, which is a separate system of law originating in ancient Rome and adopted by most European countries. The US common-law system includes different procedures for redressing civil-law violations (e.g., the law of tort, contract, agency, employment, divorce, and business organizations) than for redressing criminal-law violations (e.g., larceny, murder, rape, and robbery).

Tort law, an important component of civil law within the US common-law system, generally encompasses situations where an individual's conduct causes harm to another. A tort is literally translated from French as a *wrong*. These wrongs give rise to claims in court, when a specific statutory or common-law tort is committed. When a tort is committed, one may seek monetary compensation (damages) for the tort in court.

Tort law may be divided into three broad categories of tort: intentional torts, negligence, and strict liability torts. **Intentional torts** generally require that one "intended" to cause the consequences of the act. That is, one must have intended to perform the act that caused harm to another. **Negligence** generally requires that one be at fault for committing the act. Negligence theory underlies many personal-injury actions, such as car accidents. **Strict liability torts** require neither intent nor fault; simply causing harm to an individual while performing one of an enumerated list of strict liability torts gives rise to damages (even if a person did not intend the act and was not at fault for it).

Intentional torts often have counterparts within criminal law. For example, if Joe strikes Dave across the face with a stick, Joe may be liable for a civil battery and a criminal battery. The civil action for battery may result in Dave receiving compensation for the harm done to him, including costs of medical bills, pain and suffering, and compensation for work missed while in the hospital. Simultaneously, a criminal action may be brought against Dave for a criminal battery. The criminal action is not about compensation, but instead is about punishing Joe for committing a crime. Punishments for the crime may include jail time, fines (paid to the government), and community service.

Although some intentional torts have criminal counterparts, not all do. In some cases, a wrong against an individual is merely a civil wrong and has no criminal repercussions. Certain defamation claims, for example, may result in compensation but have no criminal counterpart, so will not result in a correlative criminal action. One very famous incident involving both civil and criminal claims is that of O.J. Simpson, who was tried criminally and found not guilty. However, O.J. Simpson was found civilly liable to the family members of the deceased and had to pay those families millions in compensation for the civil wrongs.

Check Your Knowledge

Choose the **best** answer to each question.

Question 1

Which of the following is the key characteristic of a common law system (the answer being the central feature that distinguishes it from a civil law system)?

- ☐ Common law systems use juries.
- ☐ Common law systems utilize judges to interpret the law.
- ☐ Common law systems abide by precedent.
- ☐ Common law systems are rooted in Europe.

Question 2

Which of the following is NOT a type of tort?

- ☐ intentional tort
- ☐ breach of contract
- ☐ negligence
- ☐ strict liability

Question 3

Which of the following is the most accurate statement of the relationship between torts and crimes?

- ☐ Some torts also involve correlative crimes, but not all torts involve correlative crimes.

- ☐ All torts involve correlative crimes.
- ☐ No torts involve correlative crimes.
- ☐ Torts may be considered a branch of crimes.

Question 4

Which of the following is NOT a type of invasion of privacy?

- ☐ disclosure of private information
- ☐ use of name of likeness
- ☐ invade physical solitude
- ☐ defamation

Question 5

Which of the following torts involves a non-party to a contract knowingly inducing a party to the contract to fail to honor or breach the agreement?

- ☐ interference with prospective advantage
- ☐ disparagement
- ☐ interference with contractual relations
- ☐ wrongful appropriation of business interests

Resources

- Common Law versus Civil Law Legal Systems
(</content/umuc/tgs/mba/mba630/2212/learning-resourcelist1/common-law-versuscivillawlegalsystems.html?ou=544792>)
- Legal Theory & Foundations and Law of Torts
(</content/umuc/tgs/mba/mba630/2212/learning-resourcelist1/legal-theory-foundationsandlawoftorts.html?ou=544792>)

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