

TORTS REMEDIES

HARM / TAKING OF PROPERTY

HARM TO PERSONAL INTERESTS

MONEY

CHATELS

REALTY

PERSONAL

DIGNITARY

ECONOMIC

GENERALLY

Conversion
Unjust Enrichment

Trespass to Chattels
Conversion

Trespass Nuisance
Waste Encroachment
Interference or Destruction

False Imprisonment
Assault DED
Battery Negligence

Defamation &
Invasion of Privacy

Fraud Business Torts
Misuse of Legal Process

Money Damages

Compensatory

General & Special
1. Causal
2. Foreseeable
3. Certain
4. Calculable

Punitive
Willful, wanton, malicious

Nominal: no actual injury

Damages

To recover for damages in a suit for conversion, it must show that **identifiable** money was taken.

Damages

Interference
Lost value or repair cost + loss of use

Destruction
Value at time, less salvage, plus interest

Dispossession
Conversion damages
Forced sale, Market price

Damages

Several measures: lost value

Trespass
Simple: Nominal; No injury
Trespass + severance: lost value or conversion measure
Trespass + damage: cost of repair or removal, or rest value
Outlier: Home damages
Encroachment: Continuing rental value; Forcible sale value.

Damages

Compensatory

General: Non-economic: Pain & suffering, loss of enjoyment of life, anguish.

Special: Economic: Med expenses, lost earnings. Future loss still lump sum.

Dead W: Survival statutes for heirs, or wrongful death.

Damages

Public figure: Must prove malice, then presumed. (Purs OK)
Prior garnish/ post process: must prove negli. Actual negli.
Priv/price: No fault neces. Presumed damages. Puns avail.
Invasion: Emotional anguish. No spec. negli.

Damages

Fraud: Actual damages recoverd. Conseq. OK & point of malice. May get benefit of bargain trans.

Business Torts:
Inducing breach: damage proximately caused.
Interference w/ advan: Probably too speculative. Trade libel: Spec. negli.
Misuse: Actual negli.

LEGAL

Replevin & Ejectment

Legal remedies for actual dispossession

Quasi-Contract
If tort gave a benefit
Restitution money

Quasi-K

If A unjustly enriched by misappropriation of B's money

Self-Help

Reasonable force to recapture chattel

Replevin
Quasi-K

Ejectment

Legal remedy for ouster; Coupled w/ Injunctive Damages

Quasi-Contract
Severance: value or severd, or if B willful, improved value

Not available. No benefit to defendant.

Not available. No benefit to defendant.

Fraud: Replevin & Restitution (less contract)
Inducing breach: Restitution is rarely used.
Interference w/ advan: benefit not obtained

EQUITABLE

Constructive Trust

It must recover title

Equitable Lien
Lien on D's Property

Constructive Trust
If specific & traceable

Equitable Lien
If funds commingled or if not source of title

Constructive Trust
If thief obtains title & sells property

Equitable Lien
If thief uses proceeds to improve her prop.

Generally not applicable because A does not have title

Not available. No benefit to defendant.

Not available. No benefit to defendant.

Fraud: Constructive trust may be imposed on property gained by fraud.

Injunctive Relief

Permanent, Temp., TRD

Legal remedy inadequate

1. Speculative damages
2. Multiple suits danger
3. Irreparable injury
4. Prospective tort
5. Replevin or Ejectment difficult to enforce

Balance the hardships
Equitable defenses apply

Generally not applicable
Equitable restitutory remedies cover it.

Mandatory Injunction

If chattel unique or damages & replevin are inadequate

Injunctive Relief

Trespass
Simple: To avoid multiple suits.
Severance: OK; Land unique
Damage: A must repair
Outlier: NO; Ejectment rules
Encroachment: Land unique, damages inadequate, apartment impract. Willful = no balance
Nuisance: If made; May not balance hardships if intentional
Waste: OK to stop voluntarily.

Rarely sought. Injury has already occurred.

Defamation
Rare, as it would be prior restraint of free speech. However, declaratory relief may be the best protection of the interest involved.

Invasion of Privacy
Effective for continuing wrong. Damages include speculative & reputation.

Rare

RESTITUTIONARY

All About Torts

L Reisser



All About Torts:

All about Torts Constantinos E. Scaros,2000 Providing a sound introduction to law and the American legal system this well written and easy to follow guide to understanding torts shows readers the critical role this branch of law plays and how it affects people from all walks of life Begins with an introduction to laws followed by an introduction to torts then offer full chapter coverage on torts to the person property and reputation malpractice torts to other civil rights defenses remedies and damages involving the torts learned and careers in torts for attorneys and paralegals Discusses generalnot state specifictort laws and shows that the basic concepts of tort law are rooted in a particular set of ideas which do not change with each new legislative session Integrates many examples throughout to clarify material add perspective and deepen understanding For legal assistants court reporters personal injury lawyers entertainment lawyers or anyone who wants a fundamental understanding of torts

General Principles of the Law of Torts John Charles Townes,1907 **The Law of Torts** Melville Madison Bigelow,1901 [A Treatise on the Law of Patents for Inventions](#) Albert Henry Walker,1929 **A Manual of the Law of Torts, and of the Measure of Damages** Charles Collett,1886 **Key Ideas in Tort Law** Peter Cane,2017-08-10 This book offers nine key ideas about tort law that will help the reader to understand its various social functions and evaluate its effectiveness in performing those functions The book focuses in particular on how tort law can guide people s behaviour and the political and social environments within which it operates It also provides the reader with a wealth of detail about the ideas and values that underlie tort doctrine tort law s rules and principles and the way those rules and principles operate in practice The book is an accessible introduction to tort law that will provide students scholars and practitioners alike with a fresh and engaging view of the subject In this masterful and engaging survey Peter Cane provides an array of illuminating perspectives on the law of torts laying bare its nature structure and functions as well as its legal social and political context Andrew Robertson Professor of Law Melbourne Law School **Tort Cases in Large Counties** ,1995 [The Economics of U.S. Tort Liability](#) ,2003 A CBO Study Attempts to clarify the issues and policy options surrounding the tort system Presents an economic perspective on tort liability Outlines the strengths and weaknesses of tort liability as a tool for promoting economic efficiency and fairness Discusses the available data on the benefits and costs of the tort system Analyzes in qualitative terms the likely effects of various policy options for altering the system Makes no recommendations

Civil Justice Reconsidered Steven P. Croley,2017-08-22 In *Civil Justice Reconsidered* Steven Croley demonstrates that civil litigation is for the most part socially beneficial An effective civil litigation system is accessible to parties who have suffered legal wrongs and it is reliable in the sense that those with stronger claims tend to prevail over those with weaker claims However while most of the system s failures are overstated they are not wholly off base civil litigation often imposes excessive costs that among other unfortunate consequences impede access to the courts and Croley offers ways to reform civil litigation in the interest of justice for potential plaintiffs and defendants and for the rule of law

itself Publisher s web site viewed February 10 2017 **Cases on the Law of Torts** Charles McGuffey Hepburn,1915

Legislation of Tort Liability Law in China Xinbao Zhang,2017-11-22 This book studies the fundamental conflicts between the protections on the legal rights and interests of victims and the freedom of infringers to act first It is divided into four parts the first of which explores the relevant legal methodology in order to provide possible solutions to difficult problems in Chinese tort liability law Secondly it puts forward a range of suggestions on how to resolve key issues in China s torts liability law including the general provisions the provisions concerning the fault principle the provisions of the non fault principle the special liability relation damages and defenses and related issues Thirdly the book addresses major institutional issues including the theory of consensus force joint infringements and operators duty of care as well as several key relations between the right to claim insurance compensation and the right to claim compensation for personal injury between the right to claim tort liability and the right to exercise property rights and between the right to claim tort liability and the right to reject unjust enrichment Further aspects in this section include compensation for death mental damages pure economic loss and compensation punitive compensation and compensation for road traffic accidents Lastly the book explores special issues in tort liability law e g the infringement of media rights and the specific tort liability in various administrative laws and regulations **Cases Determined in the Supreme Court of the State of Oklahoma** Oklahoma. Supreme Court,1918

The American and English Annotated Cases ,1908 *Annotated Cases, American and English* ,1908 **American and English Annotated Cases** ,1908 **Woman Under the Law** Alvah L. Stinson,1914 *American Law and Procedure* ,1913 The Pacific Reporter ,1908 **Electric Railway Review** ,1898 **California. Court of Appeal (4th Appellate District). Division 2. Records and Briefs** California (State).,

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In a global defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**All About Torts**," a mesmerizing literary masterpiece penned with a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book is central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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