



INSTITUT D'ÉTUDES JUDICIAIRES

UNIVERSITY OF EVRY

LEGAL ENGLISH

Academic Year 2018-2019

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LESSON 3: ANGLO-AMERICAN TORT LAW

SEPTEMBER 28th, 2018 – 2:00 TO 5:00 PM

STUDENT WORKSHEET

TIP FOR THIS LESSON: Most legal websites provide substantial documentation on the topics covered by this lesson.

However, for the students who prefer getting the information from books, I recommend the following two books:

1. *“The English of Law: England and Wales” / Anne Brunon-Ernst, Nicki Chaudoir, Yasmine Mohammedi, Michel Perdu, William Yeago et al.*
2. *Introduction to Legal English: An Introduction to Legal Terminology, Reasoning, and Writing in Plain/ Mark E. Wojcik*

I. In order to prepare this Lesson, Students are strongly invited to study the following legal topics.

- *Crime v Tort*
- *Classification of Torts*
- *Battery and Assault*
- *Intentional Infliction of Emotional Distress*
- *Invasion of Privacy*
- *Defamation*
- *Deceit*

- *Improper Use of Legal Procedure*
- *Trespass to Land and chattels*
- *Nuisance*
- *Conversion and the « writ of replevin » also referred to as « claim and delivery»*
- *Self-Defense, defense of others and degree of force*
- *Defense of Property and degree of force*
- *Liability in tort and the privilege of private necessity*
- *Liability in tort and the privilege of public necessity*
- *Negligence*
- *The attractive Nuisance Doctrine*
- *Vicarious Liability*
- *Duty of Care and Remedies in case said duty is breached*
- *The doctrine of « Res ipsa loquitur »*
- *Causation, cause in fact and proximate cause*
- *Damages for tortious acts*
- *Punitive damages in the US*
- *Defenses to negligence : Comparative negligence, Assumption of the risk, Contributory negligence and Immunity*
- *Strict Liability*
- *Liability for Animals*
- *Liability for Ultra hazardous Activities*
- *Product Liability*

II. In addition, the following questions shall be addressed :

- ❖ *What is a tort?*
- ❖ *How are a tort and a crime similar and different?*
- ❖ *Briefly explain the differences between an intentional and non-intentional tort.*
- ❖ *What are common law intentional torts to the person? To property?*
- ❖ *What are some of the defenses available against an intentional tort?*
- ❖ *Can you analyze and examine the elements of negligence?*
- ❖ *What is meant by « proximate cause »?*
- ❖ *How does one link causation, cause in fact and proximate cause?*
- ❖ *What defenses might be available in a negligence action?*
- ❖ *Explain the notion of « Strict Liability ». What are the conditions to establish a case of strict liability?*
- ❖ *In what situations is it possible to use strict liability? Product liability?*
- ❖ *What are the three categories of tort?*
- ❖ *What must the plaintiff prove to establish a prima facie case of intentional tort?*

- ❖ *What are the elements of Assault?*
- ❖ *Explain the notions and give the legal status of Intentional Infliction of Emotional Distress ; Invasion of Privacy ; Defamation ; Deceit ; Improper use of Legal Procedure*
- ❖ *What are Intentional Torts to Property? Explain each of them*
- ❖ *What is the remedy available in case of conversion?*
- ❖ *What are Defenses to Intentional Torts?*
- ❖ *What are the requirements to establish a cause of action for negligence?*
- ❖ *In what circumstances « the attractive nuisance doctrine » applies?*
- ❖ *To whom does the Vicarious liability apply?*
- ❖ *In what circumstances the doctrine of «Res ipsa loquitur» might be applicable?*
- ❖ *What are the categories of Damages for tortious acts?*