

TORTS

“The American Recipe”

- PROF. CRAIG CHARLES BELES
- Seattle, Washington, USA

The Central Tavern, Est. 1892



TORT LAW - DEFINITION

- A "TORT" IS A CIVIL WRONG (as opposed to a criminal wrong) (beyond a breach of contract) FOR WHICH THE COMMON LAW PROVIDES MONETARY COMPENSATION TO AN INJURED PLAINTIFF.

COMMON LAW vs. CIVIL LAW

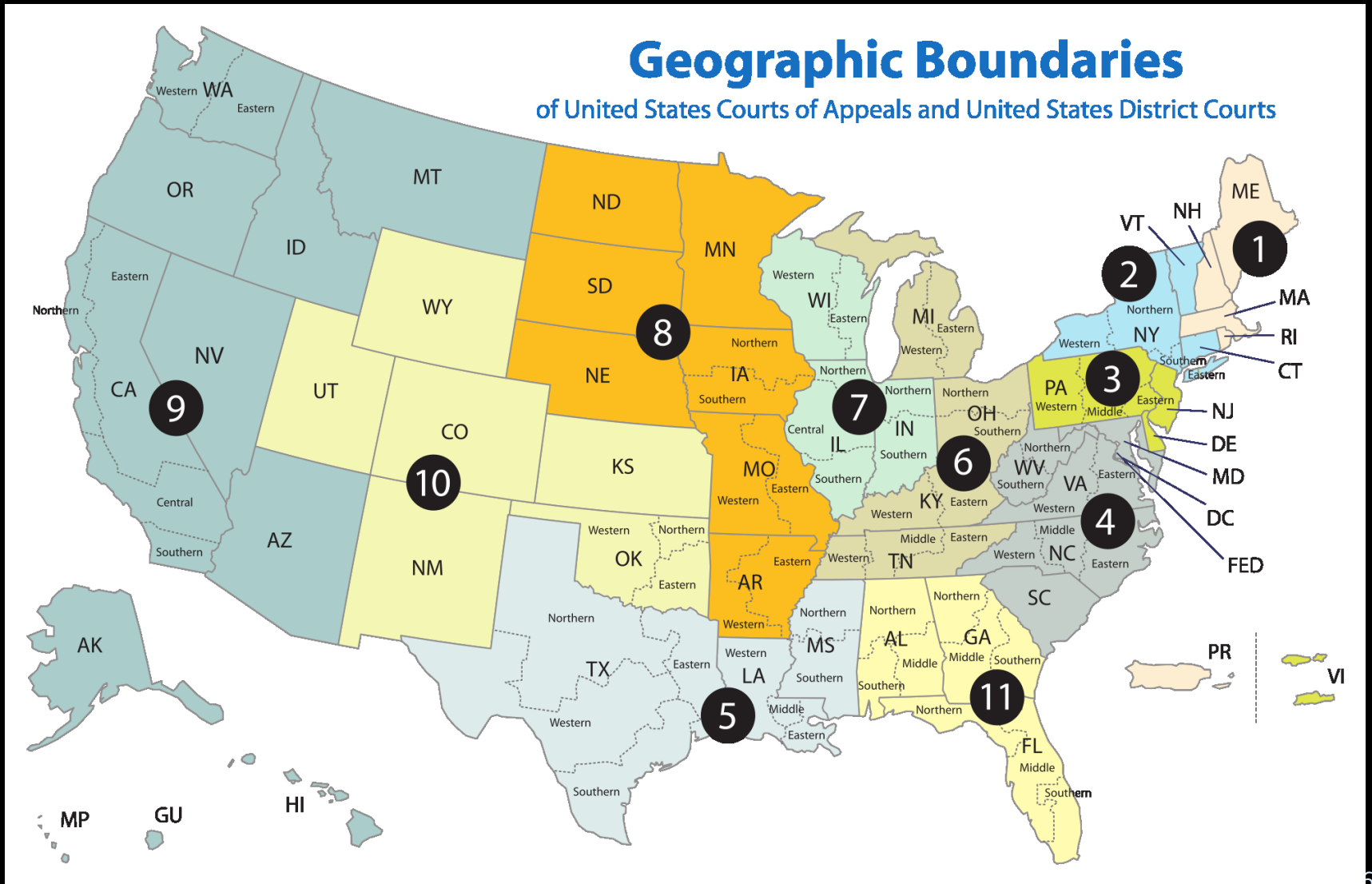
<u>System Features</u>	<u>Common Law</u>	<u>Civil Law</u>
<u>Continuity of Legal System</u>	Evolutionary	Revolutionary
<u>Major Source of Law</u>	Custom & Practice	Legislative Statutes
<u>Reliance on Precedent</u>	Strong	Weak
<u>Judicial Role in Law Making</u>	Active/Creative	Passive/Technical
<u>Role of Legal Scholarship</u>	Secondary & Peripheral	Extensive & Influential
<u>Judicial Review of Statutes & Executive Decisions</u>	Yes	No

UNITED STATES

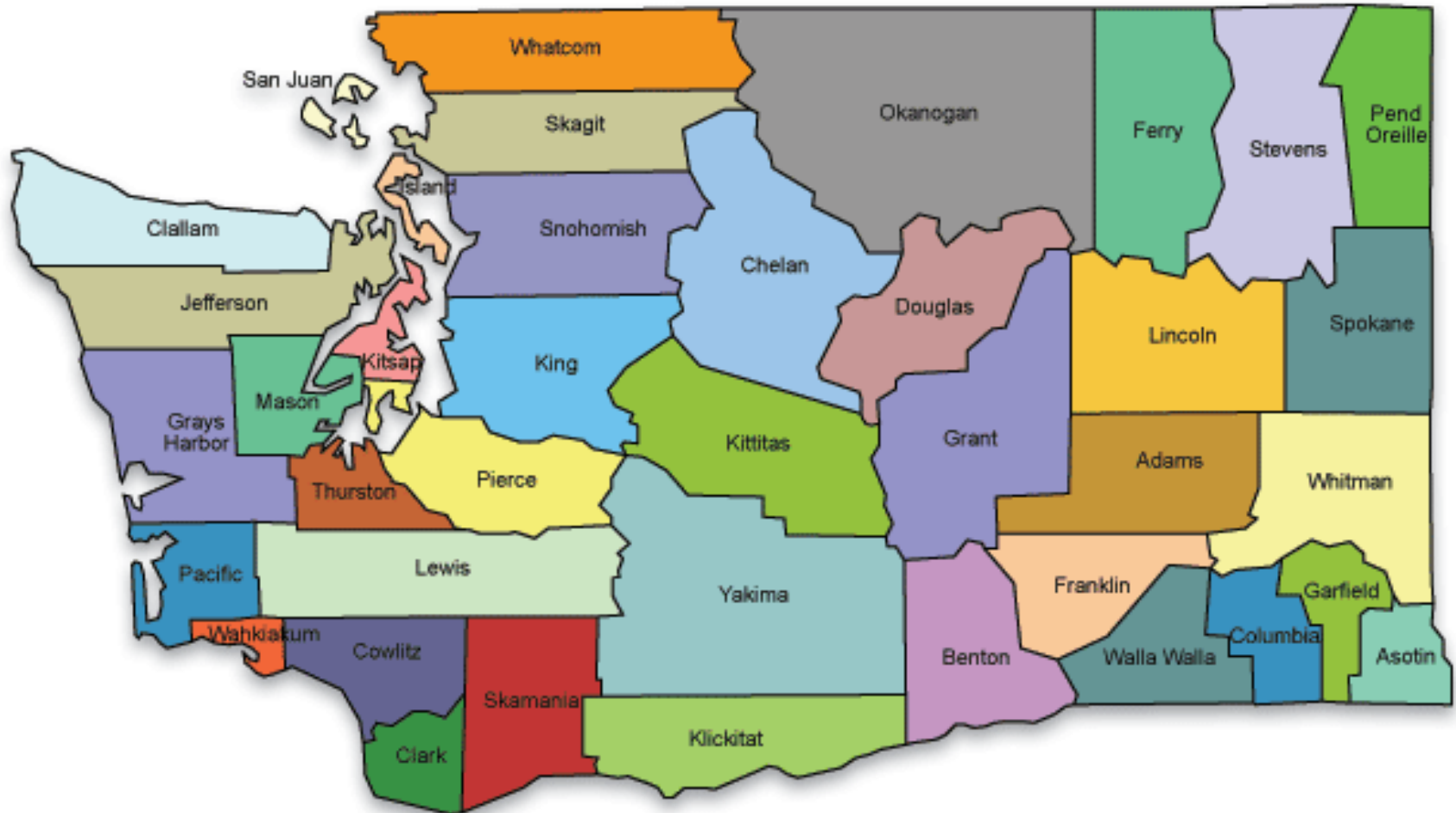
STATE CAPITALS & MAJOR CITIES



UNITED STATES FEDERAL COURTS



Washington State Counties



SPOKANE COUNTY COURTHOUSE



COLUMBIA COUNTY COURTHOUSE



DAMAGES IN TORT

COMPENSATORY

SPECIAL DAMAGES

Past & Future Medical Expenses

Past & Future Lost Wages

GENERAL DAMAGES

Past & Future Pain & Suffering/Mental Distress

PUNATIVE

Punishment & Deterrence

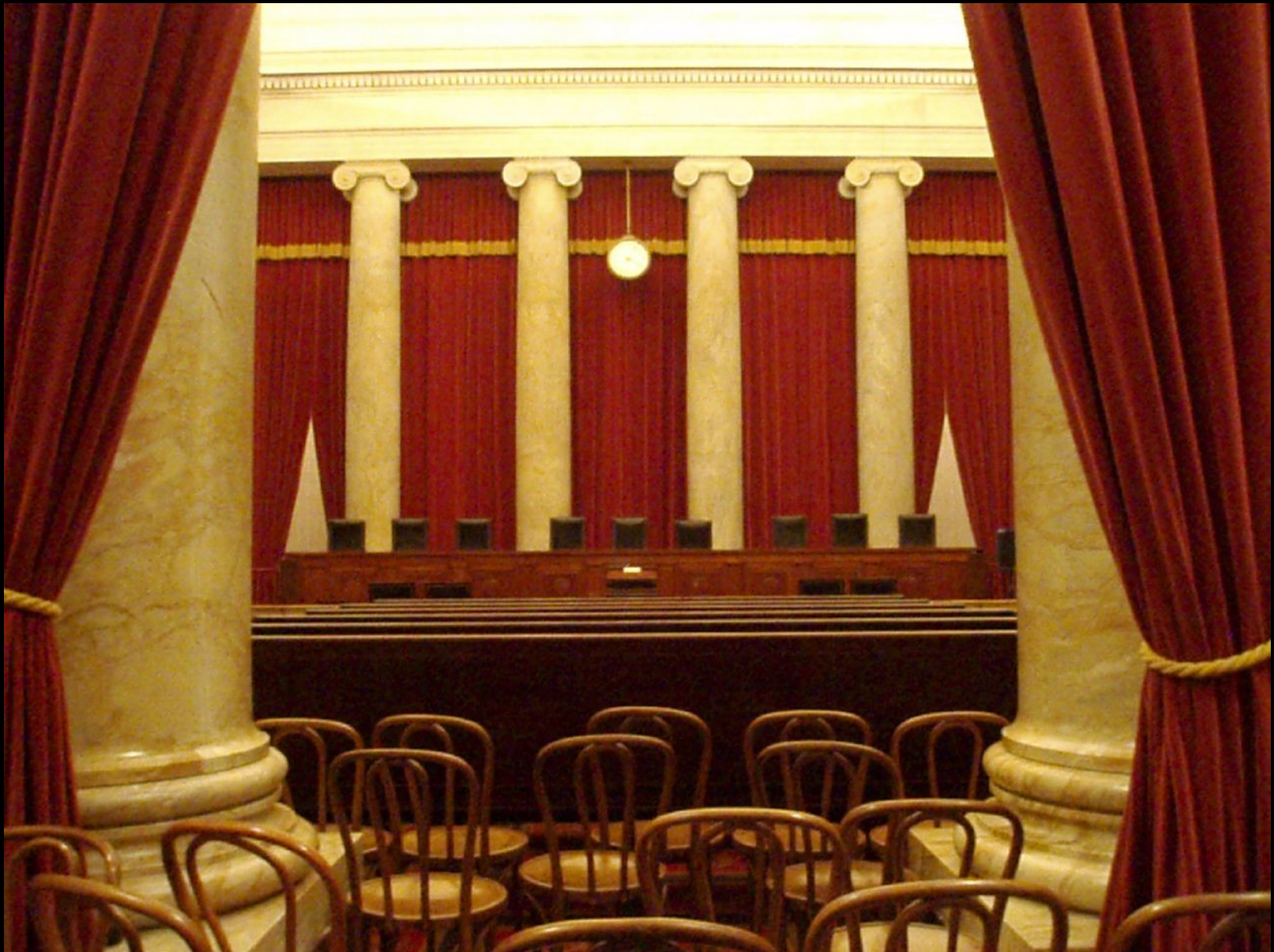
INJUNCTIVE

Equitable Remedy to Stop Activity

WASHINGTON STATE SUPREME COURT



UNITED STATES SUPREME COURT



TORT DIFFERS FROM CONTRACT

THE LAW OF CONTRACT

PROTECTS INTENTIONS

ENFORCES PROMISES

DUTIES ARISE OUT OF AGREEMENT

THE LAW OF TORT

PROTECTS IMPORTANT PERSONAL INTERESTS

ENFORCES SOCIAL POLICY

DUTIES ARISE OUT OF COMMON LAW

TORT & CONTRACT DO OVERLAP

SO-CALLED "CONTORTS"

TORT DIFFERS FROM CRIMINAL LAW

CRIMINAL LAW

FOCUSES ON THE MIND & ACT OF ACCUSED
FUNCTION IS TO PUNISH & DETER
B OF P = BEYOND REASONABLE DOUBT
PLAINTIFF IS STATE, i.e., GOVERNMENT

TORT LAW

FOCUSES ON INJURY TO PLAINTIFF
FUNCTION IS TO COMPENSATE INJURED PARTY
B OF P = PREPONDERANCE OF EVIDENCE (51%)
PLAINTIFF IS THE INJURED PARTY