

Business Law
Module 3 [Strict Liability, Negligent and Intentional Torts]

The Module systemizes the knowledge of the basic notions of tort law, including, inter alia, strict liability torts, intentional torts and negligence. Having dwelled on the typology of the major torts and its elements, more detailed inquiry concerns the cases of defamation via different medias, cyber torts, recreational tort, sport torts, as well as assessment of an obligation to rescue (“duty to act”) in different legal systems. While the discussion mostly dwells on arguably more elaborated Common Law tort notions, treatment of the same in the European law context is also briefly addressed.

To know:

Torts – the basics
Tort/ Crimes – basic comparison
Strict Liability Torts
Strict Liability Torts – basic types
Strict Liability Torts - defenses
Intentional Torts – Types/ elements of each
Defamation
Disparagement
Libel
Slander
Publication (for defamation purposes)
Privileged communications (in relation to publication)
Exceptions to defamation
Invasion of privacy and its types
False imprisonment
Intentional infliction of emotional distress
Contract interference
Trespass
Nuisance
Battery
Assault
Negligence
Duty of care
Breach of duty
Causation [in fact]
Proximate cause
Injury/ Damages
Assumption of risk
Comparative negligence
Contributory negligence
Good Samaritan
Duty to act/ help in different legal systems
Negligence of minors

General Reference Materials:

Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.:

<http://thelawdictionary.org/#ixzz2dKQavCad> (

Articles, Book Chapters, Other Overviews and Summaries

Torts v. Crimes (handout)

Torts – Elements (handout)

Torts (reading) (handout)

Epstein, Adam, Teaching Torts with Sports, Journal of Legal Studies Education, Vol. 28, No. 1, pp. 117-142, 2011 . Available at SSRN: <http://ssrn.com/abstract=1681101>

Lieghton, John, Resort Torts: Vacation, Resort and Recreational Liability Seminar Materials, <http://www.jdsupra.com/legalnews/resort-torts-vacation-resort-and-recre-95822/>

Rubinstein, Mitchell H, A Peak at New York Defamation Law, <http://www.nysba.org/AM/Template.cfm?Section=Home&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=44571>

Scordato, Marin Roger, Understanding the Absence of a Duty to Reasonably Rescue in American Tort Law. Tulane Law Review, Vol. 82, No. 4, 2008; CUA Columbus School of Law Legal Studies Research Paper No. 2008-27. Available at SSRN: <http://ssrn.com/abstract=1139243>

Snow, Ned, Accessing the Internet Through the Neighbor's Wireless Internet Connection: Physical Trespass in Virtual Reality. Nebraska Law Review, Vol. 84, p. 1226-65, 2006. Available at SSRN: <http://ssrn.com/abstract=907842>

Wagner, Gerhard, Strict Liability in European Private Law, HANDBOOK OF EUROPEAN PRIVATE LAW, Jürgen Basedow, Klaus J. Hopt and Reinhard Zimmermann, eds., Forthcoming. Available at SSRN: <http://ssrn.com/abstract=1766112>

Werro, Franz, Liability for Harm Caused by Things. Centre for the Study of European Contract Law Working Paper. Available at SSRN: <http://ssrn.com/abstract=1639357> or <http://dx.doi.org/10.2139/ssrn.1639357>

Wotherspoon, David and Taylor, Lindsay, Internet Defamation & the Defence of Responsible Journalism: Protecting Professionals and Amateurs Alike?, http://www.fasken.com/files/Publication/27583d1d-fc62-4fdd-83b8-cac552fe0d20/Presentation/PublicationAttachment/578a1e19-d025-4ca1-aa1d-ccc9e02b325e/DM_VAN-%237205834-v7-Internet_Defamation_Paper.pdf

Web resources:

Online defamation in Sweden and Canada: <http://globalnews.ca/news/674540/online-defamation-cases-often-unrealistic-for-canadians-expert/>

Strict liability – liability of operators of motor vehicles:
http://www.youtube.com/watch?v=4_Bq1vxCUvo

Strict liability – product liability:

<http://www.youtube.com/watch?v=NrGL2sjbzLI>

McDonald's Coffee Case:

<http://www.youtube.com/watch?v=xuMfM2UARf8>

Cat in a Microwave Law Suit:

<http://www.youtube.com/watch?v=QMH8Tof69SE>

Popcorn Lung Law Suit:

<http://www.youtube.com/watch?v=VVdnPmj99OI>

Shimpanzee Bite Law Suit:

<http://www.youtube.com/watch?v=Jf5KSLf9XZs>

Intentional torts:

<http://www.youtube.com/watch?v=zdodCiTM5ww>

Defenses to intentional torts:

<http://www.youtube.com/watch?v=c7HKS1WHcM0>

Defamation:

<http://www.youtube.com/watch?v=BkGRCzS0yXY>

False Imprisonment:

<http://www.youtube.com/watch?v=f49fgEqWwRA>

<http://www.youtube.com/watch?v=DLYJ-Ev94iU>

Contract interference:

<http://www.youtube.com/watch?v=OMHbVwZzLSE>