

I. Battery

1. Intentional Tort of Battery

1. Vosburg – A defendant in an action for battery is liable for damages arising from unforeseen injuries.
 - a. The intention to do harm is the essence of the wrongful act. The wrongdoer is liable for all injuries resulting directly from the wrongful act whether or not they were foreseeable. Vosburg must show either that the intention was unlawful or that Putney is at fault. If the act is unlawful, the intention is unlawful. The court ruled that in this case the act was unlawful since it took place during class rather than on the playground and Putney was liable for all personal injuries sustained as a consequence of his wrongful act.
 2. Garratt – In regards to the intentional tort of battery, the element of intent is satisfied if the defendant knows with a substantial certainty that his act will result in a harmful or offensive contact.
 - a. A five year old child can be liable for an intentional tort.
 3. Mohr – When a doctor obtains a patient's specific consent for a particular operation he may not perform another operation on the patient without her consent. A patient's consent is implied when an emergency situation arises. However, this does not allow the doctor a free license to attempt to remedy all problems found that are not life threatening. The court held that in this case, there was no evidence that the condition of the plaintiff's left ear presented a serious or life threatening situation.
 - a. Even though there was no showing that he had a wrongful intent or that he had been negligent, Williams was still liable for battery. The court held that it was not relevant that the operation was successful.
 - b. Regarding damages, the court held that damages would depend on the character and nature of the injury inflicted and that the beneficial nature of the operation and Williams's good faith must also be taken into consideration.
- ii. Burden of proof is on the plaintiff, as if to say, the plaintiff says "I was shorted by this situation, please help me to deal with this by re-dealing the chips, so that I may be compensated for the short hand I was given"
2. Battery – a tort intended to protect people's bodily integrity from unlawful or unauthorized touching. "Every person has a right to complete immunity of his person from physical interference of others..."
 - i. Act
 1. Must be violational (not reflexive, like leg kicking after being tapped on the knee)
 2. Contact – a battery always involves touching or contact

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Scholars of Tort Law James Goudkamp, Donal Nolan, 2019-10-03 The publication of *Scholars of Tort Law* marks the beginning of a long overdue rebalancing of private law scholarship. Instead of concentrating on judicial decisions and academic commentary only for what that commentary says about judicial decisions, the book explores the contributions of scholars of tort law in their own right. The work of a selection of leading scholars of tort law from across the common law world, ranging from Thomas Cooley (1824-1898) to Patrick Atiyah (1931-2018), is addressed by eminent current scholars in the field. The focus of the contributions is on the nature of the work produced by each of the scholars in question, important influences on their work, and the influence which that work in turn had on thinking about tort law. The process of subjecting tort law scholarship to sustained analysis provides new insights into the intellectual development of tort law and reveals the important role played by scholars in that development. By focusing on the work of influential tort scholars, the book serves to emphasise the importance of legal scholarship to the development of the common law more generally. *Torts*, 1997

Tort Law Kirsty Horsey, Erika Rackley, 2021 This is an ideal main text for undergraduate tort law courses. The authors combine a lively, engaging writing style with a critical approach to the subject. It uses pedagogical features such as counterpoint and pause for reflection boxes to encourage students to think more deeply. **American Law School Review**, 1930 **Torts and Retorts**, 1972 **Tort Law Concentrate** Carol Brennan, 2019-08-08 The *Tort Law Concentrate* is written and designed to help you succeed. Written by experts and covering all key topics, the *Concentrate* guides help focus your revision and maximise your exam performance. Each guide includes revision tips, advice on how to achieve extra marks, and a thorough and focused breakdown of the key topics and cases. Revision guides you can rely on, trusted by lecturers and loved by students. I have always used OUP revision and Q & A books and genuinely believe they have helped me get better grades. Anthony Poole, law student, Swansea University. The detail in this revision textbook is phenomenal and is just what is needed to push your exam preparation to the next level. Stephanie Lomas, law student, University of Central Lancashire. It is a little more in depth than other revision guides and also has clear diagrams and teaches ways to obtain extra marks. These features make it unique. Godwin Tan, law student, University College London. The *Concentrate* revision guides stand out against other revision guides. Renae Haynes Williams, law student, Bangor University. The exam-style questions are brilliant and the series is very detailed, prepares you well. Frances Easton, law student, University of Birmingham. The accompanying website for *Concentrate* is the most impressive I've come across. Alice Munnely, law student, Kings College London. It is a fantastic book. It covers absolutely all topics you need for the course. Emma McGeorge, law student, Strathclyde University. *Harvard Law Review*, 1924 **The American Digest Annotated, Key-number Series**, 1912 *The Dalhousie Review* Herbert Leslie Stewart, 1963 **The Northeastern Reporter**, 1925 Includes the decisions of the Supreme Courts of Massachusetts, Ohio, Indiana, and Illinois, and the Court of Appeals of New York. May/July 1891, Mar/Apr 1936, Appellate Court of Indiana, Dec 1926, Feb

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