

**INTENTIONAL TORTS**

**BATTERY:** P must show 1) a harmful or offensive contact, 2) to P's person, 3) D's intent, and 4) causation.

**ASSAULT:** P must show 1) an act by the D which causes reasonable apprehension in P, 2) of immediate harmful or offensive contact to P's person, 3) D's intent, and 4) causation.

**FALSE IMPRISONMENT:** P must show 1) an act or omission by D that confines or restrains P, 2) to a bounded area, 3) D's intent, and 4) causation. NOTE: P must be aware or harmed by confinement.

**INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS:** P must show 1) extreme and outrageous conduct by D, 2) intent or recklessness, 3) causation, and 4) damages in the form of severe emotional distress.

**BYSTANDER BIED:** P must show 1) P present when injury occurred, 2) P is a close relative to V, and 3) D knew P was present and a close relative.

**TRESPASS TO LAND:** P must show 1) a physical invasion of P's real property, 2) intent, and 3) causation. NOTE: Negligent or reckless entries are only subject to liability if D causes harm to land.

**TRESPASS TO CHATTEL:** P must show 1) an act by D that interferes with P's right of possession in chattel, 2) intent, 3) causation, and 4) damages.

**CONVERSION:** P must show 1) an act by D that interferes with P's right of possession of chattel, 2) which is so serious that D must pay for chattel's full value, 3) intent, and 4) causation. NOTE: even a BFP of chattel may be guilty when chattel has been stolen from its true owner.

**DEFENSES TO INTENTIONAL TORTS**

**CONSENT:** Req's legal capacity. Express or implied (Apparent - common understanding, custom and usage *or* D's reasonable interpretation of P's objective conduct, Implied by law where necessary to save life).

**SELF DEFENSE AND DEFENSE OF OTHERS:** invasion is imminent or in progress, reasonable mistake does not negate, may use only proportionate force.

**FALSE ARRESTS:**

Felony Arrest w/o Warrant – Police → reasonable grounds to believe felony was committed and arrested person committed it, Private → felony was actually committed and private person had reasonable grounds to believe person committed it.

Misdemeanors Arrest w/o Warrant – Police and Private → breach of the peace and committed in presence of arrestee.

Crime Prevention w/o Warrant – Police and Private → if felony or breach of the peace is in progress, or reasonably appears to be. *Deadly force* only allowable if felony and suspect poses serious harm.

**DEFENSE OF PROPERTY:** Must ask to desist, no deadly force allowed.

Re-entry on land: wrongdoer → reasonable time and manner, innocent party → reasonable time and peaceful manner with notice, on land through owner's fault → no privilege.

Re-capture of chattel: force only if in hot pursuit. May only recapture from tortfeasor or third party with knowledge of wrongful taking.

Shopkeepers privilege: shopkeeper may detain for reasonable time and manner if reasonably believes person committed theft in order to conduct an investigation.

Public necessity: protect community as a whole, absolute defense for trespass and damages.

Private Necessity: protect own interest only if emergency is not of his own making, only defense for trespass, e.g. D still liable for actual harm.

**DEFAMATION**

**DEFAMATION:** To prove a prima facie case for common law defamation, the P must show:

- 1) defamatory language,
- 2) of or concerning P,
- 3) publication by D to a third person; and
- 4) damages, possibly. If libel or slander per se, then damages are presumed. If any other slander, damages must be proven with some showing of economic harm.

In addition, if this is a matter of public concern (constitutional defamation), P must also prove 1) falsity of the statement, and 2) fault on D's part.

If the P is a **public figure**, she must prove malice (e.g. D knowing of the falsity or acting in reckless disregard), in which case damages are presumed.

If P is a **private figure**, she must only prove negligence, in which case she must prove damages, or demonstrate malice, in which case damages are presumed.

**DEFENSES TO DEFAMATION**

**CONSENT** (*supra*). **TRUTH. PRIVILEGE:** Absolute – spouses (no publication), officer of gov't in course of official duties.

Qualified privilege – public interest in promoting candor. Speaker must have a reasonable belief that info is true *and* speech confined to matter at hand.

**INVASION OF RIGHT TO PRIVACY**

**APPROPRIATION OF P'S PICTURE OR NAME:** P must establish an unauthorized use of P's picture or name for D's commercial advantage, unless news worthy publication. Remedies → injunction, damages.

**INTRUSION:** P must show that D's act of prying or intruding into a private affair, in which P has a reasonable expectation of privacy, would be objectionable to a reasonable person.

**FALSE LIGHT:** P must show that D attributed to P certain views that he does not hold or actions that he did not take which would be objectionable to a reasonable person under the circumstances. In addition, there must be publication (must be widespread).

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**Legal & Law Enforcement Periodicals, a Directory** Oxbridge Communications, inc, Oxbridge Communications, Inc, 1981     **California Bar Journal** ,1995     **The National Corporation Reporter** ,1915     **The Chicago Legal News** ,1885     *The American Lawyer* ,1899     **ABA Journal** ,1958-04 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association

**The Law Times** ,1855     *English Mechanic and World of Science ...* ,1884     **Scientific American** ,1891 Monthly magazine devoted to topics of general scientific interest     English Mechanics and the World of Science ,1884     The Chicago Legal News Myra Bradwell,1872     *Weekly Law Digest* ,1985     **Mekeel's Weekly Stamp News** I. A. Mekeel, Charles Esterly Severn, Stephen B. Hopkins, 1924     **A Dictionary of Commerce and Commercial Navigation** John Ramsay MacCulloch, 1832     American Book Publishing Record Cumulative, 1950-1977 R.R. Bowker Company. Department of Bibliography, 1978     *The Serials Directory* ,1987     *Ulrich's International Periodicals Directory* Carolyn Farquhar Ulrich, 1980 Contains essential bibliographic and access information on serials published throughout the world

**California Law Business** ,1993-04     *The Journal of the Kansas Bar Association* Kansas Bar Association, 1990  
Environmental and Toxic Tort Matters ,1996

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In an electronic era where connections and knowledge reign supreme, the enchanting power of language has are more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**One Page Ca Bar Cheat Sheets Torts**," written by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound affect our existence. Throughout this critique, we will delve in to the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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