

# Chapter 3 Tort Law

## Section 3.1 Definition of a Tort



### Note Taking

**Directions** As you read, write notes, facts, and main ideas in the Note Taking column. Write key words and short phrases in the Cues column. Then summarize the section in the Summary box.

Cues	Note Taking
<ul style="list-style-type: none"> <li>Victim/innocent party/ person injured: plaintiff</li> </ul>	<p><b>TORT LAW</b></p> <ul style="list-style-type: none"> <li>A tort is a wrong committed against a person or property.</li> </ul>
<p style="text-align: center;"><b>Summary</b></p> <p>A tort is different from a crime.</p>	

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# Chapter 3 Tort Law

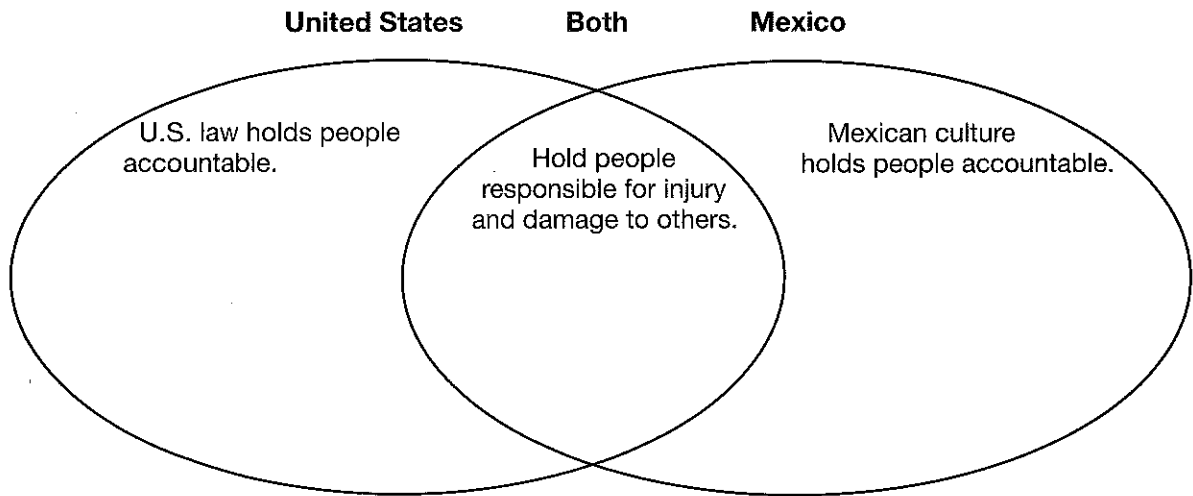
## Section 3.1 Definition of a Tort



### Reading Comprehension

#### Compare and Contrast

**Directions** Tort law in the United States has similarities to and differences from tort law in Mexico. In the Venn diagram below, list what is similar, what is different, and what is found in both countries.



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## Section 3.1 Definition of a Tort

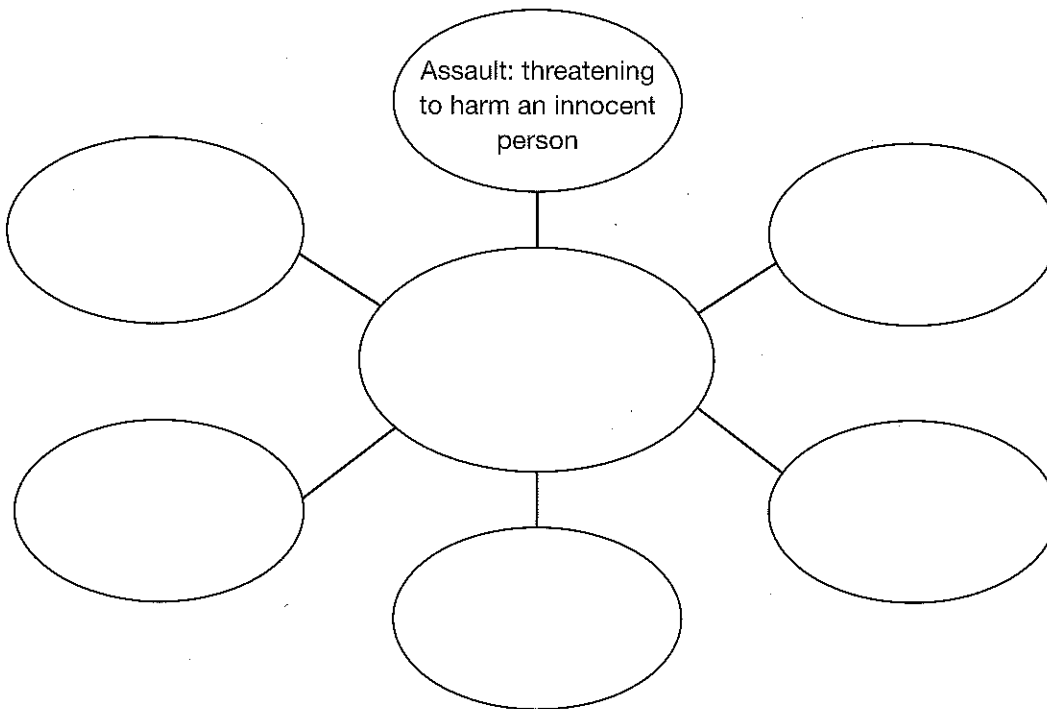


### Study Skills Mind Maps

**Directions** Use the tips below to help improve your reading comprehension. Then complete the mind map that follows.

MIND MAPS
<p>Mind maps are a good way to organize related pieces of information. In the center circle, write the main idea of the passage. In the outer circles, write details that support or explain the main idea. Follow these steps:</p> <ol style="list-style-type: none"> <li>1. Skim the passage and look for the most important idea.</li> <li>2. Write a word or phrase about the main idea in the center circle.</li> <li>3. Skim the passage again and look for concepts and details that support the main idea.</li> <li>4. Write these concepts or details in the outer circles.</li> <li>5. Carefully read the passage.</li> <li>6. Revise your mind map by adding clarity and details. Add more spokes and circles if necessary.</li> </ol>

### INTERNATIONAL TORTS AGAINST PERSONS



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## Chapter 3 Tort Law

### Section 3.1 Definition of a Tort



#### Test Taking Managing Stress

**Directions** Read the box below. Then answer the questions that follow by circling the letter of the correct answer.

#### MANAGING STRESS

Most students experience some kind of stress during tests. The stress you experience can have real physical manifestations. Depending on the severity, you may sweat, breathe harder, feel confused, or be unable to concentrate.

Stress is a natural reaction and can be properly managed. In fact, stress can actually help you do better. A key to managing stress is to focus and answer one question at a time. If you find your mind wandering, focus by looking up, breathing deeply, and then refocusing on the task at hand.

### Chapter 3

- The purpose of tort law is to
  - protect society from criminals.
  - limit the rights of criminals.
  - compensate the victim.
  - interfere with a person's rights.
- Which of the following is not a tort against a person?
  - assault
  - nuisance
  - defamation
  - invasion of privacy
- Which of the following is not a tort against property?
  - nuisance
  - conversion
  - trespass
  - invasion of privacy
- Lying about another person to hurt the person's reputation is called
  - defamation
  - emotional distress
  - nuisance
  - invasion of privacy
- Interfering with a person's right to personal property is called
  - defamation.
  - conversion.
  - trespass.
  - invasion of privacy.
- Interfering with the right of a person to move around freely is called
  - invasion of privacy.
  - conversion.
  - trespass.
  - false imprisonment.

# Chapter 3 Tort Law

## Section 3.2 Negligence and Liability



### Note Taking

**Directions** As you read, write notes, facts, and main ideas in the Note Taking column. Write key words and short phrases in the Cues column. Then summarize the section in the Summary box.

Cues	Note Taking
<ul style="list-style-type: none"> <li>Duty of care: obligation to use reasonable care</li> </ul>	<p><b>NEGLIGENCE</b></p> <ul style="list-style-type: none"> <li>Negligence: accidental tort resulting when one person carelessly injures another</li> <li>Elements of negligence: duty of care owed, duty breached by being careless, carelessness as proximate cause of harm, plaintiff hurt by carelessness</li> <li>Defenses to negligence:</li> </ul> <p><b>STRICT LIABILITY</b></p> <ul style="list-style-type: none"> <li>Some activities are so dangerous, liability always follows any injury from them.</li> </ul>
<p style="text-align: center;"><b>Summary</b></p> <p>Negligence occurs when one person carelessly injures another.</p>	

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# Chapter 3 Tort Law

## Section 3.2 Negligence and Liability



**Social Studies**  
**Analytical Skills**

**Directions** Read the chart below. Then read the case studies that follow. In each case study, the tort suit was not successful. Write the reason why on the lines provided.

Element of Negligence	Definition
Duty of care	Obligation to use reasonable care
Breach of duty	Failure to use reasonable care
Proximate cause	Link between negligent conduct and injury strong enough to be recognized by law
Actual harm	Victim must have suffered injury, property loss, loss of money
Defense Against Negligence	Definition
Contributory negligence	Victim did something to help cause the injury
Comparative negligence	Carelessness of both parties weighed against each other
Assumption of risk	Plaintiff knew the risk but took the chance of being injured

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1. A construction company dug a hole to repair a leak in a sewer line. The company posted warning signs and roped off the area with orange cones and yellow tape. A man walking through the area twisted his ankle severely when he stepped on a rock. He had to pay for his medical care and lost several days of work. The man sued the construction company for negligence.

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2. A woman went bungee jumping for the first time. She was told it was dangerous but could be done successfully by following the safety rules and procedures. She paid the fee and received instructions on how to safely perform the sport. The elastic bungee cord was attached to her and she jumped. At the bottom, the cord pulled her back up into the air. This caused her head to snap back, injuring her neck. She sued for negligence.

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# Chapter 3 Tort Law

## Section 3.2 Negligence and Liability



### Study Skills

#### Preparing a Place to Study

**Directions** Read the tips below. Then answer the questions that follow by making a check mark (✓) for each “yes” answer. If you cannot answer “yes” to each question, you may need to improve your study area.

STUDY PLACE TIPS
<ul style="list-style-type: none"> <li>• Create a place where you can be alone.</li> <li>• Ask family members to leave you alone during your study time.</li> <li>• Make sure your study place is quiet.</li> <li>• Put all your study materials in your study place.</li> <li>• Add a desk or tabletop to your study place.</li> <li>• Make storage space for your books and materials.</li> <li>• Make sure your study place is well lit.</li> <li>• Make sure your study place is a comfortable temperature.</li> </ul>

Question	Yes!
Can I be alone in my study place whenever I need to study?	
Do people respect my study time and leave me alone?	
Is my study place quiet?	
Are all my study materials in my study place?	
Is there a desk or tabletop I can use in my study place?	
Is there storage space for my books and materials in my study place?	
Is my study place well lit?	
Is the temperature comfortable in my study place?	

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How can I make my study place better so that I can study business and personal law?

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## Chapter 3 Tort Law

### Section 3.2 Negligence and Liability



#### Test Taking True/False Tests

**Directions** Read the tips below. Then answer the questions that follow by circling *T* for true or *F* for false.

#### TRUE/FALSE TEST TIPS

- In order for an answer to be true, every part of the sentence must be true. Even if there are true statements in the sentence, if any part is false, the answer cannot be true.
- If a statement contains negative words such as *no*, *not*, or *cannot*, drop the negative word and read the sentence again. If the sentence is then true, the answer is false.
- Sentences with words such as *sometimes*, *often*, *frequently*, *ordinarily*, and *generally* are often true. These words make a statement more likely to reflect something true.
- Absolute words such as *no*, *never*, *none*, *always*, *every*, and *only* usually indicate that every part of the sentence must be completely true. Often, sentences with these words are false.

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| 1. Negligence is always a crime. It results when one person carelessly injures another.  | T F |
| 2. Negligence is being less careful than a reasonable person should be in the same situation.  | T F |
| 3. The law of torts is never grounded in the concept of a person's rights.   | T F |
| 4. The reasonable person test is an objective test. It always changes because the injured party changes.   | T F |
| 5. If a victim was not actually harmed, there can be negligence.   | T F |
| 6. Strict liability is a legal doctrine that says that some activities are so dangerous that liability will always follow any injury that results from those activities. | T F |
| 7. When people are injured by defective products, fault always matters.  | T F |
| 8. Product liability has no limits.  | T F |



## Chapter 3 Tort Law

### Chapter Content Vocabulary



#### English Language Arts Definitions

**Directions** Match each word or phrase with its definition. Write the letter on the line next to the matching definition.

- a. tort
- b. tortfeasor
- c. intentional tort
- d. negligence
- e. proximate cause
- f. contributory negligence
- g. comparative negligence
- h. assumption of risk
- i. strict liability

1. \_\_\_\_\_ A person who commits a tort
2. \_\_\_\_\_ Actions that hurt, embarrass, or scare other people
3. \_\_\_\_\_ A legal doctrine that says some activities are so dangerous that liability will always follow any injury that results from those activities
4. \_\_\_\_\_ A link between negligent conduct and injury strong enough to be recognized by law
5. \_\_\_\_\_ A tort that results when one person carelessly injures another
6. \_\_\_\_\_ A defense against negligence when the defense can show the victim contributed to the cause of the injury
7. \_\_\_\_\_ A wrong committed by one person against another
8. \_\_\_\_\_ A defense against negligence when the carelessness of each party is compared to the other's
9. \_\_\_\_\_ A defense against negligence raised when the plaintiff knew of the risk involved and still took the chance of being injured

## Chapter 3 Tort Law

### Chapter Academic Vocabulary



#### English Language Arts Reading Skills

**Directions** Complete each sentence by writing the letter of the word that correctly completes the sentence.

- a. compensate
- b. distress
- c. confidential
- d. reasonable
- e. objective
- f. foreseeable

1. The reasonable person test is a(n) \_\_\_\_\_ test that does not change because the injured party changes.
2. The court could not determine whether the injury was \_\_\_\_\_ at the time of the negligent conduct.
3. Sometimes one person can cause great emotional or mental \_\_\_\_\_ to another person, even if there is no intent to physically hurt the other person.
4. The purpose of tort law is to \_\_\_\_\_ the victim for injuries caused by the tortfeasor.
5. Negligence is being less careful than a(n) \_\_\_\_\_ person should be in the same situation.
6. People who use \_\_\_\_\_ records have to be careful to protect the privacy of the people related to those records.