



# The Place of Torts and a Model Tort

Torts  
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# The Law

**There are three  
elemental claims in  
the law.**

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elemental claims in  
the law.**

**Every preschooler knows  
them ...**

You hurt me.  
You promised me.  
It's mine.

You hurt me. → torts  
You promised me. → contracts  
It's mine. → property

**There are, fundamentally, two things the courts can do about it.**

- The court can punish you.
- The court can make you make it up to the person wronged.

- The court can punish you.

→ criminal

- The court can make you make it up to the person wronged.

→ civil

- How the courts go about punishing you ...

→ criminal procedure

- How the courts go about punishing you ...  
→ criminal procedure
- How the courts go about making you make it up to the person wronged ...  
→ civil procedure

# A Model Tort

Let's see if we  
can build a  
tort from  
scratch ...

You hurt me.

You hurt me.

- Act
- Causation
- Damages
- Culpability

## You hurt me.

- Act
- Causation
- Damages
- Culpability

You wrongfully did something  
that caused me harm.

## You hurt me.

- Act
- Causation
- Damages
- Culpability



You wrongfully did something  
that caused me harm.



## You hurt me.

- Act
- Actual causation
- Proximate causation
- Damages
- Culpability

## You hurt me.

- Act
- Actual causation
- Proximate causation
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You wrongfully engaged in an act that actually caused me harm that is pretty directly connected to your action.

## You hurt me.

- Act
- Actual causation
- Direct

Keep in mind: This is not a real, legally recognized tort. (So don't use it on the exam!) It's a simplified or idealized model.

gratuitously engaged in an act  
that actually caused me harm  
that is pretty directly connected  
to your action.