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Intentional tort examples

A tort is a wrongful act in which harm or injury is caused to another person. The term “tort” covers a vast range of actions in tort law, and is divided into subcategories, which include “intentional tort.” Intentional tort occurs when a person intends to perform an action that causes harm to another. For intentional tort to be proven, it is not required for the person causing the harm to intentionally cause an actual injury, they must only intend to perform the act. For instance, if a person intentionally frightens a person with a bad heart, who then has a heart attack as a result of the action, it would be an intentional tort even though the person did not have the intention of causing the heart attack. To explore this concept, consider the following intentional tort definition.

NouA wrongful or unlawful act or infringement of rights which lead to civil legal liabilityA civil wrong that occurs when a person causes harm to another with knowledge that harm or injury can occur.

OriginLate 16th century Medieval Latin *tortum*Proving an intentional tort requires that the victim show the defendant acted with the specific intent to perform the act that caused the injuries or damage. The defendant does not necessarily have to know that injuries would occur as a result of the act, just that the act is subject to consequences. In order to successfully sue another person for intentional tort, certain elements must be in place.

Intent is defined as acting with purpose or having knowledge that the act in question can cause injury or harm to another person. If the element of intent is not in place, it can be referred to simply as a tort.

Acting requires the person to perform an act that results in harm or injury to another. Thinking about or planning to perform an act does not constitute acting.

This element requires the victim to prove that, without the defendant’s actions or “causes,” the injuries or damage would not have occurred.

Bob and the kick causes significant damage as Adam already suffers from a disability. John does not know that Adam suffers a disability, but he does know that kicking someone will cause discomfort. This constitutes intentional tort since John “intended” to kick Adam knowing the “act” could cause harm. If John had not kicked Adam, the “actual cause” of the injury would not have occurred.

Bob and Rick get into an argument and Bob punches Rick in the face, breaking his nose. Bob feels guilty because, even though he was mad and intended to hit Rick, he did not intend to break his nose. Rick sues Bob for medical expenses related to the injury and wins the suit. The judge rules that, even though Bob did not intend to break Rick’s nose, he did intend to hit him and he had the knowledge that hitting another person could cause injury.

There are many types of intentional tort with the most common being:

Conversion – the act of someone taking another person’s property and converting it to his own use. This is also known as “stealing” in many jurisdictions.

Trespassing – the act of using or occupying another person’s real property without permission.

Battery – the illegal act of harmful or offensive contact with another person’s body. The word comes from the term “to batter” and it covers an array of activities including firing a gun at someone or using the hands to cause harm to another person.

Assault – an intentional act creating in another person apprehension or fear of being harmed. Assault is carried out by threat of causing bodily harm, together with the victim’s perception that the aggressor has the ability to cause harm.

Intentional Emotional Distress – the act of causing mental anguish to another person through outrageous conduct, injury, or other harm.

False Imprisonment – act of holding someone against their will without legal authority. According to the law, a citizen is not allowed to restrict the movement of another person without his consent. Business owners can, however, detain people suspected of shoplifting.

Fraud – the act of intentionally deceiving a person or entity for the purpose of monetary gain.

Many intentional torts are classified as both criminal and civil acts. An intentional tort which is the subject of criminal prosecution often results in a civil suit between the parties. If the defendant in the civil lawsuit loses, he may be ordered to pay the injured party monetary damages. Unlike the civil cases brought for intentional tort, the prosecution for the criminal act does not focus on monetary reimbursement to the victim, but rather protecting the public and punishing the guilty party.

Some crimes fall under both categories of tort law. Battery is just one instance an intentional tort that is also a crime. In this case, the injured party may choose to file a civil lawsuit seeking damages from the defendant, whether or not the accused person has been found guilty in criminal court.

Intentional tort requires the person who committed the act to do so deliberately. This sets it apart from other torts, including negligence. Negligence is defined as the failure to use proper care, which results in damage or injury to another. For instance, when two people are in a car accident, it is typically considered negligence since the offending driver failed to use proper care when operating his vehicle. On the other hand, if the accident occurred and the offending driver intended to crash into another vehicle, it would be an intentional tort.

Courts around the United States hear intentional tort cases on a daily basis; some, however, have help set standards for future legal decisions.

In 1955, a young boy named Brian pulled a chair from underneath Ruth Garrett as she went to sit down. As a result of Brian’s chair-pulling, Ruth fell and broke her hip. Ruth filed a lawsuit against Brian’s family stating that he had acted intentionally, causing her personal injury. The court determined that, even though Brian did not intend to cause an injury, the act did result in the broken hip, and awarded Ruth \$11,000 dollars in damages. Brian’s family appealed on the basis that 5 year-old children cannot be liable for intentional tort. The court ruled that children can indeed be held liable and that the element of intent is in place if the person knew with certainty that the act carried a risk of injury.

Helen Everly, a resident at the Beatrice Hover Personal Care Center, suffered from Alzheimer’s disease. During her time at the facility, Helen struck a personal caregiver named Sherry Muniz. As a result of the attack, Muniz brought a lawsuit against Everly’s granddaughter, Barbara White. The jury in the case found White not guilty, as Everly could not intend to injure the caregiver due to her mental incapacity.

While mental illness does not constitute a defense against an intentional tort, it is often considered in court if the illness in question prevented the defendant from knowing with certainty that the act would result in injury.

In 1976, Howard Bettel and some friends entered Ki Yim’s store. After the boys began acting outrageously, an employee asked them to leave. Instead of immediately leaving the property, the boys went to the front of the store and began throwing wooden matches on the sidewalk. One of the matches ignited and caused a small fire inside the store. The employee and the owner of the store put out the fire and Yim grabbed Bettel with both hands to restrain him. While grabbing Bettel, Yim’s forehead hit him in the face causing severe injuries to his nose. Bettel filed a suit against Yim asking for damages due to the assault. Bettel’s father also sued for over \$1,000 for medical expenses. The judge hearing the case ruled in favor of Bettel, stating that the act fell under the premise of battery. Though Yim did not intend to hit Bettel in the nose, he had knowledge that his actions could cause harm. Bettel was awarded \$5,000 and his father was awarded the amount needed to cover medical expenses.

In 2012, Bruce Houdek showed up for work at ThyssenKrupp’s warehouse after being assigned to light merchandise from the shelf and the sideloader hit Houdek, pinning him down and breaking his leg. Houdek sued ThyssenKrupp claiming intentional tort, but the judge ruled in favor of the plaintiff stating there was no evidence that the employer intended or had foreseen an injury taking place.

Attempted Battery – a threat or physical act by a person with the intention of causing harm.

Defendant – a person accused of a crime or against whom a civil lawsuit is filed.

Mental Anguish – negative feelings including fright, depression, anxiety, and panic. Suffering from a mental illness such as depression can also fall under the definition of mental anguish.

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What is a tort? A tort occurs when one party harms and causes damage to another party. It is a civil wrong that involves the law determining liability and the damages associated with it. There are three categories of torts under tort law: Negligent torts Intentional torts Strict liability torts

In this article, we’ll be discussing intentional torts. You’ll understand what the intentional tort definition is, intentional tort examples, and types of intentional torts. What is an Intentional Tort One way to define an intentional tort is when a person commits an act with the intent of harming or causing damage to another person. This type of tort differentiates itself from the other two – negligent and strict liability torts – primarily by the mindset or intent of the wrongdoer. In a negligent tort, the person committing the tort did not intend to inflict harm. A strict liability tort means the person is liable, regardless of intent or precautions taken. Types of Intentional Torts Below is a general list of intentional torts: Battery or assault: Battery is when someone causes harm to another through physical contact (i.e. punching someone in the face). An assault occurs when someone threatens to cause harmful contact (i.e. points a gun towards someone). Present in both cases is the intent to cause harm. False imprisonment: When a person with no legal authority restricts another individual from moving freely without their consent. The wrongdoer can restrict movement through physical means, threats, or abuse of authority. Intentional infliction of emotional distress: This type of intentional tort occurs when an individual suffers emotional distress due to an intentional or reckless act from another party. Trespassing: Two forms of trespass exist: trespass to land and trespass to chattels. Trespass to land is an intentional act of entry or usage of another individual’s property. Trespass to chattels involves the unlawful interference with another person’s personal possession (i.e. car, animal, computer, instrument, etc.). Fraud: Fraud is the intentional act of deceiving another person to harm them or for personal gain. Conversion: Conversion involves the unlawful act of taking another individual’s personal property, depriving the owner from their right to use it. For example, if a thief steals your bike, dismantles it, and sells its parts, rendering you unable to enjoy it, the intentional tort of conversion took place. Crimes vs. Intentional Torts In some cases, an act of intentional tort could also be charged as a criminal offense. A good example would be the act of battery. Which of the following is an intentional tort vs. crime? Let’s say Person A physically attacked and robbed Person B in an alleyway. As a result, Person B lost her valuables and sustained serious injuries. Because battery is a criminal offense, the state attorney will charge and prosecute Person A. If found guilty, Person A could hold a criminal record, owe monetary fines, or face incarceration. At the same time, Person B could file a separate civil lawsuit against Person A. This lawsuit is brought upon by one private citizen against another. The aim of the lawsuit is so that Person B can seek compensation for the damages inflicted by Person A. Differences between criminal cases vs civil cases While there is overlap, criminal cases and civil cases (i.e. intentional torts) are quite different. Criminal cases involve an offense against the state or against society. Sentencing is therefore meant to punish the wrongdoer through fines or prison time. In contrast, civil suits involve an offense against another individual or private party. The primary goal of civil cases is to compensate the victim or to ‘make them whole.’ Additionally, the standard of proof for crimes vs. torts are also different. Criminal cases require the plaintiff to prove ‘beyond reasonable doubt’ – the highest standard of proof. Civil cases generally use ‘preponderance of evidence,’ or, more likely to be true than not true, which is a much lower burden of proof. Because of this difference in standard, it’s entirely possible for the defendant to be found not-guilty for criminal charges but yet still liable for damages in a civil suit. When Should You Contact an Intentional Torts Attorney You should contact an attorney when you suffered injuries or property damage due to an intentional tort. Unlike the other types of torts, an intentional tort requires you to prove intent (or, in some cases, ‘recklessness’). Proving intent can be a challenge in intentional tort cases. Often direct evidence through email conversations, text messages, or a video confessing the intent to commit a tort is rare. More often, you’ll need to use circumstantial evidence to prove intent. Circumstantial evidence is indirect evidence where you must utilize inference and reason to prove a fact. An intentional torts attorney will help you assess the evidence and provide you the best legal options. They’ll walk you through the whole civil lawsuit process and fight on your behalf, so you have the best chance for recovering your losses. Valiente Mott Valiente Mott represents personal injury victims in seeking the compensation they deserve. If you were injured in an incident caused by negligence or recklessness, contact us today! UC Las Vegas personal injury attorney experts offer a free consultation on your case, and you only pay if we win. Schmidt & Clark, LLP is not currently accepting these types of cases and has posted this content for information purposes only. We encourage you to seek a qualified attorney, if you feel you might have a case. Over the years, I have noticed that most civil lawsuits mainly result from “torts.” According to tort law, some torts can be intentional, while others could be negligent. As a personal injury lawyer, I have handled people accused of committing an intentional tort and individuals who have been personal injury victims of such offenses. In this article, I will explain everything you need to know about intentional torts to help you better understand the term. Based on how severe your offense is, you will be able to receive compensation from the person who committed the intentional act. Intentional torts are not as severe as criminal cases. Although there is some shared territory, criminal and intentional tort cases are different. What Is An Intentional Tort? An intentional tort is an unlawful act done on purpose rather than out of negligence [1]. The intentional act of harm can have serious, long-term consequences, such as bodily harm, infliction of emotional distress, real property damage, harmful contact, offensive contact, personal property loss, and other serious side effects. Negligence vs. Intent in Law The type of tort committed depends on the mindset of the person committing it. So, for example, in a vehicle accident, if two cars collide, and neither driver meant to hit the other vehicle, then it’s a case of simple negligence. However, if the person that hit you decided to crash into your car to cause you bodily harm, he has committed the intentional tort of battery. 7 Types of Common Intentional Torts There are many types of intentional torts; however, the following are the seven most common intentional torts in court: 1. Assault and Battery Assault is the legal term for when someone intentionally causes another person to fear harm. This kind of case focuses on the defendant’s actions’ impact on the plaintiff, like anxiety or emotional trauma. For example, being held at gunpoint is considered assault. A battery happens when someone causes harmful or offensive contact with another person by touching them against their will. For example, being punched in the face is considered battery. Related Article: UC Berkeley Harassment Lawsuit 2. False Imprisonment False imprisonment occurs when a person unlawfully confines another person without their consent or legal authority. False imprisonment can be physical or psychological, such as telling the victim they are not allowed to leave, or that law enforcement is on the way. 3. Fraud Fraud is an abstract term that is used to describe a wide range of scams, misrepresentations, and misstatements. “Deceit” is a more specialized form of fraud that is generally utilized to describe the intentional act of making a destructive lie or false statement to the plaintiff. 4. Intentional Infliction of Severe Emotional Distress Intentional infliction of emotional distress occurs when the defendant causes severe emotional distress to the plaintiff by engaging in outrageous or extreme behavior. Extreme or outrageous conduct is difficult to define, but it is generally considered to be beyond all bounds of decency and civilization. 5. Invasion of Privacy Invasion of privacy is the illegal intrusion into another person’s life without their consent. This can be done through various means, such as using a person’s picture or likeness without permission, breaking into their home, or listening in on conversations without their knowledge. 6. Trespassing Trespassing is when the defendant unlawfully enters the plaintiff’s land or interferes with the plaintiff’s property ownership. To be held liable, the plaintiff only needs to prove that the defendant intentionally committed actions that led to said injury. 7. Conversion In civil law, conversion is the equivalent of theft. When a person uses unlawful domination or control over another’s property without permission, it is known as a conversion. “The difference between negligent and intentional conduct can be subtle, but it’s also very important to both plaintiffs and defendants in intentional tort cases.” – David Goguen, Legal Attorney Intentional Tort Case vs. Criminal Case Although they sometimes overlap, criminal cases and intentional torts are different in some aspects. The Victim Intentional torts are when one person commits an intentional wrongful act towards another private citizen or private entity. However, criminal charges concern acts that violate the state or society. Punishment The punishment for an intentional tort is generally a monetary damages award. The plaintiff usually sues the defendant in civil court to receive this type of compensation. Criminal cases, on the other hand, are punitive. The government uses the offender, and if they are found guilty, they may face jail time or other penalties set by statute. The Burden of Proof Intentional torts only require a preponderance of the evidence, whereas criminal cases require guilt to be proven beyond a reasonable doubt. Sometimes intentional torts can get complicated. For example, a plaintiff may sue a defendant for assault and battery and file a claim for intentional infliction of emotional distress. Related Article: Tort vs Criminal Law Intentional Tort Elements A personal injury lawsuit or civil suit usually has a couple of key components that you can look for. In this case, an intentional tort occurs when these four elements are met: The first element is the defendant’s intention to commit damage, which means that the person must have deliberately caused harm to another person. The second element, causation of damages, can be a little more tricky. For the defendant to be found liable, the plaintiff must prove that the defendant’s actions were the cause of the damages. The third element is that the plaintiff has suffered because of the defendant’s actions. And finally, the fourth element, the availability of a civil remedy, means that a legal remedy in the form of compensation must be available to the plaintiff. If you think you may have a valid legal claim, you must speak with an experienced personal injury attorney or law firm to help determine your position. How Can You Recover After Suffering From an Intentional Tort? You can recover after suffering from an intentional tort by receiving compensation for damages. The compensations available include medical bills, lost wages, physical or emotional suffering, and other economic and non-economic damages. Based on years of experience, I must advise you that the money you may get for a civil wrong from the individual who committed the offense is determined by your losses. Sometimes, the judge or jury will award punitive damages if the defendant’s actions were extreme. These are meant to punish wrongdoers and hopefully prevent them from harming anyone in the future. What Should You Know When Going to Court With Your Claim? When going to court with your claim, you should know that the party claiming injury from an intentional tort must provide evidence, or a preponderance of evidence, to show that the defendant deliberately caused harm. The plaintiff must supply enough evidence to support the following claims: The defendant purposely intended to harm you. The incident caused your injuries. After that, the judge will see if the defendant is liable for not upholding a duty of care. However, usually, this varies depending on how intense the injury is and what happened. Related Articles: See all related sexual abuse lawsuits our lawyers have taken on. FAQs What Is the Most Common Form of an Intentional Tort? The most common form of an intentional tort is assault and battery because it only requires showing an intentional act and not necessarily an intention to harm. How Do You Prove an Intentional Tort? To prove an intentional tort, you must show that the defendant intended to harm you and that their actions were the cause of your damages. Is Intentional Tort a Crime? No, an intentional tort is not a crime. A crime is an act that is punishable by law, whereas an intentional tort is a civil wrong. However, some intentional torts, such as assault and battery, may also be crimes. What Are the Defenses to Intentional Torts? The defenses to intentional torts vary depending on the specific tort, but some common ones include consent, self-defense, and necessity. Do You Want To File an Intentional Tort Claim? If you’ve been a victim of an intentional tort, you may be able to seek compensation. Contact the Schmidt & Clark, LLP law firm and have a free consultation with a personal injury attorney to discuss any sensitive or confidential information and learn more about your legal options. Our firm’s personal injury attorneys can also establish an attorney-client relationship to represent you in court or in negotiations. References: If you are considering a career in law, then one area you may want to think about specializing in is tort law. A tort is when someone commits a wrongful action or violates someone else’s personal, property, or dignity rights, resulting in civil action against them. The purpose is to help the injured party regain some or all of the costs associated with what happened to them, as well as put liability onto the person who caused the injury. Learn more about torts, the types of torts, examples of them, and what to think about if you’re looking to start a tort lawyer career. The specifics of tort law can vary by state, so make sure to familiarize yourself with the state laws where you intend to practice as it could affect the outcome of your case and the monetary compensation that your client could receive. What is a Tort? A civil breach committed against someone resulting in legal action is known as a tort. In these cases, the injured party is eligible to sue for damages, or compensation, for what happened to them. This is often seen in personal injury cases, where the plaintiff in the claim sues the defendant for financial obligations related to their injuries, losses, and more. There are three basic types of torts: Intentional torts, where someone intentionally committed a wrong and caused an injury to someone else. Negligent torts, where someone violated a duty they owed to the person harmed, such as running a red light and causing an accident. Strict liability torts, where it does not matter whether there was intent or a duty breached; the defendant is liable because the matter is so important. Strict Liability typically applies to product liability. For example, if a defective product caused an injury, then the manufacturer or store that sold it could be held liable. Intentional Torts and Examples An intentional tort occurs when the defendant knowingly intended to cause harm to someone else. This can be in the form of physical harm as well as emotional distress. It can also apply when intentional property damage occurs. Examples of intentional torts include: Assault: In tort law, assault means that someone threatened or attempted to harm another person, but did not actually touch them. That’s the difference between assault and battery, which is defined below: assault can happen without touching anyone. Battery: While assault is a threat of violence, a battery occurs when someone follows through on that threat and physically contacts another person. The contact can be either harmful or offensive. Someone who commits battery can face both civil and criminal charges. For civil battery, three elements must be included – intent, contact, and harm, which can be emotional or physical in nature. False Imprisonment: If someone restricts another person’s ability to move freely, then that can be classified as false imprisonment. The plaintiff has to prove willful and unlawful detention without consent in order to have a claim. This can include hostage situations or if someone commits an invalid citizen’s arrest. False imprisonment can be physical (ie. use of restraints) or through unreasonable duress or coercion. Trespass to Land: This occurs when someone intentionally comes onto someone else’s property. It can even apply to children using a yard as a shortcut to a school. In these cases, the plaintiff must show that the trespass happened without their permission. Importantly, this does not apply to postal workers or police officers, as they have implied consent to be on a property. Frequently, the cases of trespass that are actually litigated involve damage to the property. However, if there is no damage and the plaintiff simply wants the trespassing to stop, the plaintiff can ask for an injunction. Conversion: Conversion occurs when someone wants to regain the value of a piece of property that was taken without their permission and can no longer be returned (for example, it is used up or something else happens to it in the process.) If the property is sold, damaged, altered, misused, or not returned, then there are grounds for a conversion tort. Note that conversion applies to physical, tangible property, such as a car, bicycle, or electronics, and can even apply to the gas in a lawnmower borrowed without permission by a neighbor. Intentional Infliction of Emotional Distress: This happens when the defendant acts outrageously and causes emotional distress. For example, threatening violence against someone or their loved ones, or leaving someone stranded in a dangerous place, causing them to experience severe distress, could constitute intentional infliction of emotional distress. Negligent Torts vs. Intentional Torts While some torts are intentional, many fall under the category of negligent instead. Instead of intentionally injuring someone, a negligent tort involves injuries caused by acts like distracted driving, failure to act, or careless actions where a person breaches a duty owed to another. In other words, the harm caused to another happened unintentionally, but in a situation where the law recognizes an obligation to make it right. Many personal injury cases fall under this category, such as car accidents, medical malpractice, slip and fall injuries, and more. In order to be eligible to claim damages from negligent torts, the plaintiff must demonstrate a violation of four elements of this tort, which are: Duty: The defendant has some kind of duty to another person. For example, someone driving a car has a duty to operate it properly. Breach of Duty: That duty was breached in some way. If one fails to operate their car properly and hits the plaintiff, then they have failed their duty. Causation: The plaintiff must show that the breach of duty directly caused the incident that happened to them or their loved one. Injury: The incident caused an injury to the plaintiff or a member of their family. How Strict Liability Torts Can Happen There are a few different ways strict liability can apply to a tortious injury. One of the most frequent cases is product liability. Injuries caused by wild or domestic animals are another. Product Liability Case If someone is injured and it was caused by a defective product, then several entities can be held liable, depending on where the defect occurred. This is also referred to as product liability. Entities that may be liable for strict liability can include: If an injury occurs because the consumer modified the product after purchasing, then strict liability likely will not apply. If the consumer tries to use the product incorrectly and the owner’s manual says not to use it that way, then there is no strict liability. Types of items that can fall under this sort of case can include medical devices, medications, food, consumer goods, vehicles, and more. For example, if a chainsaw was made with a defect that caused an injury, that would be product liability. However, if the consumer uses the chainsaw improperly or modifies it in some way and an injury occurs, the company would no longer be liable for what happened. Another example of this liability would be if a defect was discovered in a certain make and model of a car and the maker fails to issue a recall. Wild and Domestic Animal Cases One who keeps wild animals (lions, tigers, bears, etc.) is strictly liable for any harm they cause. Unfortunately, sometimes domestic animals (cats, dogs, birds, etc.) also escape and run loose or their owners are negligent and let them roam freely. If an animal comes onto someone else’s property and attacks them, then the animal’s owner is held liable under strict liability. Some breeds of dogs are classified as “dangerous” and owners are required to take the steps necessary to keep them properly restrained. Laws for domestic animal cases vary from state to state (and even city to city), as some states have stricter policies than others, especially when it comes to dog breed restrictions. Types of Compensation that Can Be Awarded In tort cases, the attorney works with the plaintiff to determine the best types of compensation to claim as it pertains to their individual case. Types of compensation can include: Medical Bills Lost Wages Wrongful Death Pain and Suffering Want to become a tort lawyer? Learn more about what it takes. Learning about torts is an important part of law school. At St. Francis, our engaging coursework covers key legal principles in addition to professional lawyering skills to help our students pass the bar and graduate practice-ready. Learn more about our rigorous curriculum.