

# TORTS II

# Competition GAME

- Try to think of the best English or Czech equivalents to the following collocations
- The group with the highest number of correct collocations is the winner



## What is the English equivalent?

1. Poškozená strana
2. Bezohledné chování
3. Škodlivé následky
4. Předvídatelná újma
5. Údajná nedbalost
6. Ušlé mzdy
7. Léčebné náklady
8. Nepřiměřené zasahování
9. Pomlouvačné tvrzení
10. Poškodit pověst
11. Utrpět újmu
12. Být shledán odpovědným
13. Být na vině
14. Žalovatelné tvrzení
15. Dobrá víra

# What is the Czech equivalent?

16. Consent of the detainee
17. Duty owed to the plaintiff
18. Take all possible precautions
19. Proximate causation of harm
20. Reasonable care
21. Liability arising from the violation
22. Without reasonable grounds
23. At the discretion of the judge



## What is the English equivalent? **Key**

1. Poškozená strana
  - **Injured party/party harmed**
2. Bezohledné chování
  - **Reckless conduct/careless behaviour**
3. Škodlivé následky
  - **Harmful consequences**
4. Předvídatelná újma
  - **Foreseeable harm/damage/loss/injury**
5. Údajná nedbalost
  - **Alleged negligence**
6. Ušlé mzdy
  - **Lost wages**
7. Léčebné náklady
  - **Medical expenses**
8. Nepřiměřené zasahování
  - **Unreasonable interference**
9. Pomlouvačné tvrzení
  - **Defamatory statement**

## What is the English equivalent? **Key**

10. Poškodit pověst

- **Harm the reputation**

11. Utrpět újmu

- **Suffer harm/damage/loss/injury**

12. Být shledán odpovědným

- **Be found/held liable**

13. Být na vině

- **Be at fault**

14. Žalovatelné tvrzení

- **Actionable statement**

15. Dobrá víra

- **Good faith**

## What is the Czech equivalent? **Key**

16. Consent of the detainee

- **Souhlas zadržného**

17. Duty owed to the plaintiff

- **Povinnost vůči žalobci**

18. Take all possible precautions

- **Učinit veškerá opatření**

19. Proximate causation of harm

- **Bezprostřední příčina škody**

20. Reasonable care

- **Náležitá péče**

21. Liability arising from the violation

- **Odpovědnost vznikající z porušení**

22. Without reasonable grounds

- **Bez dostatečného důvodu**

23. At the discretion of the judge

- **Dle uvážení soudce**

# Case Study

You work as a student assistant for the Legal Advice Centre, offering free advice to ordinary people. It's good practice and it will look great on your CV.



More information about the Legal Advice Centre at <http://www.advicecentre.law.qmul.ac.uk/about/index.html>



# Case Study – Stairs collapse



The name of your client is Bert Simpson. You have already interviewed him. You promised that you will go through the case and you will write an e-mail to Bert with some advice.

# Case Study – Stairs collapse

First, read the facts of the case. **p.15/2**

( based on [https://www.dlsweb.rmit.edu.au/lisu../content/D\\_BUS/law/negligence\\_LL/casestudy.html](https://www.dlsweb.rmit.edu.au/lisu../content/D_BUS/law/negligence_LL/casestudy.html))

What tort is involved? **negligence**

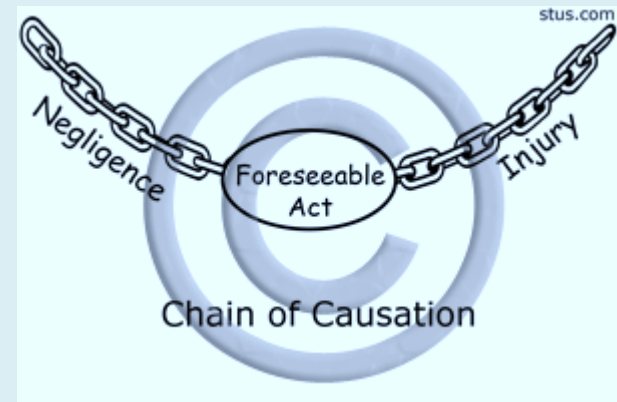
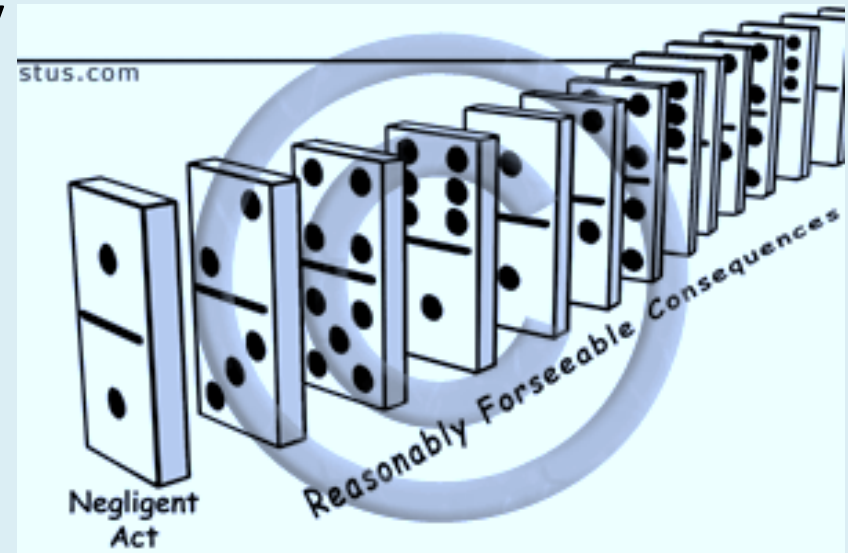
What are the elements required for negligence?

- **Presence of duty of care**
- **Breach of the duty of care**
- **Proximate causation of harm**

**In groups analyze the case trying to identify the key legal issues.**

## **Useful expressions and phrases**

- Premises (a building and the area of land that it is on)
- Duty owed to the injured party
- Reasonable care
- Reasonable person
- Foreseeable harm
- Should have foreseen
- Take all possible precautions
- Failure to take care
- Suffer injuries due to
- Medical expenses
- Recover damages
- Legal grounds
- Be held/found liable
- Defenses (how to avoid liability)



# Case Study – Issues to be identified

## Was a duty of care owed?

- Occupiers **owe a duty of care** to entrants because of their control over the **premises**.
- GC is an occupier of premises and **thus** owes a duty of care to those coming on to the premises.

# Case Study – Issues to be identified

## What was the standard of that duty of care?

- The standard of care **owed by** GCS is **reasonable care** to avoid **foreseeable risks** of harm to entrants (not just shoppers) of the premises.

# Case Study – Issues to be identified

## Was the duty of care breached?

- Allowing too many people to climb the stairs at the same time.
- GCS **should have foreseen** that an opening sale would attract a huge crowd to the store.
- **Possible precautions not taken**
  - signs reminding shoppers not to rush up the stairs
  - hiring extra staff to control the customer flow at the stairs
  - ...



**It appears that GCS has breached its duty of care to Bert.**

# Case Study – Issues to be identified

## Causation (Was the damage a direct result of the defendant's actions?)

- If GCS **had not breached** its duty of care to Bert, Bert **would not have suffered** extensive injuries.

# Case Study – Issues to be identified

## Defences

- GCS could probably claim that Bert was partly liable for his injury **due to his failure** to take **reasonable care** of himself on the stairs.
- If Bert **was held partly liable** for his injury, he might be able to **recover** only part of the **damages**.



# Writing in groups

- Write a letter of advice to Mr. Simpson (discussion forum IS)
- Summarise the case and legal issues you have discussed
- Outline possible steps to be taken next
- Use the language phrases listed in your handout p.17

# Homework



Choose a letter filed by another group and comment on it (50-70 words).

In your comments consider the following aspects

- Content (as a client would you be satisfied with the advice?)
- Structure (clear, logical, linking words, ...)
- Style (appropriate, formal, ...)
- Vocabulary (range, accuracy, collocations, ...)
- Grammar (range, accuracy – especially a word order)

A tort, in common law jurisdictions, is a civil wrong which

1. unfairly causes someone else to suffer 2. loss or harm resulting in legal liability for the person who commits the 3. tortious act, called a tortfeasor.

Tort is a 4. violation of some duty clearly set by law, not by a 5. specific agreement between two parties, as in breach of contract. When such a duty is breached, the injured party has the right to institute suit for 6. compensatory damages.

Torts may be 7. categorized in several ways, with a particularly common

8. division between negligent and intentional torts.

Intentional torts include, among others, certain torts 9. arising from the occupation or use of land. The tort of nuisance, for example, involves strict liability for a neighbor who interferes with another's 10. enjoyment of his real property. Trespass allows owners to sue for 11. entrances by a person on their land. Several intentional torts do not involve land. Examples include false imprisonment - the tort of 12. unlawfully arresting or detaining someone, and libel, where a 13. defamatory statement is published and damages the plaintiff's reputation.

1. FAIR
2. LOSE
3. TORT

4. VIOLATE
5. SPECIFY

6. COMPENSATE
7. CATEGORY

8. DIVIDE
9. ARISE

10. ENJOY
11. ENTER

12. LAW
13. DEFAME

# Compulsory assignment

- Instructions - Handout p.18
- Number of words 150-200
- To “odevzdávárna“
- Deadline – 26/4