

### 1.03-Key Terms – Civil Law

**Actual Harm-** The victim suffers an injury, has property destroyed or loses a lot of money.

**Alternative Dispute Resolution-** occurs when parties try and resolve a disagreement outside of the usual court system

**Arbitration-** giving the power to settle their dispute to a third party.

\*Advantage-often results in a fair solution because the decision is in the hands of an objective third party

**Assault-** occurs when one person intentionally puts another in reasonable fear of an offensive or harmful bodily contact

**Assumption of Risk-** a defense raised when the plaintiff knew of the risk involved and still took the chance (assumed risk) of being injured

**Battery-** the harmful or offensive touching of another

**Breach-** when you breach or break your duty to another person

**Causation-** means that breach of duty caused the injury

**Comparative Negligence-** a defense that is raised when the carelessness of each party compared to the other party's carelessness

**Contributory Negligence-** a defense whenever the defendant can show that the victim did something that helped cause his or her own injuries

**Conversion-** when property is stolen, destroyed or used in a manner that is inconsistent with an owner's rights

**Court Injunctions-** is a court order that prevents a party from performing a specific act and may be temporary or permanent

**Damages-** is a payment recovered in court by a person who has suffered an injury

**Defamation-** a false statement that injures a person's reputation or good name

**Duty-** the obligation to use a reasonable standard of care to prevent injury to others

**False Imprisonment -** the intentional confinement of a person against the person's will and without the lawful ability to do so

**Fraud-** occurs when there is an intentional misrepresentation of an existing important fact (that is a lie) which causes the victim to give up a right or something of value

**Interference with Contracts-** if a third party encourages a breach in any way, then that third party may be liable in tort

**Invasion of Privacy-** uninvited intrusion into a person's personal relationships and activities

**Mediation-** occurs when parties to a dispute invite a mediator, to help solve the problem

\*Advantage-final decision remains in the hands of the parties

**Money Damages-** are money damages received as if you suffer a loss as an injured party

**Negligence-** is a tort that results when one person carelessly injures another. It is an accidental tort and requires no intent.

**Proximate Cause-** when it is reasonably foreseeable that a breach of duty will result in an injury.

**Punitive Damages-** are money payments for damages that go beyond what the innocent party actually lost. Designed to punish the wrongdoer

**Tort-** is a private wrong committed by one person against another

**Trespass to Land-** entry onto the property of another without consent

**Vicarious Liability-** when one person is liable for the torts of another