

Elements Battery

Intent:

- (1) Intent to touch/contact, *and*
- (2) Intent to harm or offend

Result:

- (1) Contact, and
- (2) Contact was --
 - (a) Harmful, *or*
 - (b) Offensive

[Act was voluntary]

Pam is standing on a crowded subway platform. Wishing to pass, David lightly taps Pam on the shoulder. Pam, whose religious beliefs prohibit a woman from being touched by a man (other than her husband), is deeply offended by David's action. Will Pam's suit against David for battery be successful?

Prior to his surgery, Pat was asked to sign a patient consent form. He crossed out the portion stating that he consented to “the presence of healthcare learners.” Although she had read Pat’s consent form, Pat’s surgeon, Dr. Dandy, allowed Darlene, a medical student, into the operating room. Dr. Dandy also allowed Darlene to practice intubation on Pat. Dr. Dandy did not inform Darlene of Pat’s non-consent to the presence of learners. Unfortunately, during the procedure Pat’s esophagus was lacerated. Pat sues both Dr. Dandy and Darlene for battery. Which of the following is correct?

- a) Only Darlene committed battery
- b) Only Dr. Dandy committed battery
- c) Both Darlene and Dr. Dandy committed battery
- d) Neither Darlene nor Dr. Dandy committed battery

White Jury Instructions

You [the jury] may find that [the defendant] acted intentionally if she intended to do what she did, even though her actions and motives were entirely irrational. ~~However, she must have appreciated the offensiveness of her conduct.~~

Single Intent Jurisdiction

Intent:

- (1) Intent to touch/contact, ~~and~~
- ~~(2) Intent to harm or offend~~

Result:

- (1) Contact, and
- (2) Contact was --
 - (a) Harmful, *or*
 - (b) Offensive

Battery – Prima Facie Case

Intent Element:

- (1) Intent to touch/contact
 - Actual purpose to contact *or* knowledge of substantial certainty of contact
 - Intent to contact plaintiff or intent cause plaintiff to come into contact with something/someone
and
- (2) Intent to harm or offend
 - Actual purpose to harm/offend *or* knowledge of substantial certainty harm/offend
 - Jury can infer “knowledge” if:
 - People typically harmed/offended by conduct
 - Defendant knew plaintiff would be harmed/offended

**Single intent jurisdictions – omit prong #2*

** Doctrine of transferred intent: If intent to contact + harm/offend A but actually contact B, intent transfers to B*

Result Element:

- (1) Contact
 - Direct contact or cause plaintiff come into contact with something/someone
and
- (2) Contact was harmful or offensive
 - Offensive if plaintiff reasonably offended

Assault – Prima Facie Case

Intent Element:

- Intent cause harmful or offensive contact, *or*
- Intent to cause imminent apprehension of harmful or offensive contact

Result Element: Reasonable apprehension of a imminent battery

* No contact

Battery – Prima Facie Case Revisited

Intent:

- (A) (1) Intent to touch/contact, *and*
(2) Intent to harm or offend

or

- (B) *Intent induce imminent apprehension of harmful or offensive contact*

Result:

- (1) Contact, and
- (2) Contact was --
 - (a) Harmful, *or*
 - (b) Offensive

False Imprisonment – Prima Facie Case

Intent Element: Intent to confine

Result Element:

- Confinement within fixed boundaries, and
- Plaintiff either (1) aware of confinement, or (2) harmed by confinement

Trespass to Land – Prima Facie Case

Intent Element:

- Intentional entry another's land (w/o permission), or
- Intentionally causing object to enter land (w/o permission), or
- Unintentional entry + intentional refusal to leave

Result Element:

- Entry on another's land, or
- Caused object to enter another's land

Conversion of Chattels – Prima Facie Case

Intent Element: Intent to exercise dominion over chattel

Result Element: Interferes with another's right to exclusive control

* must be nontrivial interference

Trespass to Chattels – Prima Facie Case

Intent Element: Intent to interfere with another's use and enjoyment of personal property

Result Element:

- Interference, and
- Plaintiff harmed thereby
 - Harm to materially valuable interest in physical condition, quality or value, or
 - Plaintiff deprived use of property for substantial time

Trespass to Chattels – Prima Facie Case

Intent Element: Intent to interfere with another's use and enjoyment of personal property

Result Element:

- Interference, and
- Plaintiff harmed thereby