

Englische Rechtsterminologie – Skript 7

Vorlesung von Dr. Jens Bormann, LL.M. (Harvard)

von *Marcus Seyfarth*, Universität Freiburg

Vokabelliste

1. Torts

Tort law may generally be described as the law of civil wrongs. It concerns conduct that causes injury and fails to measure up to some standard set by society. Actions for personal injury or bodily injury claims are at the heart of tort law, and automobile accidents have traditionally been responsible

for a large number of these claims. One of the most rapidly growing subfields of tort law is product liability. This category has become an increasingly effective way to hold corporations accountable for injuries caused by defective foods, toys, appliances, automobiles, drugs, or a host of other products.

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|-------------------|----------------|
| • vindication | Rechtfertigung |
| • tortfeasor | Verursacher |
| • fumigation | Ausräucherung |
| • appropriateness | Angemessenheit |

1.1. Strict Liability/Liability Without Fault

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|-----------------------------------|-------------|-------------|
| • abnormally dangerous activities | abnormale | gefährliche |
| | Tätigkeiten | |

depends on:

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| • degree of risk | Risikograd |
| • likelihood that the harm will be great | Möglicherweise hohem Schaden |
| • inability to eliminate the risk by | Unfähigkeit mit Ausübung der erforderlichen |
| • exercising a reasonable care | Sorgfalt das Risiko zu eliminieren |
| • extent to which the activity is not a matter of common usage | Ausmaß mit dem die Tätigkeit nicht Teil des gewohnten Gebrauchs ist |

1.2. Product Liability

Produkthaftung

defective = Irregularity that makes the product not reasonably safe through

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| • defective manufacturing | fehlerhafte Herstellung |
| • defective design | fehlerhaftes Produktdesign |
| • failure to warn of a potential hazard | Versagen vor einer potentiellen Gefahr zu warnen |

1.3. Market-Share Liability

Haftung je Marktanteil

- in cases where it is impossible to tell which company manufactured the defective product

only imposed in some states if:

- products of all manufacturers are identical
 - plaintiff cannot be expected to identify the particular manufacturer
 - manufacturer produced a substantial amount of the product in question
- each is being held liable for the proportion that corresponds to its market-share

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|------------------------|----------------|
| • field of application | Anwendungsfeld |
| • blood products | Blutprodukte |
| • asbestos | Asbest |
| • tobacco | Tabakwaren |

2 - Relief Available in Tort Cases

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| • compensatory damages | Kompensationsstrafen |
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= to compensate the plaintiff monetarily for the actual damage suffered

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|-------------------------------|---|
| • actual expenses | tatsächliche Ausgaben |
| • damaged property | beschädigtes Eigentum |
| • medical bills | Arztrechnungen |
| • lost wages | verlorenes Einkommen |
| • pain and suffering | physischer und mentaler Schaden, verlorene Lebensqualität |
| • punitive damages | = damages beyond compensation |
| • punishment of the defendant | Bestrafung des Beklagten |
| • deterrence | Abschreckung |
| • preservation of peace | Friedenserhaltung |

