

Working within the legal environment

Business



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Tort is a branch of civil law based on a claim that the defendant has caused injury or loss to the claimant by breaking a relevant obligation imposed by the general law (Yeats, Giliker, & Luckham, 2005). There are three general categories of torts which are intentional torts, negligent torts and strict liability torts. According to the Mesriani Law Group, intentional torts are wrongful acts deemed to be done deliberately by the offender to the complainant while negligent torts are unlawful acts done by individuals without any plans of inflicting injuries or damages to a person (2011). The Group further defines strict liability tort as those that deals with cases where the defendants are accountable for the injuries that were incurred by the complainants as a result of the defendants' actions although he may have performed precautionary measures.

Depending on the jurisdiction within which the claim is based, most product liability claims are based on negligence, strict liability, or breach of warranty of fitness (Cornell University Law School - Legal Information Institute, 2010). According to the Legal Information Institute, product liability refers to the “liability of any or all parties along the chain of manufacture of any product for damage caused by that product. This includes the manufacturer of component parts (at the top of the chain), an assembling manufacturer, the wholesaler, and the retail store owner (at the bottom of the chain)” (2010). The Tort Law Reform affected some Kansas companies in the recent pass. In 1988, the reform placed limits in punitive award at lesser of defendants annual gross income or \$5, 000, 000 (American Tort Reform Association, 2007). As an example, in Kansas' cases on asbestos litigations, plaintiffs who

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suffer from delayed onset asbestos-related injuries now receive less in punitive damage awards than would have been possible in prior years (Smith, 1999). For an insurance company such as the State Farm Insurance Company in Kansas, they claim that the effect of the Tort reform on limiting the non-economic cap is small and does not exceed 1% of their total indemnity losses (Center for Justice & Democracy, n. d.).

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