

Legal research

Law



A civil Suit can be instigated against a Spouse According to legal research done in different s in the united of America, litigation can be brought by a spouse. In this case, penal codes analyzed allow a husband to sue his wife for tort caused during marriage. Similarly, a wife can sue her husband for tort perpetrated against the earlier in the course of marriage. According to (Martin 121), a separate civil suit can be brought against a spouse in addition to a divorce process. However, this does not only apply where there is a divorce suit proceeding in the legal system, but also when the marriage is intact. He reckons that the law allows a spouse to seek legal redress when a torturous action is perpetrated against them.

According to Illinois penal codes (Ch. 40, par. 1001), a married man or woman can sue or be sued, in all cases, by his or her wife. In addition, there no defense in saying that the person to whom the tort has been perpetrated to is your spouse. Section 40 declares that a judgment action shall be enforced against the spouse in disregard of marital condition, (Martin 127). This law is applied across the US.

Can a spouse be subject to a civil action for posting photographs on- line which were taken without the knowledge or consent of the other spouse This law case arises from the Private Act of 1996 that was enacted across America. According to the Act, violation of privacy is a tort that is actionable even when evidence of damage is not available. In this case, the litigant is charged with responsibility of proofing that the tort perpetrator willfully and without claim of consent violates the privacy of another, (Martin 131).

The Act further provides that ".....the degree and nature of privacy to which a person is entitled to in a circumstances or in relation to a matter is that which is rational in the state of affairs, giving due consideration to the <https://assignbuster.com/legal-research-essay-samples/>

lawful interests of others” (Cited from Martin (2013) p. 127)

When deciding whether the conduct or act is a violation of another person’s privacy, attention must be given to the incidence, nature, and occasion of the conduct and to any household or other relationship existing in the parties. In this case, the parties concerned are spouse and hence the litigation will be mitigated to divert to the fact that there exists insignificant privacy between a person and their spouse, (Martin 150). Therefore, this case is immaterial.

Case Brief

Case brief gives a summary of legal facts in a given case. Case briefing sharpens analytic skills and intensifies understanding of the role of legal proceedings in defining, deducing, and applying legal principles.

Importance of Case brief

1. It brings the facts of a particular case back to remembrance in a short time, for whatever reason, including court proceeding or classroom discussion.
2. Allows a lawyer or a law student to extract from a judicial verdict as future precedent. In this case, case brief will be useful for a future case with the same legal matter.
3. Allows for smoother and easier review of a given area of law.

Work Cited

Martin, M. the family attorney. Abingdon, Oxon: Routledge, 2013.