

# Pursue litigation

Law



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Pursue Litigation The law is quite clear on actions of any individual whose rights have been infringed upon. The most common of these infringements is any wrongful act done on one or his reputation. In law, this is referred to as a tort. The law provides for an injured party to bring forward a civil law suit which determines whether the act warrants compensation or not. In case the offending party is found to be guilty, then they are required to compensate the injured persons or provide for compensation for the property. Tort law is not static but continually dynamic to incorporate changes that take place in the wider society (Cheeseman, 2010). This ensures that people do not take advantage of legal loop holes to cause damage to others property or image. However, there may be chances where changes in the wider society happen so fast as to outpace changes in law.

Tort damages are financial damages that are required from the offending party. These are required to make up for the injuries caused to the injured party. These damages differ as they are dependent on the injury and may include present or future injuries, mental distress, loss of wages amongst other tortuous behavior.

There are three types of torts; intentional torts, negligence, and strict liability. Intentional torts result when a person causes damage intentionally; for instance, if one slaps another with an aim of causing harm, such is considered an intentional tort (Lunney & Oliphant, 2008). A similar act perpetrated unintentionally may not be regarded as intentional tort but might be considered a negligent act. Negligent act qualifies as tort. An important observation here is that tort does not always result from intended acts but also results from unintended acts with potentiality of harm, in this case the tort is referred to as strict liability. When a defendant is charged <https://assignbuster.com/pursue-litigation/>

under strict liability, it means that their engagements, though innocent present potential liability to those around.

All these classes of tort attract potential charges as they pose actual or potential injury to people. Unfortunately, not all people are aware of the existence of these and are ignorant of the likely consequences. This means that they do not know what action to take and often their rights are continually trampled. To understand the likely results and redress, such individuals require legal counsel. First, they need to understand what translates into a tort. They should seek damages for such action as these are likely to result to loss either financially or due to the distrust from people one interacts with. For instance, if one is portrayed to be canny either through written accusation (libel) or orally (slander), such action may have adverse effects in future engagements and thus need to pursue litigation (Cheeseman, 2010).

However, it is not always a case of defendants waiting to be brought to court for them to pay damages. Some are conscious and know of the likely implications and move fast to avoid longstanding court struggles by volunteering for out of court settlements. It is always important for the plaintiff to have legal counsel at this point to ensure that they are not shortchanged and make sure that there is no repeat of the wrongful act. Besides, this should be sought to oversee redress measures. These may go beyond payment of damages in case of defamation where there is also need for action to clear the name of the plaintiff (Lunney & Oliphant, 2008).

#### References

Cheeseman, H. R. (2010). *Business Law, Legal Environment, Online Commerce, and International Issues*. New York: Prentice Hall.  
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Lunney, M., & Oliphant, K. (2008). *Tort Law: Text and Materials*. Oxford University Press: Oxford.