



## Coleman's Accident

- Driving recklessly
- The accident
- Legal issues
  - > The D.A.'s office
  - > The law suit
- What are the differences?

## Criminal Law

- Rules usually come from the legislature
- Action is initiated by the state
- Need not be a victim
  - > Attempted crimes
  - > "Victimless crimes"
- Punishment is paid to the state
- Victim is not necessarily compensated
- Standards of behavior
- Insurance is impossible

## Tort Law

### CRIMINAL LAW

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### TORT LAW

- Common law rules
- Action is initiated by private parties
- Someone must have suffered a loss
- Compensation is paid to the victim
- Compensation is the whole point
- Standards of behavior
- Insurance

## Rules of Liability

- Losses fall where they lay, unless ...
- Strict liability
  - > Defendant acted
  - > Victim suffered a compensable loss
  - > Defendant's action caused the loss
- Negligence (fault liability)
  - > All of the above, plus
  - > Defendant's action was at fault
- Duty to rescue
- *Summers v. Tice* (1948)
- *Sindell v. Abbot Laboratories* (1980)

## Why this system?

- Legislation
- No fault
- Strict liability
- Tinkering with fault
- Policy considerations
  - > History of torts
  - > Economic efficiency
- Principles
  - > Corrective justice

## Law and Economics

- Hints in earlier cases
- 1960
- Coase – “The Problem of Social Cost”
- Calibresi – *The Cost of Accidents*
- Explosion in legal scholarship
- Economics as a social science
  - > Explaining behavior
  - > Explaining legal behavior (legal realism)
  - > Explaining tort law evolution