18.00 CONVERSION/INTENTIONAL INTERFERENCE WITH CHATTELS — INTRODUCTORY INSTRUCTION

**Introductory Comment and Use Note**

The instructions that follow are designed for cases involving intentional interference with chattels. Historically, the law governing intentional interference with chattels has been highly technical, retaining many remnants from the old common law writ system. Although the writ system provided separately named causes of action that depended on the nature of the interference, today relief generally can be sought in conversion, trespass to chattels or replevin, and any technical distinctions between the three forms of action are largely irrelevant to the issues that confront a jury. Indeed, the only practical distinction between the three causes of action lies in the remedy sought or awarded. In conversion, it is alleged the defendant took the property of the plaintiff and the plaintiff seeks the full value of the property. In trespass actions, the interference is less substantial than a taking and the plaintiff seeks damages caused by the trespass. In a replevin action, the plaintiff seeks return of the property itself and damages for loss of use. If the property cannot be returned, the relief awarded in replevin is the full value of the property.

These instructions have been drafted to avoid confronting the jury with technical distinctions that do not affect outcomes. Thus, the instructions do not explicitly mention conversion, trespass, or replevin. Instead, the instructions speak to the elements necessary to establish that the defendant interfered in some way with the chattels of the plaintiff.

There is a direct and overlapping relationship between these instructions and those relating to bailment (Article 21). The bailee’s liability for failure to redeliver or for misdelivery is essentially based in conversation. In a bailment case, instructions in Article 21 should be given procedure over the more general instructions in this instruction.