Welcome to Torts I. Torts is the study of the private remedies created by our legal system when one individual or entity causes harm to another, either intentionally or accidentally. As such, the law of Torts is consistently front and center in the news and deals with issues that are vigorously debated by politicians, scholars, and citizens alike. Each one of you already knows something about the law of Torts. This semester, we will examine the concepts, policies, and processes underlying the law of Torts to enable you to understand and utilize them as a lawyer.

A. CLASS PREPARATION AND PARTICIPATION

Please carefully prepare all assigned reading and problems prior to class. I expect you to prepare a written brief for each case assigned. From time to time, I will also ask you to prepare a written answer for problems in the casebook. If the syllabus does not specifically direct you to prepare a written response for a problem contained within an assigned reading, please review the problem and be familiar with the issues presented in the event that they are relevant to our class discussion. I also expect you to be prepared to discuss all text in an assigned reading preceding and following the cases and problems. Careful class preparation will greatly improve your ability to understand the material as we cover it in class, as well as your ability to contribute to class discussion. There is no “pass” policy in this course and students will be expected to present cases and contribute to the discussion when asked to do so.

B. ATTENDANCE POLICY

Please be on time and prepared to participate at the beginning of each class. I expect you to sign in for each class on a daily roll sheet to show your attendance. Please be advised that signing on behalf of another student or signing in for a class you do not attend constitutes a violation of the College of Law Honor Code. The single best way to ensure that you will learn the material covered in this course and that you will be prepared for the final exam is to come to class regularly with assigned materials prepared. Therefore, I strongly recommend that you make
attendance a priority. That being said, you may miss four (4) class days during the semester without repercussion for any reason. A student who is late to class may be counted as absent for that class period. After four absences, a student will be subject to having his or her grade lowered one grade point (i.e., from a “B” to a “B-”) for each subsequent absence. In addition, I reserve the right to drop you from the course for excessive absences. You will be responsible for keeping track of your number of absences throughout the semester as my records may not be updated until the end of the semester.

C. EXAM

Your grade in this course will depend primarily upon a closed book final examination. The final exam will be held on Saturday, December 10 at 2:00 PM. The exam will be based on material that we cover during class and all assigned readings. Recommended reading may be helpful to your understanding of the material covered in class, but will not specifically be included on the final exam. Although the final exam will be the primary basis for your grade in this course, class attendance and preparation may be considered, in my discretion, in raising or lowering the final course grade as indicated above.

D. OFFICE HOURS

I will hold office hours on Wednesday and Friday from 2:00 p.m. to 3:00 p.m..

E. DISABILITY POLICY

Any student who has a disability that may prevent him or her from fully demonstrating his or her abilities, should contact the Registrar or the Associate Dean for Academics at the College of Law as soon as possible. That office will advise that person on the procedure for obtaining any accommodation required to make the most of his/her education opportunity. Students with disabilities must be registered with the Office of Disability Services prior to receiving accommodations in any course. The Office of Disability Services is located in the Goddard Health Center and their telephone number is 325-3852.
The assigned text for this class is James A. Henderson, Richard N. Pearson, and John A. Siliciano, *The Torts Process* (Aspen 6th ed. 2003). I may assign supplemental readings and materials from time to time throughout the semester. Although they will not be assigned reading, you may also find the following books helpful in studying the material that we will cover this semester:


This syllabus describes the general topics that we will cover and sets forth the reading assignments for each chapter in the text that we will cover during the first seven (7) weeks of the semester. I will distribute the reading assignments for the second half of the semester as it approaches. These assignments reflect the pace at which I want you to do the reading as the semester progresses but do not necessarily reflect the precise pace at which our class discussions will proceed. Some days, particularly early in the semester, we will only cover one case and will not finish the entire assigned reading for that particular session. Even later in the semester, certain cases or problems may spark a particularly interesting discussion which will prevent us from covering all of the assigned reading for the day. Nevertheless, please be prepared on the remaining material for that day, as well as the next assignment on the syllabus, for the next class session unless I advise you otherwise.

August 24  Read Vosburg v. Putney again. Prepare a brief of the case.


WEEK TWO


August 31  Read pp. 653-657; Offensive Battery and Assault. Brief Read v. Coker and Beach v. Hancock.


September 2  Read pp. 661-665; False Imprisonment continued. Brief Sindle v. New York City Transit Authority, and Coblyn v. Kennedy’s, Inc.

WEEK THREE


September 8  Read pp. 684-694; Intentional Infliction of Mental Upset continued.  Brief Ford v. Revlon, Inc. and Jones v. Clinton.

September 9  Read pp. 38-49; Privileges: Consent.  Brief O’Brien v. Cunard Steamship Co. and Barton v. Bee Line, Inc..  Prepare a written analysis of Problem 2 on pp. 41-42.  In addition to considering the viability of criminal charges or a private suit by Alice Trudlow against Jennings, pay close attention to the ethical and policy issues presented by this fact pattern.

WEEK FOUR


September 16  Self-defense continued. Read pp. 75-79.  Be prepared to discuss Problem 4 on p. 76.

WEEK FIVE


September 23  Read pp. 110-116: general Causation. Be prepared to discuss Problem 6 on pp. 112-114.

WEEK SIX


September 28  Read pp. 122-130. Carefully review Problem 7. Prepare a written analysis of Problem 7 of no more than three pages incorporating all the relevant background information provided about the Carrington’s case.


September 30  Read pp. 135-145: Vicarious Liability. Be prepared to discuss Problem 10 on pp. 143-144.

WEEK SEVEN


October 5  Read pp. 161-163. Review Problem 11 and fill in the appropriate values in Columns 5 and 6 on page 162.

October 6  Read pp. 163-175. Brief Washington v. Louisiana Power and
Light Co. and Weirum v. RKO General, Inc.