Goals of course

- Learn doctrine of torts, particularly how to identify and define the components of tort causes of actions.

- Learn the way the law works (the lawyering process) in a civil action, particularly the role of the court and the role of the jury in determining facts and law in particular cases.

- Introduce you to sources of law (such as statutes, cases, treatises such as a Restatements of Torts, other legal texts and other sources of law that may be unwritten or unspoken) and their function in the legal system.

- Learn the process of legal analysis and how to structure a legal argument. Learn forms and conventions of legal discourse (i.e. how to communicate what you know about the law).

- Have you become accustomed to the expectations, culture, and ethics of the legal profession.

- Examine the social policy and theory raised by American tort doctrine and practice.

Required texts and reading assignments:


The West Education Network (TWEN) Course web site.

Recommended text: Glannon, The Law of Torts: Examples and Explanations
1. Introduction to torts & intentional torts
2. Privileges & defenses
3. Negligence
4. Actual causation
5. Proximate causation
6. Limited duty rules
7. Owners and occupiers of land (premises liability)
8. Affirmative defenses
9. Joint tortfeasors
10. Strict liability
11. Products liability
12. Trespass to land and Nuisance
13. Damages
14. Compensation systems as alternatives to tort
15. Defamation*
16. Privacy*

(*These topics will be covered if time permits)

The reading assignments for the class will generally follow the contents of the textbook in order. I will also post the reading assignment on the TWEN web site for the class. I may occasionally be skipping some of the cases and sections. You will not be tested or evaluated on materials that I have completely skipped. But I will lecture and discuss some of the material you have not read in the textbook. The material covered in the lectures and discussions may be on the final exam. I will occasionally post additional reading materials on the class TWEN site. Materials I designate as required reading on the TWEN site may potentially be covered in the final exam. I will also use the email addresses on that site to communicate with the class. Students must register on TWEN and provide an appropriate email address through the TWEN site.

Course requirements

Regular class attendance is required. Consistent with University policy and American Bar Association requirements, students who have more than five absences will not be eligible to complete the course. Absences due to religious holidays are not included in this policy, but you must let me know in advance if you will miss a class for this reason. Attendance is recorded by a sign-up sheet that is circulated at the beginning of each class. It is your responsibility to ensure your name is properly recorded on these sheets. In the event a student is late for a class, he or she should inform me immediately after class.

If you are unprepared for class for some reason, you are still required to attend; please give me a note or let me know otherwise before class so that I do not call on you on that day.

Mid-term Exam
There will be a mid-term exam. The mid-term exam will be graded on a pass/fail basis. You must pass the mid-term exam to pass the course. If you fail the mid-term exam, you may repeat the exam until you pass.

Class participation & portfolio

You are expected to participate in class discussions and activities inside and outside of the classroom. Part of your grade will be based on the following:

- Demonstrating preparedness for class and consultation.
- Demonstrating knowledge and understanding of material.
- Participating constructively in class discussion.
- Expressing and countering arguments constructively.
- Expressing abstract and complex ideas orally.
- Listening.
- Contributing to all in-class exercises.
- Restricting computer use during class time to class work.
- Cooperating and contributing to all team and partner assignments.
- Progressively improving reasoning, analysis, and writing skills.
- Regularly attending class and arriving on time.

Every few weeks there may be a quiz, a writing assignment, a CALI (online computer) exercise or some other type of work outside of the regular reading and discussion of the materials in the textbook. You are to keep your written work from these exercises and assignments and place them in a portfolio. The portfolio will be handed-in to me at the end of the semester. Part of the portfolio will be a written assessment by you of your own performance in the course. The portfolio and your overall contribution and participation in the class will be graded by me and will count for 15% of your final grade. The grade for the portfolio will be based on completeness, quality, evidence of good faith effort, and professionalism.

Final Exam

The final exam will be a closed-book, three-hour, in-class written exam. The final exam is graded consistent with law school policy. Additional details about the final exam will be provided during the semester. Sample questions, similar to those to be given on the final exam, will be provided during the semester. The final exam will count for 85% of your final grade. Part of the exam will consist of multiple choice questions and most of the exam will be essay questions.

Changes to syllabus:

As the semester progresses, I may make changes to this syllabus. If I do make changes, you will receive notice in writing and on the TWEN page concerning the changes.
(Tentative) Reading Assignments (Draft dated 1/11/09 subject to change)

January 13 & 15   Intro. xxix-xxxiv; Chapter 1   pp1 – 44

January 20 & 22  [No class on Jan. 20] Chapter 2   pp. 44 – 56

January 20 & 22  [No class on Jan. 20] Chapter 2   pp. 44 – 56

January 27 & 29   Chapter 2   pp. 57 – 110

February 3 & 5  Chapter 3   pp. 111-157

February 10 & 12  Chapter 3   pp. 157 – 195

February 17 & 19  Chapter 4   pp. 197 – 245

February 24 & 26  Chapter 5   pp. 247 – 317

March 3 & 5  Midterm and catch up

March 10 & 12  – Chapter 6
   pp. 317 – 318
   pp. 320 – 322
   pp. 332 – 348
   pp. 349–360
   pp. 367–373
   pp. 376-391.

Spring Break

March 24 & 26 - Chapters 10 & 11
   pp. 525 – 566
   pp. 583-585 (include hypo 49)
   pp. 600 (bottom) – 609
   pp. 618 (bottom) – 619
   pp. 623 – 625

March 31 & April 2  – Chapter 8
   pp. 439 – 467
   pp. 471 – 474
   pp. 477 – 481
   pp. 485 – 496

April 7 & 9  – Chapters 7, 9, & 12
   pp. 399 – 414
   pp. 418 – 426
   pp. 430 – 438
   pp. 497 – 516
   pp. 627 – 637
   pp. 641-646

April 14 & 16  – Chapters 13 & 14 (pages TBA)

April 21  – Chapters 15 & 16  (pages TBA)

April 23– last day of class – exam review.