TORTS SYLLABUS

Professor Lande
Fall 2015
Course: LAW 608/329
Class #5170

T & Th 1:30-3:20 pm  Room AL 803

Required text: Little, Lidsky & Lande, "Torts: Theory And Practice" (Fourth Edition 2014) (LexisNexis). (I have 5 extra copies of the textbook I would be glad to lend for the semester. Please contact my administrative assistant, Laurie Schnitzer, room 1112, for a copy.)

Web Page: This course will have a TWEN site through Westlaw. You will receive your specific class assignments and other information via TWEN E Mails, and your assignments also will be posted on this site's calendar section. The site also will include this syllabus and other material. Sign up for the course TWEN site as soon as possible.

Professor Lande will attempt to video record every Torts class on Panopto and make them available.

Additional material will be distributed in hard copy or as downloads throughout the course.

For the First Class: Study pages 1-16 of the textbook, especially Stanley v. Powell, pp 13-16, which we will analyze together using the Socratic method. Download Problem 1 from either the Torts section of my Faculty page, http://home.ubalt.edu/ntlaland/Courses.htm or the class TWEN site, and bring it with you to the first class so I can explain how I would like the problem handled when we do the problem during the second class.

The assigned material should be studied in the order below unless the instructor specifies a change in material or a change in the sequence of the material.

Pages in Little, Lidsky & Lande

I. Introduction and Preliminary Concepts 1-16, plus download Problem 1

II. Negligence

A. Duty

1. General principles 38-41; 73-77, 46-53; Problem A, pp. 37-38; 183-88; 65-68; 127-31

2. Emotional harm 135-38; 143-53

3. Owners and occupiers of land 153-80

4. Rescuers 216-26

5. Wrongful death & survival 238-39; 247-49
6. Harm to unborn children 227-37
7. Wrongful birth and wrongful life 249-56
   Handout: Negotiation Problem

B. Breach

1. General principles Problem B, p. 78-80; 90-93; 269-74; 83-90
2. Cost/Benefit analysis 93-102; Handout: 53-56; 283-87; problem A, p. 265
3. Breach of statute; Custom 309-19;
   Problem B, pp. 308-09
4. Res ipsa loquitur 292-98; 784-86; 339-45;
   394-401
5. Modified Standards 326-32, 335-38; 347-51;
   355-58

C. Causation 376-77; 410-14; 103-07; 370-75; 377-93

D. Defenses

1. General principles;
   Contributory negligence;
   Assumption of risk;
   443-59; 461-66
2. Comparative negligence 466-78
3. Immunities 481-87; 493-500, 506-07

E. Remedies 509-12; 514-27; 536-37; 857-59; 867-72; 880-84; 894-95

III. Intentional Torts

A. General Standards Problems, p. 613-15; 615-19;
   632-33; 641-42; 673; 620-26;
   650-54; 657-59

B. Defenses 674-92

IV. Common Law Strict Liability 706-13

V. Product Liability 757-60; 780-86; 793-97; 812-820; 799-807
Attendance and Preparation

Regular and punctual attendance is expected. As the catalog of the School of Law notes, a student whose unexcused absences exceed three classes or whose total absences, excused and unexcused, exceed five classes may be compelled to withdraw from the course. Tardiness, other absence from class for part of a period, talking to other students during class, and inattention may be included in the calculation.

On the average, approximately 2 to 3 hours of preparation is necessary for each hour of class, and additional time is required for a course's other assigned work, for review, and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Each student is expected to study the assigned material and to be prepared to discuss it in class. This means that the student has learned the material and is ready to refine his or her understanding of its nuances and overall place within the tort law framework. For students not prepared, the class may have little meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this very infrequently no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered by one level.

This system of notes to excuse a student from daily participation does not apply to the assigned negotiation exercise. Students must perform the assigned negotiation exercise by the applicable deadlines or their overall Torts grade will be lowered by a full letter grade.

Grading Policy

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-domineering can raise a student's grade as much as one level (i.e., from a B to a B+). Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered.

Students will be assigned problems, a negotiation exercise, and other material to prepare, and will be called upon. These exercises are integral parts of the course and must be completed on time. Exceptionally good performance on these exercises, together with class participation, can raise a student's grade a maximum total of one level. If a student often is unprepared for class discussions, or repeatedly is tardy or talks to neighbors during class, the instructor may lower his or her grade by one level. A student who is prepared but does not do well on the assigned problems, cases or negotiation exercise will not be penalized.
Office Hours

Professor Lande will be available after class (but not before class). Subject to meetings of the faculty and its committees, Professor Lande's office hours in room 1106 of the Angelos Law Center (telephone: 410-837-4538; e-mail “rlande@ubalt.edu”) will be on Wednesdays from 12:00 to 1:00 and from 6:00 to 7:00 p.m., and on Fridays from 12:00 to 1:00 p.m. There will be a sign up sheet on the door of room 1106. Other times will be available by appointment. Or just stop by room 1106: if I am there you are most welcome to meet with me.

Administrative Matters

Seating: Students should decide where they want to sit for the second class. Students should sit at the seat they picked their second class for the remainder of the course.

Laptop use: Students may not use their laptop for anything not related to the Torts course. Prohibited activity includes reading or sending E Mails, playing games, surfing the Web, blogging, and IMing. Doing any of this can distract students in back of you or around you and is forbidden.

Cell phone: Turn off your cell phones and other personal electronic devices before class starts. You will be embarrassed if your cell phone goes off in class. Students may not send or receive text messages, E mails, or tweets, or use an iPod or similar device during class.

Class rules: Students may not speak in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.

Class will start and finish promptly.

Students may not talk with each other or read outside hard copy or electronic material during class. This is distracting and discourteous. The no talking policy will be strictly enforced.

Forms of address: Students will be addressed as Mr. or Ms.

Recording of class: As noted, I will attempt to video record every class. There could be times when you have to miss class for religious or other nondiscretionary reasons. Subject to the caveat that I cannot change or waive the law school’s attendance policies in any way, if you do miss class, after you view that class’s recording, E Mail this information to me and I will give you full credit for being present in class that day. And you will get more out of the class than you would from just reading a classmate's notes. If you know you have to miss class, as a backup (because sometimes things go wrong when I attempt to record class on Panopto) you might ask a friend to record the class.
Additional Reference Material

Dobbs, The Law of Torts
Restatement (Second and Third) of Torts
Gilbert & Gilbert, "Maryland Tort Law Handbook"