

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
TORTS SYLLABUS

Professor Lande
W-F 10:00-11:50

Fall 2020
Course: LAW 608/339C

Location: Where you live! Classes normally will be taught live by Zoom and posted on Panopto.
Join Zoom Meeting: <https://ubalt.zoom.us/j/93070625576>
Meeting ID: 930 7062 5576 Passcode: Torts

Required Text: Little, Lidsky & Lande, "Torts: Theory And Practice" (Fourth Edition 2014) (LexisNexis). (ISBN: 978-1-6304-3011-5 (casebook) 978-1-6304-3010-8 (loose-leaf); 978-0-271-7767-9 (eBook)

Course Description: The Law School’s catalog describes Torts as: “The Law of imposed liability for personal, property and economic harm; negligence (including professional malpractice), strict liability (including products liability) and intentional torts; causation and elements of damages; affirmative defenses and limitation of duties including: assumption of the risk, contributory negligence, comparative negligence, immunity, limited liability of property owners.”

Course Website: This course will have a TWEN page through Westlaw. You will receive your specific class assignments and other information via weekly TWEN E Mails, and you should check your E Mail for new material before each class. Your assignments also will be posted on the TWEN 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 – well before classes start. This course also will have a Panopto folder listed under Law 608/339C in which the course recordings will be stored.

For the First Class: Read textbook pages 1-13 as background. I will send Problem 1 via TWEN. Please bring Problem 1 with you to the first class. For the second class also study Heaven v. Pender, pages 38-41; and pages 73-77.

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	1-13, 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

Student Learning Outcomes

By the end of the Torts course successful students will be able to:

1. Analyze complex cases on three levels simultaneously:
 - A. By improving their ability to read carefully by focusing on key facts,
 - B. By developing their skill of identifying and understanding relevant legal principles, and
 - C. By enhancing their ability to understand Tort issues in light of larger principles.
2. Analyze complex factual situations and spot the relevant Tort claims and likely defenses.
3. Clearly state the Tort law and principles affecting these issues.
4. Provide all the legal elements of these claims and likely defenses.
5. Construct arguments that analyze the facts in light of these laws and principles.
6. Present relevant policy arguments for all sides of the controversy.
7. Evaluate the merits of competing arguments, including possible defenses.
8. Vigorously represent a client on any side of the controversy.

Course Expectations, including Attendance and Preparation

The ABA, the Law School, and I require regular and punctual attendance. It is an Honor Code violation for a student to misrepresent their attendance or that of another student. A student whose unexcused absences exceed 3 classes or whose total absences, excused and unexcused, exceed 5 classes may be compelled to withdraw from the course. Repeated tardiness, other absence from class for part of a period, and/or inattention may be included in the calculation.

The American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect to spend approximately 4 hours of preparation for each 90 minute class, and additional time is required 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 all of the assigned material and consistently to be prepared to discuss it during each class. This means that the student has learned the material and is ready to refine his or her understanding of its underlying policy concerns, analytical framework and nuances, and to help the class analyze and understand the material. For students not prepared, the class may not have much meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should E Mail the instructor before class. The instructor will not call on these students. If a student does this 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 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.

Grades

Course grades primarily will be based upon the midterm and final exams. 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. If a student often is unprepared for class discussions, or repeatedly is tardy, 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.

Students will be assigned problems, cases, a negotiation exercise, and other material to prepare, and will be called upon. These exercises are integral parts of the course. Exceptionally good performance can raise a student's overall course grade up to one level (i.e., from B up to B+).

Office Hours and Contact Information

This is a live Zoom class. Students are encouraged to contact Prof. Lande with questions via e-mail (rlande@ubalt.edu), phone (410-837-4538) or Zoom. In addition, Professor Lande will have regular virtual office hours on Mondays, Tuesdays and Thursdays from 4:15 to 6:00 pm. E mail him for an appointment, or just send him an E Mail and if he is free during these hours, or during other times, he will be happy to "meet" with you. Other times are also available for virtual appointments. Professor Lande will not, however, be available before class.

Administrative Matters

Laptop use: Students are encouraged to take notes by hand, not by PC, laptop, etc. During class students should not send texts, tweet, play games, surf the Web, etc.

Cell phone: Turn off your cell phones, iPods, and other personal electronic devices before class starts. You will be embarrassed if your cell phone goes off in class.

Questions During Class: I really want you to ask questions during class. Please use the "hand raise button" and try to remember to put your hand down after you have been called on. But students may not speak in class unless recognized. Moreover, students may not be recognized if time is short. The instructor apologizes in advance for these situations and urges these students to contact him immediately after class or during office hours.

Chat function: Please use the chat function solely to communicate with me if you want to tell me something but the hand raising function is not appropriate or helpful.

Forms of address: Students presumptively will be addressed as Ms. or Mr. Please inform me in advance if there is a specific way you prefer to be addressed.

Recording of class: The instructor will attempt to record every class and post them on Panopto. There may be times when you are forced to miss class for religious or for 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 if you had just read a classmate's

notes. If you know in advance you will be absent, you might ask a friend to record the class for you as a backup.

Attendance: you must sign into each Zoom class using your ubalt.edu e mail address, and you must sign in using the name you have registered with (no nicknames). This will enable the system to automatically record your attendance (including duration). Pets and children are welcome to attend, but their presence in class is not a substitute for you also attending.

You may not leave the Zoom recording during class unless there is an emergency (the same way you would not be permitted to leave an in-person law school class unless there is an emergency). If a student chooses not to turn on their camera, and is called on or otherwise asked to engage in class work and is not present, they may be subject to discipline under the Honor Code for misrepresenting their attendance.

Timing: It is very important that you arrive at the Zoom session on time. Class will start at 10:00:00. Arrive early in case there are technical glitches (you might be surprised how often there will be technical glitches). Class will start and finish promptly.

Presence: Please enter class with your microphone muted and with your camera/video on, and with you appearing live (not your photo, and not just your name or a background). You are strongly encouraged to have your camera/video on at all times, but if you have a special circumstance that makes it inappropriate or uncomfortable to use the camera/video, please reach out to me offline before class. Feel free to use a Zoom background for privacy.

Technical glitches: There will inevitably be technical problems that will disrupt class. If you are knocked or frozen out of class because you lose your signal, please attempt to log back in. If I am knocked out or have a frozen or poor connection, I might be forced to end the class and restart it. If this happens please sign back in and continue the class.

If something technical goes horribly, please check your E mail for an update from me. On occasion I may be forced to simply record part of all of a class and upload it to Panopto for you to watch on your own.

We will all be figuring out this new technology and how best to use it to learn together. Please be kind to your fellow classmates (and your professor) as we will all likely make mistakes and we will surely have to make adjustments over time.

Class Cancellation

If the instructor must cancel a class, notice will be sent to students via TWEN. Presume that class will take place even if the weather is poor.

Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

Faculty are required to record Zoom classes for the purposes of accommodating a disability, for students who cannot attend or so students who wish to review may have access to the full class content. All recordings are for the sole use of the class and may not be reproduced by students for any other purpose. Faculty cannot reproduce students' voices or images from the class for any other purpose without additional student consent. All such recordings are protected by a UB login process based on where they are posted. Students may mute their microphone or turn off their camera if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. In addition, students who turn off their camera and do not remain present for the entire class session may be subject to the Honor Code for misrepresenting attendance.

Additional Reference Material

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