

Torts
Syllabus and Expectations
LAWG 608G, Section 319G
Spring 2020

Instructor: Prof. Michael Hayes E-mail: mjhayes@ubalt.edu

Course meets Tuesdays & Thursdays, 3:00 p.m. – 4:15 p.m. in Angelos Law Room 018

First Week of Assignments:

For Tuesday, January 14, please read pages 1-16 of the Dobbs, Hayden & Bublick, *Torts and Compensation Casebook* (Concise 8th Edition 2013)

For Thursday, January 16, please read pages 29-34 of the Casebook.

Syllabus and Reading Assignments

Required Material: Text – Dobbs, Hayden & Bublick, *Torts and Compensation* (Concise 8th edition West 2017). **There are two versions of the 8th edition of this text. Be sure to buy the concise 8th edition**

Other Sources of Reading Assignments: Some other assigned cases and documents will be available on the TWEN website for the course.

Recommended: Glannon, *The Law of Torts* (5th ed. WoltersKluwer{Aspen}2015).

Bases for Grade: 70% Final Examination, 20% Midterm Examination, 10% Class Participation (quality not quantity)

Course Outline and Assigned Readings: All page numbers refer to the Text unless otherwise stated

I. Background **Read:** pp. 1-16

II. Intentional Torts

A. Battery **Read:** pp. 27-36, up to *White*; p. 42, starting at *Baska* - p. 44, up to §2 Assault; Restatement §16 on TWEN;

B. Assault **Read:** pp. 44-48.

C. False Imprisonment **Read:** pp. 48-51.

D. Torts to Property **Read:** pp. 51-58, up to §5.

F. Defenses to Intentional Torts

(1) Protecting Against Apparent Misconduct of Plaintiff

Read: pp. 61-75; Restatement §§70 and 80 on TWEN.

(2) Consent **Read:** pp. 75-81.

(3) Privileges Not Based on Plaintiff's Conduct **Read:** pp. 81-88.

Midterm Examination on Intentional Torts on Thursday February 20 In-Class, except for any student(s) receiving disability accommodation(s)

III. Negligence

A. Overview: The Elements of a Negligence Claim **Read:** pp. 91-93.

B. Duty

1. General Duty of Care **Read:** pp. 93-107.

2. Statutory and Regulatory Standards **Read:** p. 110, starting at *Martin v. Herzog*, - p. 120.

C. Breach of Care

1. Assessing Reasonable Care by Comparing Risks and Costs

Read: p. 128, starting at Note – p. 132, up to *Stinnett*; Excerpts from *Halek* and *Lowery* on TWEN; p. 140, starting at *Carroll Towing* – p. 144.

2. Industry Custom & Related Issues **Read:** p. 158, starting at §4-p. 163, up to §5.

3. Res Ipsa Loquitur **Read:** pp. 165-176.

D. Causation

1. Cause in Fact **Read:** p. 179, starting at §2-p.194, up to *Mohr*.

2. Proximate Cause **Read:** *Berry v. Sugar Notch* on TWEN; p. 204 - p. 213; p. 217, starting at Note #1 through p. 2120; and p. 231, starting at *Derdiarian* -p. 236, up to *Marshall; Gains-Tabb v. ICI Explosives, USA* on TWEN; pp. 236 – 239, up to Problem.

E. Actual Damages

F. Defenses to Negligence

1. Contributory and Comparative Fault **Read:** pp. 243-246, up to §3.

2. Assumption of the Risk **Read:** pp. 273-92; pp. 335-39 (§3, “The Firefighter’s Rule”).

G. Limiting or Expanding the Duty of Care Based on Relationship or Context

1. Landowners **Read:** p. 314, starting at *Gladon* - p. 334, up to §3.
 2. Medical and other Professionals **Read:** pp. 341-52, up to §2.
 3. Duty to Protect Against Third Persons **Read:** pp. 443-52, up to *Marquay*.
 4. The No Duty to Act Rule, and Exceptions **Read:** pp. 407-22.
- IV. Other Torts Issues -- Vicarious Liability **Read:** pp. 531-34, up to *Hinman*.

Course Goals:

In Torts, you will learn the law of imposed liability for personal, property, and economic harm. We will discuss intentional torts, negligence, causation and damages, defenses to torts, and other topics. In addition to learning the substantive law of torts, you will learn to identify torts issues raised by a fact pattern and analyze these issues in writing.

Course Expectations:

Computers – You are permitted to use laptops for note-taking and for the exam. Please respect the classroom environment and learning process by refraining from using your laptop to check e-mail, surf the net, or otherwise engage in activities not related to class. Please also be aware that there may be times during the semester when, to enhance your learning, I will not permit you to use your laptop. If you need a laptop as an accommodation for a disability, however, you will always be able to use it.

Professionalism – You are expected to come to class on time and stay for the entire class unless you provide advance notice of your need to arrive late or leave early. If you expect to come to class late or leave early, or to have to leave the classroom during a class session, then the instructor suggests you “switch seats” with a classmate who sits at the end of the row, so your arrival(s) or departure(s) will be as safe and non-distracting as possible. You are also expected to come to class prepared to participate in the discussion or activities taking place during class time. If you are unprepared, please give me a note to that effect before class begins. If I call on you and you are not prepared and have not given me a note, that will be considered poor class participation and will be noted by the instructor as that. Please be aware that being unprepared for class may negatively affect your final grade (as explained more fully below). In addition, please turn off your cell phone before class begins.

TWEN – There is a TWEN page for our class. You need a Westlaw password to access the TWEN page. I will communicate with the class through the TWEN page, and you are expected to check the site regularly for class announcements and course materials.