

**RING SEMESTER 2023 TORTS II SYLLABUS PROFESSOR WEEDEN THURGOOD
MARSHALL SCHOOL OF LAW** (Due to the COVID 19 Pandemic this syllabus is subject to
change)

LAW 509 SECTION 3

NAME: Professor L. Darnell Weeden

Telephone: (713) 313-4249

E-mail address: Larry.Weeden@tmslaw.tsu.edu (preferred method of contact is email)

Office Location TMSL 236L

Class Room Location Thurgood Marshall School of Law Room 202

Westlaw, TWEN Page

Please be sure to sign up for the TWEN page because information relevant to this class will be posted on the TWEN page during the semester.

Office Hours: Monday Wednesday Friday 9:00 – 9:30 A.M., and 11:00 A.M. –1:30 P. M.

Class Time Monday, Wednesday & Friday 10:00 A.M. - 10:50 A.M.

When this Class is meeting synchronous you are expected to be online from 10:00 A.M. to 10:50 A.M. for “class time.”

Virtual Class Location Blackboard Collaborate Ultra

<https://texsu.blackboard.com/webapps/login/>

Student Username Is: last name + first name initial + last 4 digits of T#

Student password is: 6-digit birth date (MMDDYY)

Blackboard Help dial 713 313 4357

Course Book:

. Prosser, Wade, Schwartz, Kelly, and Partlett's Torts, Cases and Materials, 14th ed. 2020
ISBN-13 9781647082116

“This casebook aspires to provide teachers with the raw materials to inform and challenge students to learn the law and think critically about it.” This edition appears in a world dramatically impacted by the COVID 19 pandemic. Also the authors of this casebook proclaim, “Those of you learning torts from this casebook will make the law in the 21st century. That is an important undertaking. We hope that you will find the first step of that undertaking, learning Torts from the 14th Edition, challenging and enjoyable.”

Highly Recommended Supplemental Reading: *Case Analysis and Fundamentals of Legal Writing*, by Williams P. Statsky & R. John Wernet, Jr. (any available edition). According to Statsky & Wernet, “No one has devised a universally accepted method of acquiring the skill of reading and applying court opinions. ...This book, however, starts with the assumption that much can be learned about opinions and their jurisprudential context before confronting thousands of them in the reporters and casebooks. The beauty of a court opinion is the wealth of learning it can provide about legal analysis and our legal system. This learning is the foundation for the development of the skills of reading and applying opinions.” Students are expected to read the notes following the cases in the textbook. The supplementary reading” in this syllabus is typically very helpful in developing strong legal analysis clarifying the process of identifying specific legal issues. From time to time, other reading material may be assigned.

Course Description

The course coverage this semester in Torts II will include (1) damages (2) wrongful death and survival (3) defenses; (4) imputed negligence; (5) strict liability; (6) products liability; (7) nuisance; (8) defamation; and (9) privacy. Tort actions involve civil wrongs other than a breach of contract committed by one person against the person and/or property of another for which the law provides a remedy. The course examines some of the public policy issues involved in applying the law of Torts to the nine identified topics.

Course Objective

The objective of this course is to identify specific legal issues in order to analyze some of the public policy considerations involved in the establishment and development of basic theories of legal liability in torts.

Student Learning Outcomes

After successful completion of the course, students should be able to competently:

- 1) Analyze appellate opinions involving Torts Law to extract relevant principles and rules, draw analogies and distinctions, and develop legal arguments
- 2) Articulate important doctrinal rules, standards and principles of Tort Law from memory, explain what they mean and provide appropriate examples
- 3) Demonstrate a practical understanding of Torts Law by recognizing commonly encountered issues and applying relevant standards and rules when presented in hypothetical and unfamiliar fact patterns
- 4) Communicate, orally and in writing, appropriate legal and factual arguments in support of each side of controversies involving commonly encountered problems and issues in the traditional common law development of torts.

GRADING

Your final grade will be based on the following:

Exam #1 Friday February 10	16.6%
Exam #2 Wednesday March 8	16.6%
Exam #3 Monday April 24	16.6%
subtotal	50%
Final Uniform Examination Comprehensive Exam	50%
Total	100%

PARTICIPATION

Class Participation: Each student is required to read the assigned materials before they are discussed in class in order to contribute to the class discussion of the cases and related policy concerns. No points are awarded for the act of participating in the class discussion. Some of the cases may be assigned to individual students in advance.

ATTENDANCE

Students are expected to attend this class on a regular basis whether the class is meeting in person or synchronous online. The grade of any person who has been absent from class more than five (5) times during the semester may be lowered one (1), two (2), or three (3) grades depending on the number of excess absences. Excessive absence from class may result in administrative withdrawal from the course. The number of absences a student may accumulate in a semester before the administration withdraws a student from class defines excessive absence. Absence is defined as a failure to attend class, or failure to be present at the start of this class without a reasonably appropriate justification. The number of absences permitted in a three-hour course this semester is five.

PROFESSIONALISM

Electronic Devices: Laptop computers, tablets, or mobile devices may be used for accessing your e-textbook and for class-related note taking and reference. During class, however, it is inappropriate to use those devices for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device, use of approved ear plugs in class is a privilege. In addition to any other sanction, the use of these devices may be rescinded, individually or collectively, if it is abused. Cell phones, smart watches, and similar devices must have the ringer turned off (or the volume muted).

Classroom Conduct: Students are expected to demonstrate professionalism while attending class. You must respect your classmates at all times. Refrain from excessive side conversations or other distracting conduct during class. It is important that you do not leave the classroom during instruction. Once class begins, you should remain seated and fully engaged in the discussion. If you have a

medical condition that requires you to regularly leave after class has begun, please Dean Mouton for approval. Otherwise, such disruption of class will be considered as unacceptable.

READING ASSIGNMENTS

WEEK 1 (January 9-13)

Damages; personal injuries; physical harm to property; punitive damages pp. 579- 629

WEEK 2 (January 16 - 20)

Wrongful Death and Survival; wrongful death; survival pp. 630- 658 MLK Holiday No class Monday

WEEK 3 (January 23-27)

Defenses; plaintiff's conduct; statutes of limitations and repose pp. 659 - 701

Week 4 (January 30 – February 3)

Defenses: Immunities pp. 701-746

Week 5 (February 6 -10)

Defenses: immunities; Vicarious Liability; respondeat superior; independent contractors; joint enterprise; bailments pp. 746 – 776 **Friday February 10 Exam #1**

Week 6 (February 13 - 17)

Vicarious Liability: Imputed Contributory Negligence; Strict Liability; animals; abnormally dangerous activities; limitations on strict liability pp. 776- 817

Week 7 (February 20 – 24)

Products Liability: Development of theories of recovery; products defects pp. 819- 866

Week 8 (February 27-March 3)

Products Liability: proof; defenses; defendants other than manufacturers-harm other than personal injury; legislation and products liability pp. 866- 909

Week 9 (March 6—10)

Nuisance: What constitutes an action in nuisance? Liability for private nuisance; defenses; nuisance remedies pp 911- 942 ****Midterm Wednesday**

March 8 Exam #2

Week 10 (March 13-17) **Spring Break**

Week 11 (March 20-24)

Defamation: Nature of a defamatory communication; libel and slander; publication pp. 943 - 85

Week 12 (March 27 – 31) Defamation: basis of liability; pp. 985 - 1026

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Week 13 (April 3-7)

Defamation: basis of liability; privileges pp. 1026–55 No Class Friday Holiday

Week 14 (April 10- 14) Defamation: Defamation goes global; Remedies; Privacy pp. 1055-92

Week 15 (April 17 – 21) Privacy pp. 1093-1124

Week 16 (April 24-28)

Exam #3 Monday April 24 Review Last Day of Class Wednesday : Reading period Thursday and Friday

Week 17 (May 1-5) Final Examinations

ACCOMMODATIONS

Effective Fall 2021 semester, the Thurgood Law administrative process for student disability accommodation will be carried out by the TSU Student Accessibility Services Office (SASO). Managed by Director Sharron Benavides, SASO specializes in accommodation services and will provide efficient and professional services to Thurgood Law students who may need accommodations. The following is the transition process for accommodation services:

Previously Approved Law Students

Law students who have been approved for accommodations in previous years by the Law School Student Affairs Office must complete the SASO [Accommodation Request Form](#) to request pre-approved accommodations for the Fall 2021 academic term. Students who have questions should contact SASO via email DisabilityServices@tsu.edu or phone 713-313-4210.

Accommodation Request Form link <http://www.tsu.edu/students-services/departments/disability-services/forms/student-accomodation-request-form.html>.

The procedure for law students who have not been previously approved for accommodation is as follows:

New Accommodation Requests

1. Students must have a diagnosed disability and authentic documentation to apply for services.
2. Once the applicant's disability information is received, SASO will contact the student to schedule an Intake (virtual) appointment for the student to self-report any disability challenges/barriers associated with the condition that impacts their functioning abilities in the learning environment.

3. SASO will next determine the student's eligibility status and accommodation plan based on the disability, historical documentation, and self-reporting data. SASO will send a notification letter indicating the applicant's service status. The notification letter requires the applicant's signature.
4. Upon receipt of the signed notification letter, SASO will forward a copy of the accommodation letter to the student, with instruction on how to complete the accommodation process.
5. Students must meet with each Instructor to discuss how accommodations will be implemented. The student and Instructor must sign the accommodation letter. The student will return a copy of the signed accommodation letter to SASO electronically. The signed accommodation letter is used for advocacy purposes if accommodation concerns are reported.

COVID Related Accommodations

TSU is completely re-opening for the Fall 2021 academic term for synchronous (in-person) courses. COVID-related protocols for the Fall 2021 academic term will support the quarantine time range for students who test positive or are exposed to COVID during the Fall 2021 semester. Documentation is required.

- COVID accommodations will be processed for those who report testing positive or exposed to COVID. Documentation is required.
- Students will quarantine for 10 days.
- Students must submit Release of Care documentation from a licensed health care professional to Student Accessibility Services Office (SASO), return to class, and discuss missed assignment/exam make up plans with Instructors. Students will not engage in class activities during the quarantine period.
- Students must communicate if more time is needed. Documentation is required to support additional time needs.

Instructors are not to re-teach the course for excessive absences. Students are encouraged to seek assistance from the Instructor and pursue tutoring. It is anticipated that students will engage in self-study during the absence time.

Accommodation services are not to fundamentally alter course/program formats, requirements, standards, and/or guidelines. Consequently, no remote/online attendance or learning modalities will occur for synchronous (in-person) formatted courses for the Fall 2021 academic term.

Students who have questions should contact SASO via email DisabilityServices@tsu.edu or phone 713-313-4210.

The above accommodation information was provided by Amy L. Ratra, Associate Dean – Student Services and Instructional Support Thurgood Marshall School of Law
<http://www.tsulaw.edu>

POLICIES & PROCEDURES

Student rules and regulations govern the management of the Thurgood Marshall School of Law. These rules and regulations are derived from requirements for the Accreditation of the law school by the American Bar Association. Texas Southern University and the Faculty of Thurgood Marshall School of Law require compliance with these rules. The rules adopted by the Faculty are amendable by a majority vote of the faculty. As law students and future lawyers, each of you should read carefully these rules and maintain the copy you received for future reference while enrolled as a student at the law school. A copy of this document is posted on the law school's web-site at www.tsu.edu/academics/law under Students Affairs.

The Thurgood Marshall School of Law is a full-time day program. Students are expected to devote full time to law study. Employment is strongly discouraged for first year students. In no event may any student work in excess of 20 hours per week during the academic year. If you should have any questions about these rules and regulations you are strongly encouraged to discuss them with your professors and/or any member of the administration of the law School.

Every law student, from the date of admission to graduation shall be charged with Knowledge of all provisions of the Student Rules and Regulations. A copy shall be posted on the law school's web site and remain there throughout each Academic Year. Hard copies will be placed in the office of the Student Bar Association, the office of each currently registered Student organization, the office of Assistant Dean for Student Development, the office of each administrative law school department, and to each member of the faculty.

Assessment Description

The primary format for your examinations will be mostly objective but may also include a timed essay on your midterm exam. All of the questions are designed to help you develop the legal reasoning skills necessary to development effective legal arguments. It is highly recommended that you prepare for these exams by reviewing the assigned reading as well as the material covered in class. The professor will give Examination #1 on Friday February 10 will include 20 objective multiple choice questions and a five-point timed essay. Examination #2 on Wednesday March 8 will consist of 25 objective multiple-choice questions. Examination #3 on Monday April 24 will consist of 25 objective multiple-choice questions. Thurgood Marshall School of Law administers a uniform comprehensive examination for all sections of Torts at the end of the semester. When administered the final uniform comprehensive examination is the same for all four sections of Torts.

Exams and reviews may be scheduled throughout the semester at times, other than when the class meets. A separate schedule of dates and times may be announced in the future. Practice exams may be administered throughout the semester to support you in developing your legal analysis skills. All three exams and the final uniform comprehensive exam at the end of the semester are mandatory. Failure to take a mandatory exam may result in a reduced or failing final grade. Excessive absences and lack of preparations may result in a lower grade in this course.

Title IX

Texas Southern University is committed to fostering a safe learning environment. As professor, one of my responsibilities is to help create a safe learning environment in class. Texas Southern University and Federal Regulations (Title IX) policy prohibit discrimination based on sex and this includes sexual harassment, sexual violence and misconduct, dating violence, domestic violence, and stalking. Texas Southern University understands that these incidents can undermine a student's academic success, so Texas Southern University encourages students who have experienced sexual conduct prohibited by university policy to report these incidents when they happen to the University's Title IX Coordinator or University Confidential Resource so that the student can get the help they may need.

It is my goal that you feel able to share information related to your life experiences in classroom discussions, in your written work, and in one-to-one meetings. I will seek to keep information you share private to the greatest extent possible. However, I also have a mandatory responsibility to notify the University's Title IX Coordinator when I become aware of incidents of prohibited conduct that violate the university's Title IX policy.

Students may speak confidentially to the University Counseling Center. Please feel free to visit their website www.tsu.edu/ucc for more information about their services. Also, students may speak with the University's Title IX Coordinator by calling 713.313.1371 or emailing titleix@tsu.edu.

THURGOOD MARSHALL SCHOOL OF LAW

COVID-19 INFORMATION SHEET

HEALTH AND SAFETY ON CAMPUS

1. The University does not require COVID-19 vaccination as a condition for attending school. As a protective measure, students are encouraged to get vaccinated. The St. Luke's vaccination clinic, located on campus in the Nabrit Science Building, is open and accessible to the entire University community, Monday-Friday, 9 a.m. – 7 p.m. There is no cost for the vaccination.
2. Students are expected to continuously self-screen for the symptoms of COVID-19. If you have symptoms and are not fully vaccinated, you should call the Student Health Center at (713) 313-7173. Please remember to exercise caution and be courteous of your fellow students.
3. Students who experience a medical emergency on campus should call (713) 313-7000. If off campus, call 911. Please inform the dispatch operator if you are experiencing shortness of breath, difficulty breathing, coughing, or have a fever.

4. Students who are unable to attend classes for health reasons, including those relating to COVID-19, should immediately contact the Associate Dean of Student Services, Amy Ratra (miamy.ratra@tsu.edu), for further guidance.

5. Students who contract the COVID-19 virus must report the information to the Associate Dean of Student Services, Amy Ratra, and the Student Accessibility Services Office (SASO), by phone at 713-313-4210 or by email at disabilityservices@tsu.edu.

6. Students who contract the COVID-19 virus will be required to quarantine under the advice of Student Accessibility Services Office (SASO). Such students are required to submit Release of Care documentation from a licensed health care professional to SASO and notify the Associate Dean of Student Services, Amy Ratra, before they return to the law school.

7. While on campus and in classrooms, students are encouraged to conduct themselves in a manner conducive to the health and safety of the entire TSU community.

a. Students should practice hand hygiene, cough etiquette, and general cleanliness.

b. Face coverings (over the nose and mouth) are not required as per the guidelines from the State of Texas. However, students are strongly encouraged to wear face coverings (over the nose and mouth) while in the law school building.

c. Students should wash or disinfect their hands before each class and after physical interaction with other persons in the classroom.

d. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.

e. Students who do not conduct themselves on campus in a manner conducive to the health and safety of those with whom they come in contact may be subject to discipline up to expulsion

from law school.

ATTENDANCE POLICY

8. Law school classes will generally be in-person this semester. However, from time due to COVID and other considerations the classes may be held on line. The law school attendance policy will be strictly enforced.

9. Students who contract the COVID-19 virus will be barred from attending in-person classes until submitting Release of Care documentation from a licensed health care professional to Student Accessibility Services Office (SASO). Such students will be required to study and keep up with the prescribed readings.

10. Students that are excused from in-person class attendance because they contracted the COVID-19 virus should designate a student in each of their classes to make audio recordings of the lectures. Professors are required to allow such recordings to be made. Furthermore, professors are required to meet with such students to answer questions about the materials covered during their COVID-19-related absence.

UNIVERSITY RESOURCES

11. COVID-19 TESTING

Location: H&PE 109

Hours of Operation: No appointments are necessary. Tuesday – Thursday 8 a.m. – 11:30 p.m.

Results will be available within 24 hours if the test is taken by 11:30 a.m.

12. The St. Luke's vaccination clinic is open and accessible to all University personnel and community, Monday – Friday, 9 am – 7 pm in the Nabrit Science Building.

13. STUDENT HEALTH SERVICES a. Student Health Services is open 8:00 a.m. – 5:00 p.m. Monday – Friday by appointment only.

b. A nurse is available at (713) 313-7173, Monday – Friday, from 8:00 a.m. – 5:00 p.m. to schedule appointments.

c. Appointments will be scheduled virtually and in-person, as needed.

d. If you are currently enrolled and need a copy of your immunization record go to <https://tsu.medicatconnect.com>.

e. If you are off campus but in the local area and need assistance contact the Harris County Health Department COVID-19 hotline: www.ReadyHarris.org. If you don't have the internet, call (832) 927-7575 or Houston Health Department COVID-19 Call Center: (832) -393-4220.

14. UNIVERSITY COUNSELING CENTER a. The University Counseling Center (UCC) is providing convenient Telemental Health Services to all students.

b. Students may call 713-313-7800 to request an appointment. If someone does not answer, please leave your T-Number, name, and a contact number. Students may also complete this form to request an appointment, and someone will contact them during business hours:

c. Students may receive a call from a blocked or private number, please answer, as it may be your counselor trying to contact you.

d. If a student experiences a crisis outside of regular business hours, the student can call 833-848-1765.

e. Other resources for support outside of the UCC include: i. Crisis text line – Text Steve to 741-741.

ii. National Suicide Hotline - 800-273-TALK (8255)

<https://forms.office.com/Pages/ResponsePage.aspx?id=ViJL72KUK0Su4urH7Z-1ZFNJ2YNoWsVPs>

THURGOOD MARSHALL SCHOOL OF LAW COVID-19 INFORMATION SHEET HEALTH AND SAFETY ON CAMPUS

1. Students are expected to continuously self-screen for the symptoms of COVID-19. The Center for Disease Control has a list of COVID-19 symptoms: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. If you begin to show symptoms, notify your professor and leave the classroom. Limit contact with other individuals on campus and contact your healthcare provider for further guidance.
2. If, before coming to campus, a student starts exhibiting any symptoms of COVID-19 or does not feel well, the student should not attend class in person. The student should immediately notify the Office of Student Affairs and attend classes online.
3. Students who have been sick with COVID-19 symptoms, tested positive for COVID-19, or have been potentially exposed to someone with COVID-19 should attend classes online until they are cleared by their healthcare provider. The following is taken from the TSU & Coronavirus FAQs, <http://www.tsu.edu/about/administration/marketing-and-communications/coronavirus/faqs.html>:

Those who have recently traveled internationally or believe they have been exposed to the virus and are experiencing influenza-like illness, with fever greater than 100.3, and symptoms, including cough, body aches, severe sore throat or runny nose, should seek medical attention, especially if symptoms worsen.

Students should contact TSU Health Services (713-313-7173) and identify themselves as having flu-like symptoms to obtain further recommendations and guidance. Students should also consult with their regular health care provider or seek treatment at a local health center if they

are overseas. Please call ahead to your health care provider to notify them of the reason for your visit.

For additional information about COVID-19, including signs and symptoms, transmission and risk of exposure, and what to do if you are exhibiting symptoms, please refer to the resources section. The [CDC's website](#) and [Texas Department of State Health Services](#) (DSHS) will also issue guidance for those planning to travel or who have recently returned.

4. While on campus and in classrooms, students should observe the rules for social distancing, social health etiquette, and general cleanliness.
 - a. Students should practice hand hygiene, cough etiquette, and general cleanliness.
 - b. Students should maintain at least 6 feet separation in all directions from other individuals.
 - c. Face coverings (over the nose and mouth) are required for all students. Students without a face covering will not be allowed to enter the classroom. Students with an approved exemption and who notify their professor before the start of class may be allowed to wear a face shield instead of a face mask.
 - d. Students should wash or disinfect their hands before each class and after any physical interaction with other persons in the classroom.
 - e. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
 - f. Students should not expect to enter the Law Building on a day other than the designated day for in-person attendance for an enrolled course. Entry will be permitted only if administration can determine that the maximum occupancy for COVID-19 social distance protocol has not been exceeded.
 - g. Students who do not comply with the rules for social distancing, social health etiquette, and general cleanliness may be subject to discipline up to expulsion from law school.

ATTENDANCE POLICY

5. Students are required to attend classes consistent with the format of the enrolled course.
 - a. Hybrid – instruction for courses in this format is delivered in person and simultaneously online. Enrolled students are divided into groups and required to attend weekly in-person classes on the weekday(s) predetermined by administration for the designated group. Students may only attend in-person classes on the administration-determined day to ensure that all enrolled students are guaranteed a physical seat for the class. Other class days for the week are to be attended online. Students who have COVID-related health and safety concerns in attending in-person classes must obtain a remote-instruction waiver from the Office of Student Affairs. The waiver can be requested for the entire semester or temporary, based upon the personal circumstance of the affected student.
 - b. Online – instruction for courses in this format is delivered 100% online.
 - c. For the 100% online course and the hybrid course online instruction component, both the American Bar Association and the Law School rules obligate the professor to obtain assurance that the person who logs into the course online, participates in class, takes quizzes and exams, and engages in collaborative exercises, is the student enrolled in the course. Without being limited to the following methods of attendance verification, professors may require attendance to be contingent upon confirmation of identity via webcam or require webcams to remain on for the entire class period.

THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2022 – 2023

SPRING SEMESTER 2023

SPRING SEMESTER 2023 (SEVENTY DAYS OF CLASSES)

School Opens

Monday

January 2, 2023

First Day of Class	Monday	January 9, 2023
Last Day to ADD/DROP	Wednesday	January 11, 2023
M L K Holiday (No Classes)	Monday	January 16, 2023
<i>Purge of all unpaid course selections</i>	Monday	February 2, 2023
Mid Term Examinations	Mon – Fri	March 6 - 10, 2023
Spring Break	Mon – Fri	March 13 - 17, 2023
Good Friday (No Classes)	Friday	April 6, 2023
Last Day of Classes	Wednesday	April 26, 2023
First Year Professors' Grades Due	Wednesday	April 26, 2023
Reading Period (No Classes)	Thurs – Sun	April 27 - 30, 2023
Final Examinations	Mon- Fri	May 1 – May 12, 2023
Hooding Ceremony	Friday	May 12, 2023
Commencement Exercises	Saturday	May 13, 2023
Please note that the calendar events and /or dates are subject to change.		

<http://www.tsulaw.edu/academics/spring-2023-academic-calendar-11-2-22.pdf>