FALL SEMESTER 2020 TORTS 1 SYLLABUS THURGOOD MARSHALL SCHOOL OF LAW (Due to the COVID 19 Pandemic this syllabus is subject to change)

LAW 508 SECTION 4

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

Virtual Office Hours: Monday Wednesday Friday 9:00 A.M. – 10 A.M., 1:00 P.M.-2:00 P.M. and 5 P.M. – 6:30 P.M.

Class Time Monday, Wednesday & Friday 12:00 P.M. - 1:00 P.M.

This Class is synchronous and you are expected to be online from 12:00 to 1:00 for “class time.”

Virtual Class Location Blackboard Collaborate Ultra

https://tексu.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)

Physical Class Room Location


Blackboard Help

For Blackboard troubleshoots dial Mark L. Wright a 713.313.7227

Required Technology: Due to the nature of this course you will need a computer, access to the internet and a webcam. A webcam is needed for Respondus Lockdown Browser. The Respondus Lockdown Browser will assist in securing online exams in classrooms or proctored environments.
Course Book:


“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

This semester students will be introduced to basic theories of liability in Torts. Students will examine in depth the following topics: (1) development of liability based upon fault; (2) intentional Interference with person or property; (3) privileges to the intentional tort; (4) negligence (duty and breach); (5) Causation in fact; (6) proximate or legal cause; (7) joint tortfeasors; (8) duty of care (special duty cases) and (9) owners and occupiers of land. These torts actions involve civil wrongs committed by one person against the person and/or property of another.

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 in order 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 September 11  
Exam #2 Friday October 9  
Exam #3 Monday November 2  

Total  
Final uniform Examination  

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<thead>
<tr>
<th>Exam</th>
<th>Date</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Exam #1</td>
<td>Friday September 11</td>
<td>16.6%</td>
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<tr>
<td>Exam #2</td>
<td>Friday October 9</td>
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<td>Exam #3</td>
<td>Monday November 2</td>
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<td>Total</td>
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<td>Final uniform Examination</td>
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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 synchronous online class on a regular basis. 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 synchronous 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 assessing your e-textbook and for class-related note taking and reference. During class, however, it is inappropriate to use those devices for any other propose (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 devises 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 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 (August 10-14)  pp. 1-49

Development of Liability based on fault; Intentional Interference with person or property; intent; Battery; Assault; False Imprisonment

WEEK 2 (August 17-21)

Intentional Interference with person or property; False Imprisonment; Intentional Infliction Of Emotional Distress; Trespass to Land, Trespass To Chattels, Conversion  pp. 49-105

WEEK 3 (August 24-28)

Privileges; Consent; Self Defense, Defense of Others; Defense of Property; Recovery of Property; Necessity; Discipline; justification; Negligence; Elements of the Negligence Cause of Action; A Negligence Formula  pp. 107-156

Week 4 (August 31 – September 4)

A Negligence Formula; Negligence the Standard of care  pp. 156-209

Week 5  (September 7-11)

Negligence the standard of care  Friday September 11 Exam #1
***No Class Monday Labor Day  pp. 209 - 229

Week 6  (September 14-18)

Negligence, the standard of care; Rules of Law; Violation of Statute; Proof of Negligence  pp. 229-277
Week 7  (September 21 – 25)

Negligence; Proof of Negligence; Causation in fact; Sine Qua Non; Proof of Causation; Concurrent Causes; problems in determining which Party Caused The Harm

pp. 277-331

Week 8  (September 28 – October 2)

Causation in fact; problems in determining which Party Caused the Harm; Proximate or Legal Cause: Scope of Lability; Unforeseeable Consequences, Intervening Causes

pp. 331-381

Week 9  (October 5—9)

**Midterm Exam Friday October 9 Exam #2**

Proximate or Legal Cause: Scope of Lability; Intervening Causes, Public Policy; Shifting Responsibility; Joint Tortfeasors; Liability And Joinder Of Defendants;

pp 381-418

Week 10  (October 12-16)

Joint Tortfeasors; Liability and Joinder of Defendants; Satisfaction and Release; Contribution and Indemnity; Apportionment of Damages; Privity of Contract

pp. 419-469

Week 11  (October 19 – 23)  Duty of Care; Failure to Act; Pure Economic Loss; Emotional Distress; Failure to Act; Pure Economic Loss; Unborn Children  pp. 470 - 526

Week 12  (October 26 - 30)

Duty of Care; Unborn Children; Owners and Occupiers of Land

pp. 526-578
Week 13   (November 2- 6)

Exam #3 Monday November 2

Last Day of Class Wednesday November 4

*Reading Period November 6 (No Class Friday)

Week 14   (November 8 – 14)

Final Examination Period

Week 15   (November 15-21)

Final Examinations End Thursday Nov. 19

Commencement Saturday Nov. 21

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Contact Dean Virgie Mouton (Student Affairs) if require any special accommodations regarding any of the assuagements, including, but not limited to, extensions, note-taker, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton

Assistant Dean for Student Development and Academic Support

Phone; 713 313-7909

Email: Virgie.Mouton@tmsslaw.tsu.edu

Please see:

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 September 11 will include 25 objective multiple choice questions and a five point timed essay. Examination #2 on Friday October 9 will consist of 30 objective multiple choice questions. Examination #3 on Monday November 2 will consist of 30 objective multiple choice questions. The 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.

THURGOOD MARSHALL SCHOOL OF LAW
TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2020 – 2021

FALL SEMESTER 2020 (Modified 13-Week Schedule)

Orientation (online) Mon-Fri August 3 – 7, 2020
First Day of Class Monday August 10, 2020
First Day to ADD/DROP Wednesday August 12, 2020
Labor Day (NO CLASSES) Monday September 7, 2020
Purge of all unpaid course selections Monday September 14, 2020
Mid Term Examinations Mon – Fri October 5-9, 2020
Last Day to Drop a Class with grade of “W” Friday October 30, 2020
Last Day of Classes Wednesday November 4, 2020
First Year Professors’ Grades due Wednesday November 4, 2020
Reading Period (NO CLASS) Thurs- Sun November 5-8, 2020
Final Examinations Mon – Thu Nov 9 – 19, 2020
Commencement Exercises Saturday November 21, 2020

Please note that the calendar events and/or dates are subject to change.

Updated July 1, 2020

SPRING SEMESTER 2021 **TBA
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 Assistant Dean for Student Development (virgie.mouton@tmslaw.tsu.edu) 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.