TORTS I

LAW 508/SECTION 1

FALL 2021

MWF 9-9:50 A.M.

ROOM 202

DEAN JOAN BULLOCK
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THE PROFESSOR

NAME: Dean Joan Bullock

TELEPHONE: 713-313-1069

EMAIL: joan.bullock@tmslaw.tsu.edu

LOCATION: LSB 223

OFFICE HOURS: Monday 3:00 p.m. – 5:00 p.m.
(All other times by appointment only)

This syllabus is not a contract. Accordingly, it is subject to change at any time with or without notice.

We will be utilizing the *Casebook Plus* version of the text. This will allow the class to engage in several out-of-class, online exercises that permit students to analyze and apply the substance of what is read to specific fact situation.
The study of tort law is the study of certain civil wrongs and how the law provides redress when these wrongs cause harm to a person or the person’s property. The civil wrongs, or tort actions we will cover this semester, are intentional torts and negligence. Specifically, we will cover (1) intentional interference with person or property; (2) defenses to intentional torts; (3) elements of negligence action; (4) multiple party liability; (5) special duty of care; and (6) duties owed by owners and occupiers of land.
STUDENT RESPONSIBILITIES AND LEARNING OUTCOMES

Student Responsibilities

The student will

- Attend class regularly and be on time. Consistent with the Student Rules & Regulations, a student’s grade may be negatively affected by excessive absences.
- Prepare for each class with the expectation of imparting or being called upon to contribute a reasoned comment or response related to the topic of that day.
- Spend 2 hours studying outside of class for each hour in class.
- Stand when called upon or being recognized to speak in class.
- Be courteous, civil, and respectful of peers and the professor.
- Not use computers, phones, or other electronic mobile device during class time for non-class-related matters.
- Exercise academic integrity in and outside of class. See Honor Code in Student Rules & Regulations.
- Exercise professionalism by remaining in the classroom once class starts. Absent prior accommodation or approval, limit leaving class prior to the end of the class session.

Learning Outcomes

Students who successfully complete Torts I will be able to

- Identify common law intentional tort and negligence actions and know the defenses for each.
- Demonstrate knowledge of the elements of the intentional torts of battery, assault, false imprisonment, trespass to land, trespass to chattel, conversion, and intentional infliction of emotional distress.
- Demonstrate knowledge of the elements of negligence, including duty, breach of duty, and causation.
- Understand the public policy considerations underlying the tort system.
- Analyze tort problems through the identification of the tort with effective and succinct application of the tort’s elements in oral and written presentations.
The final grade for this course will be calculated as follows:

<table>
<thead>
<tr>
<th>Class Assignments</th>
<th>Submit via Blackboard - Briefs, Written Short Answers to Casebook Hypos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midterm – Monday, October 11</td>
<td>Essay; Closed Book</td>
</tr>
<tr>
<td>Final – Monday, November 22</td>
<td>Multiple Choice; Closed Book</td>
</tr>
<tr>
<td>Uniform Exam Monday, 9 a.m. November 29</td>
<td>Multiple Choice; Closed Book</td>
</tr>
</tbody>
</table>

**PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

The American Bar Association, Thurgood Marshall School of Law, and I require regular and punctual class attendance. At the beginning of each class session, I will circulate an attendance sheet for you to sign. It is your responsibility to ensure that you have signed the sheet during class. Your attendance will count only if you sign the attendance sheet during the class in which you are present. Failure to sign the attendance sheet is evidence of an absence—even if you are physically present. I also reserve the right to count students as absent if they are not present and seated when class starts.

YOUR GRADE IN THIS CLASS MAY LOWERED OR YOU WITHDRAWN FROM THIS COURSE IF YOU ACCUMULATE MORE THAN THE NUMBER OF ABSENCES INDICATED IN THE STUDENT RULES & REGULATIONS. It is your responsibility to keep account of the number of your absences for this course.

NOTE: IT IS AN HONOR CODE VIOLATION FOR A STUDENT TO MISREPRESENT THE STUDENT’S ATTENDANCE OR THE ATTENDANCE OF ANOTHER STUDENT.
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 exposure 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.
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.
8. Students should wash or disinfect their hands before each class and after physical interaction with other persons in the classroom.
9. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
10. 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

Law school classes will be fully in-person this fall. The law school attendance policy will be strictly enforced.

8. 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.

9. 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: https://forms.office.com/Pages/ResponsePage.aspx?id=ViiL72KUK0Su4urH7Z-1ZFNJ2YNwSpVstLk4r8W_X1UOUk25UXMrVoyVEdQTVkz09RVBLN05OTy4u.

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).
# ACADEMIC CALENDAR

## FALL SEMESTER 2021

**Fall Semester 2021 (Seventy days of classes)**

<table>
<thead>
<tr>
<th>Event</th>
<th>Days of Week</th>
<th>Date Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orientation</td>
<td>Monday-Friday</td>
<td>August 9-13, 2021</td>
</tr>
<tr>
<td>First Day of Class</td>
<td>Monday</td>
<td>August 16, 2021</td>
</tr>
<tr>
<td>Last Day to Add/Drop</td>
<td>Wednesday</td>
<td>August 18, 2021</td>
</tr>
<tr>
<td>Labor Day (NO CLASSES)</td>
<td>Monday</td>
<td>September 5, 2021</td>
</tr>
<tr>
<td>Purge of all unpaid course selections</td>
<td>Wednesday</td>
<td>September 15, 2021</td>
</tr>
<tr>
<td>Mid Term Examinations</td>
<td>Monday-Friday</td>
<td>October 11-15, 2021</td>
</tr>
<tr>
<td>Last Day to Drop a Class</td>
<td>Friday</td>
<td>November 5, 2021</td>
</tr>
<tr>
<td>Last Day of Classes</td>
<td>Tuesday</td>
<td>November 23, 2021</td>
</tr>
<tr>
<td>First Year Professors’ Grades Due</td>
<td>Tuesday</td>
<td>November 23, 2021</td>
</tr>
<tr>
<td>Reading Period</td>
<td>Wednesday</td>
<td>November 24, 2021</td>
</tr>
<tr>
<td>Thanksgiving Holiday</td>
<td>Thursday-Friday</td>
<td>November 25-26, 2021</td>
</tr>
<tr>
<td>Reading Period</td>
<td>Saturday</td>
<td>November 27-28, 2021</td>
</tr>
<tr>
<td>Final Examinations</td>
<td>Monday-Friday</td>
<td>November 29 – December 10, 2021</td>
</tr>
<tr>
<td>Commencement Exercises</td>
<td>Saturday</td>
<td>December 11, 2021</td>
</tr>
</tbody>
</table>

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

Title IX

Texas Southern University is committed towards encouraging and supporting a welcome inclusive university community where all community members enjoy a community free from sex discrimination, harassment, and violence. As a result, you should know that university faculty members and staff are required to notify the University Title IX Coordinator of any instances of sex discrimination and harassment, sexual violence, dating violence, domestic violence, or stalking. Sharing this information ensures that those harmed are provided support resources. What this means is that as your professor, I am required to report any incidents that are directly disclosed to me, or of which I am somehow made aware. The University’s Counseling Center is available to you if you want to speak with someone confidentially. Please visit the University’s Counseling Center’s website www.tsu.edu/ucc for additional information.
READING SCHEDULE

Page references below are to the casebook. You should also be reading as part of your regular class preparation, the relevant provisions of the various uniform and model code laws cited in your readings.

We will devote more time and attention to some cases than others. This does not mean that cases that are omitted from our discussion are “unimportant” or that you should not read them. Often they will provide the essential backdrop for the material that is covered in classroom lecture and discussion. In any event, since class discussion will, of necessity, be structured on the basis of an assumption that all the material for that class has been read and, to some degree, digested, it is highly recommended that every effort be made to keep current with class assignments. Also, it is not my expectation, nor for that matter even my intention, that class discussion over the course of any given day or week will necessarily coincide with the assignment schedule set forth below for that day or week. Nevertheless, I have arranged the reading assignments in a manner which I believe will be most conducive to the learning process and yet still be consistent with the objective of spreading the burden rather evenly over the several weeks of the semester. Therefore, I encourage you to try to stay on the schedule contained in this syllabus as closely as possible.

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<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEK 1 (August 16 -20, 2021)</td>
<td>Preface; Introduction and Overview; Intentional Torts - Intent</td>
<td>1 - 44</td>
</tr>
<tr>
<td>WEEK 2 (August 23 - 27, 2021)</td>
<td>Intentional Torts – Battery; Assault</td>
<td>45-62</td>
</tr>
<tr>
<td>WEEK 3 (August 30 – September 3, 2021)</td>
<td>Intentional Torts – False Imprisonment; Trespass to Land</td>
<td>61-94</td>
</tr>
<tr>
<td>WEEK 4 (September 6 – 10, 2021)</td>
<td>LABOR DAY – NO CLASS MONDAY Intentional Torts – Trespass to Chattel and Conversion</td>
<td>95-109</td>
</tr>
<tr>
<td>WEEK 5 (September 13-17, 2021)</td>
<td>Intentional Torts – Intentional Infliction of Emotional Distress; Defenses to Intentional Torts - Consent</td>
<td>112-149</td>
</tr>
<tr>
<td>DATE</td>
<td>TOPIC</td>
<td>PAGES</td>
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<tr>
<td>WEEK 6 (September 20 – 24, 2021)</td>
<td>Defenses to Intentional Torts – Defense of Self, Others, Real Property</td>
<td>150-162</td>
</tr>
<tr>
<td>WEEK 7 (September 27 - October 1, 2021)</td>
<td>Defenses to Intentional Torts – Personal Property; Necessity; Justification</td>
<td></td>
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<tr>
<td>WEEK 9 (October 11 – 14, 2021)</td>
<td>Midterm – Monday Negligence Elements; Standard of Care by Case Law</td>
<td>181-270</td>
</tr>
<tr>
<td>WEEK 10 (October 18 – 22, 2021)</td>
<td>Negligence – Standard of Care by Rule of Law; Non-Tort Statute; Tort-Specific Statute; Proving Negligence</td>
<td>271-326</td>
</tr>
<tr>
<td>WEEK 11 (October 25 – 29, 2021)</td>
<td>Causation</td>
<td>327-459</td>
</tr>
<tr>
<td>WEEK 12 (November 1 – 5, 2021)</td>
<td>Advanced Topics in Negligence Actions – Privity of Contract; Failure to Act; Pure Economic Loss; Negligent Infliction of Emotional Distress; Wrongful Birth. And Wrongful Life</td>
<td>547-653</td>
</tr>
<tr>
<td>WEEK 13 (November 8 – 12, 2021)</td>
<td>Advanced Topics in Negligence Actions – Owners and Occupiers of Land</td>
<td>654-695</td>
</tr>
<tr>
<td>WEEK 14 (November 15-19, 2021)</td>
<td>Joint Tortfeasors</td>
<td>823-875</td>
</tr>
<tr>
<td>WEEK 15 (November 22 – 26, 2021)</td>
<td>Exam – Monday Reading Period – Wednesday Holiday - Friday</td>
<td></td>
</tr>
<tr>
<td>WEEKS 16 - 17 (November 29 - December 10, 2021)</td>
<td>FINAL EXAMS – 2 WEEKS Torts Uniform Exam Monday, November 29 at 9 a.m.</td>
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