SYLLABUS

TORTS I (3 HOURS)

LAW 508 – SECTION II

FALL SEMESTER, 2021

PROFESSOR WALTER CHAMPION

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THE PROFESSOR

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OFFICE LOCATION:	Room-231K
CLASS:	Monday, Wednesday, & Friday, 2:00-2:50, Rm. 107
OFFICE HOURS:	Monday, Wednesday & Friday

12:00 a.m. to 2:00 p.m

Note From Professor: We are all in this pandemic together. Our motto is Peace, Love and Happiness. I can be reached anytime at 281-704-7454 (cell, chat or text) or wchampionjr@gmail.com.

COURSE BOOKS & OTHER MATERIALS

REQUIRED TEXT Schwartz, Kelly & Partlett, Prosser, Wade and Schwartz's Torts, (Foundation Press, 14th ed., 2020).

REFERENCE TEXTS

1. D. Dobbs, P. Hayden & E. Bublick, Hornbook on Torts, (West Academic 2d. ed.,2016).
2. Restatement of Torts, Latest Editions, the Restatements of the Law are a set of treatises on legal subjects that seek to inform judges and lawyers about general principles of common law.
3. Edward J. Kionka, Torts in a Nutshell (West Academic, 6th ed., 2015).

Supplementary Reading

1. John Baumau and Ronald Eades, Torts Exam Pro/Objective, Multiple Choice Exams and Analysis (West Academic Sum + Substance Exam Pro. Series, 2d. ed., 2017).
2. Shubba Ghosh, Acing Tort Law (West Acad., 2017).
3. Roger Schechter, A Short and Happy Guide to Torts (West: 2012).
4. Marshall Shapo, Principles of Tort Law (West Acad., Concise Hornbook Series, 2016)
5. Kenneth Abraham, The Forms and Functions of Tort Law (Foundation Press, Concepts and Insights Series, 5th ed. 2017).

COURSE DESCRIPTION & OBJECTIVES

This course addresses the judicial treatment of claims based on personal injuries and property loss where the complaining party utilizes one or more of the following three major bases of liability: intentional torts, negligence, and strict liability. More particularly, Torts I covers: 1) Development of Liability Based Upon Fault; 2) Intentional Interference with Person or Property; 3) Privilege; 4) Negligence; 5) Causation in Fact; 6) Proximate or Legal Cause; 7) Joint Tortfeasor; 8) Duty of Care; 9) Owners and Occupiers of Land.

Objectives: Introduction to basic theories of liability and defenses to liability in Torts, and public policy considerations involved in the establishment and development of torts, covered in Chapters 1-9 in the Prosser on Torts Casebook (14^{th} ed.)

STUDENT LEARNING OUTCOMES

The following are the analytical skills you are expected to develop and master in order to achieve the course objectives or student learning objectives for Torts I. You will continue to sharpen these skills in your study and application of various concepts in your second and third-years as you prepare to take the bar exam.

I. Critical Reading, Case Analysis, and Thinking Skills
Upon completion of Torts I, these skills will help you to be able to:
Read, comprehend, analyze, synthesize, and assess court opinions by:

1. Dissecting them into components by identifying such elements as:

   (a) Litigation status of the parties in the trial and appellate court(s),

   (b) Cause(s) of action,

   (c) Defenses,

   (d) Elements of the cause(s) of action,

   (e) Procedural history of the case,

   (f) Facts,

   (g) Issue(s),

   (h) Holding(s),

   (i) Plaintiff's arguments,

   (j) Defendant's arguments,

   (k) Rule(s) of law,

   (l) Policy rationale,

   (m) Disposition, and

   (n) Add your own commentary.

2. Learning and understanding the meaning of the elements of each tort cause of action; and
3. Breaking rules of law or legal principles into parts in order to understand what the rules mean and how to apply them.

II. Problem Analysis and Oral Advocacy skills

Upon completion of Torts I, these skills will help you to be able to:

Read, comprehend, analyze, and argue (orally and in writing) tort problems by:

1. Identifying the relevant tort cause(s) of action;
2. Identifying the relevant issues;
3. Identifying the elements of the relevant cause(s) of action;
4. Identifying the relevant rule(s) of law;
5. Applying the rule(s) of law to the relevant facts completely;
6. Identifying pro-arguments, counter-arguments and rebuttal arguments;
7. Identifying relevant policy arguments; and
8. Articulating legal arguments clearly, efficiently, completely, and professionally.

GRADING

Your final grade will be based on the following:

September 24, Multiple Choice Exam	25%
October 15, Mid-Term Essay Exam	25%
Final Uniform Examination	50%

ACCOMMODATIONS

If you require special accommodations, please fill out the appropriate forms. 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.

If you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. Please contact the appropriate designated individual.

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 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 my 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 class. The number of absences permitted in a three-hour course this semester is five. However, the above will be tempered as a result of the pandemic.

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 purpose (e.g., to download music, play games, watch DVDs, access inappropriate websites, or to instant message others). Use of a laptop, tablet, or mobile device 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). Again, the above is tempered by the pandemic and the hybrid nature of teaching this course.

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. Once class begins, you should remain seated and fully engaged in the discussion.

THURGOOD MARSHALL SCHOOL OF LAW
TEXAS SOUTHERN UNIVERSITY
ACADEMIC CALENDAR 2021
FALL SEMESTER 2021

Orientation (online)	Mon-Fri, Aug. 9-13, 2021
First Day of Class	Mon., Aug. 16, 2021
Last Day to ADD/DROP	Wed., Aug. 18, 2021
Labor Day (NO CLASSES)	Mon., Sept. 6, 2021
Purge of all unpaid course selections	Wed., Sept. 15, 2021
Mid Term Examinations	Mon. – Fri., Oct. 11-15, 2021
Last Day to Drop a Class with grade of "W"	Fri., Nov. 5, 2021
Last Day of Classes	Tues., Nov. 23, 2021
First Year Professors' Grades due	Wed., Nov. 23, 2021
Reading Period	Wed., Nov. 24, 2021
Thanksgiving Holiday	Thurs.-Fri., Nov. 25-26, 2021
Reading Period	Sat.-Sun., Nov. 27-28, 2021
Final Examinations	Mon.-Thurs., Nov.29-Dec.10, 2021
Commencement Exercises	Sat., Nov. 11, 2021

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

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 the 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 carefully read 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 website at www.tsu.edu/academics/law under Students Affairs. It is also available on the flash drive distributed to 1L students during Orientation. 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 website 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.

Fall Semester (2021) Professors Bullock, Champion

Sections I, II, III & IV Fain & Weeden

Torts I

Uniform Comprehensive Exam Topic Areas (60 Questions)

I. Intentional Interference With Person or Property (12 Questions)
- Battery (2 questions)
- Assault (2 questions
- False Imprisonment (2 questions)
- Intentional Infliction of Mental Distress (2 questions)
- Trespass to Land (2 questions)
- Trespass to Chattel (1 question)
- Conversion (1 question)

II. Privileges to the Intentional Torts (8 questions)
- Consent (2 questions)
- Self-Defense (1 question)
- Defense of Property (1 question)
- Recovery of Property (1 question)
- Necessity (2 questions)

III. Negligence Action (40 questions)
- Negligence Elements Generally (1 question)
- Duty of Care

  Foreseeable person (1 question)
  Affirmative duty to act (1 question)
  Standard of care (3 questions)

- Breach of Duty

  Balancing Test (1 question)

Res Ipsa Loquitur (2 questions)

- Cause In Fact
  Sine Qua Non Test (3 questions)
  Substantial Factor Test (2 questions)
  Alternative Causes Test (1 question)
- Proximate or Legal Cause

  Direct cause case (2 questions)
  Intervening cause or force (2 questions)

- Superseding cause or force (2 questions)

  Shifting responsibility (1 question or add 1 more question to "Direct cause case")

- Joint Tortfeasors or Multiple Parties Liability

  Joint and several liability (2 questions)
  Satisfaction (1 question)
  Release (1 question)
  Contribution (1 question)
  Indemnity (1 question)
  Apportionment of damages (1 question)

- Special Duty of Care Concepts
  Privity of contract (1 question)
  Failure to act (1 question)
  Negligent infliction of mental distress (1 question)
  Wrongful birth or Wrongful life (1 question)
- Duties Owed by Owners and Occupiers of Land

  Trespassers (2 questions)
  Licensees (2 questions)
  Invitees (2 questions)
  Lessees (1 question)

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) 3137173. 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 be fully in-person this fall. 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: https://forms.office.com/Pages/ResponsePage.aspx?id=ViJL72KUK0Su4urH7Z-1ZFNJ2YNoWsVPstLk4r8W_X1UOUk2SUxMRVoyVEdQTVkzV09YRVBLNU5OTy4u.
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).

TITLE IX INFORMATION

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.

ASSESSMENT DESCRIPTION

The first exam will be 30 MBE-type questions. The mid-term exam will consist of two essays. All of the questions are designed to help develop the legal reasoning skills necessary to demonstrate effective legal argument. We will practice MBE questions every Friday. We will bring in Bar preparation experts to help develop appropriate bar exam essay writing techniques. Essay and multiple question exams will be reviewed and assessed. 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.

Practice exams will be administered throughout the semester to support you in developing your legal analysis skills. The MBE exam, the essay mid-term, and the final uniform comprehensive exam are mandatory. Failure to take a mandatory exam may result in a reduced or failing final grade. Excessive absences and lack of preparation may also result in a lower grade.

READING ASSIGNMENTS

Week 1	Aug. 16-20	[We will cover about 15 pages a day. Read an extra 20 pages each week past the assignment. We hope to occasionally have guest lecturers, films, and practice writing sessions on Fridays.] Development of Liability based on fault; Intentional Interference with person or property.	pp. 1-42
Week 2	Aug. 23-27	Intentional Interference with person or property.	pp. 43-93
Week 3	Aug. 30-Sept.3	Conversion & Privileges	pp. 94-132
		Labor Day Holiday, Sept. 6	
Week 4	Sept.8-Sept.10	Privileges & Negligence	pp. 133-191
Week 5	Sept. 13-17	Negligence & Standard of Care	pp. 192-233
Week 6	Sept. 20-24	Multiple-Choice Exam, Sept. 24	pp. 233-288
Week 7	Sept. 27-Oct.1	Causation in Fact	pp. 288-334
Week 8	Oct.4-8	Proximate or Legal Cause	pp. 335-414
Week 9	Oct. 11-15	**Midterm Essay Exam, Oct 15**	pp. 415-454
Week 10	Oct. 18-22	Duty of Care	pp. 455-535
Week 11	Oct. 25-29	Duty of Care Cont'd	pp. 537-578
Week 12	Nov. 1-5	Owners & Occupiers of Land	pp. 537-578
Week 13	Nov. 8-12	Damages	pp.579-629
Week 14	Nov.15-19	Review	
Week 15	Nov. 21	Review	
	Nov. 23	Last Day of Classes	

Nov. 27-28 Reading Period

Nov. 29-Dec.10 Final Examinations