TORTS II

LAW 508/SECTION 1

SPRING 2022

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.
COURSE DESCRIPTION & OBJECTIVE

In this second part of our tort law, we will continue our study of certain civil wrongs and how the law provides redress when these wrongs cause harm to a person or the person’s property. Specifically, this semester we will cover the following topics:

- Damages
- Wrongful Death and Survival
- Defenses to Negligence and Some Other Torts
- Vicarious Liability
- Strict Liability
- Products Liability
- Nuisance
- Defamation
- Privacy
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. The professor is cognizant that law students have responsibilities that extend beyond their studies. As such, the professor will allow students to enter the classroom if they are late. **All late students must sign a separate roster UPON ENTERING at the front of the room and include time of arrival.** A late student who arrives within the first 30 minutes of class will be considered present for that day. A late student who arrives after the first 30 minutes of class must still sign the “Late Roster” but will be considered absent. Notwithstanding, the signature of the late student arriving after 30 minutes of class time has transpired is indicative of classroom presence and may be a consideration by administration if the student has excessive absences. Failure to sign the “Late Roster” upon entering will result in the late student (regardless of late time entering) being considered absent for that day. If a student is absent frequently or is considered by the professor to be taking undue liberties with the professor’s “entering class late policy,” the professor reserves the right to remove the student’s privilege of entering the classroom late and being counted present.

- 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.
Course Goals

Students will extend their grasp of doctrinal knowledge through the reading of cases, Restatements, and statutes; practice critical thinking and writing, utilizing problem analysis and problem solving skills in class and on written assignments; develop their communication skills by being factual, reflective, and responsive in class discussions and in written assignments; and exhibit professionalism though the exercise of courtesy and civility and complying with the Law School Honor Code.

Learning Outcomes

Students who successfully complete Torts II will be able to

- Identify and distinguish liability actions: direct, vicarious, and strict and know the defenses, as applicable.
- Demonstrate knowledge of the elements of negligence, nuisance, defamation, privacy, wrongful death and survival, vicarious liability, strict liability, and products liability.
- 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>Casebook Plus Quizzes - 10 points</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A course code was created for the online quizzes that accompany Torts, A Contemporary Approach. To redeem the course code and connect your quizzes to your professor, follow these steps:</td>
</tr>
<tr>
<td></td>
<td>1. Go to eproducts.westacademic.com</td>
</tr>
<tr>
<td></td>
<td>2. Sign in or create an account.</td>
</tr>
<tr>
<td></td>
<td>3. Click to open Torts, A Contemporary Approach from your bookshelf.</td>
</tr>
<tr>
<td></td>
<td>4. Click the Enroll in a Course button and enter this course code:</td>
</tr>
<tr>
<td></td>
<td>CRSE-QXVQ-ULR2-BCZD-IGLH</td>
</tr>
<tr>
<td></td>
<td>5. If you don’t see a picture of Torts, A Contemporary Approach on your bookshelf when you log on to eproducts.westacademic.com, perform either of the following:</td>
</tr>
<tr>
<td></td>
<td>o Click the Redeem Code button on the My Bookshelf page and enter the code that came with the casebook. Next, redeem your code.</td>
</tr>
<tr>
<td></td>
<td>o If you did not purchase a new book with a code, you can go to store.westacademic.com and purchase either the eBook/Learning Library or the Learning Library option for your casebook.</td>
</tr>
</tbody>
</table>
Need Help?

For help you can contact us at 1-877-888-1330 (option 4) or support@westacademic.com.

About the Course Code

By registering the course code, you connect your quiz results to the course your professor created. Your professor will have the option to view your progress and scores on the quizzes tied to your book. If you have questions about the information we provide to faculty, you can refer to the eProducts user agreement.

Topical Multiple-Choice Questions -20 points

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<table>
<thead>
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<tbody>
<tr>
<td>Midterm – During Week of</td>
<td>Essay; Closed Book – 30 points</td>
<td>20%</td>
</tr>
<tr>
<td>March 7-11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final – Section 1</td>
<td>Multiple Choice; Closed Book – 30 points</td>
<td>20%</td>
</tr>
<tr>
<td>Uniform Exam</td>
<td>Multiple Choice; Closed Book</td>
<td>50%</td>
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</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. **(For Zoom classes, you must enter your name in the chat to show your attendance).** 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 BE LOWERED OR YOU MAY BE 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 will begin instruction for the Spring 2022 semester online. It is expected that the campus community will return to in-person instruction beginning the week of January 24.

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 Spring 2022 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 the appropriate number of days as advised by health personnel.
- 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.

Students are encouraged to seek assistance from the Instructor regarding options to support students’ 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

With the exception of the first two weeks, law school classes will be in-person this spring. The law school attendance policy will be strictly enforced. (For Zoom classes, you must enter your name in the chat to show your attendance).

1. 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.

2. 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

1. COVID-19 TESTING Location:
   H&PE 109

2. 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.

3. 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.

4. 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.

5. 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-1ZFNJ2YNsVPstlk4r8W_X1UOUk2SUxMRVoyVEDQTVkzV09YRVLN5OTY4u.

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

**Spring Semester 2022**

### Spring Semester 2022 (Seventy days of classes)

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Opens</td>
<td>January 3, 2022</td>
</tr>
<tr>
<td>First Day of Class</td>
<td>January 10, 2022</td>
</tr>
<tr>
<td>Last Day to Add/Drop</td>
<td>January 14, 2022</td>
</tr>
<tr>
<td>MLK Holiday (NO CLASSES)</td>
<td>January 17, 2022</td>
</tr>
<tr>
<td>Purge of all unpaid course selections</td>
<td>February 7, 2022</td>
</tr>
<tr>
<td>Mid Term Examinations</td>
<td>March 7-11, 2022</td>
</tr>
<tr>
<td>Spring Break</td>
<td>March 14-18, 2022</td>
</tr>
<tr>
<td>Last Day to Drop a Class</td>
<td>April 11, 2022</td>
</tr>
<tr>
<td>Good Friday (No Classes)</td>
<td>April 15, 2022</td>
</tr>
<tr>
<td>Last Day of Classes</td>
<td>April 27, 2022</td>
</tr>
<tr>
<td>First Year Professors’ Grades Due</td>
<td>April 27, 2022</td>
</tr>
<tr>
<td>Reading Period (No Classes)</td>
<td>April 28-May 1, 2022</td>
</tr>
<tr>
<td>Final Examinations</td>
<td>May 2-May 13, 2022</td>
</tr>
<tr>
<td>Hooding Ceremony</td>
<td>May 13, 2022</td>
</tr>
<tr>
<td>Commencement Exercises</td>
<td>May 14, 2022</td>
</tr>
</tbody>
</table>

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

First two weeks of class – Zoom information: Please register to get the access link to the classes. Register in advance:

**Registration for Torts II Classes**

After registering, you will receive a confirmation email containing information about joining the class sessions.

**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. Frequently, 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.

<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEK 1 (January 10-14, 2022)</td>
<td>Defenses (and Partial Defenses) to Negligence Actions</td>
<td>461-546</td>
</tr>
<tr>
<td>WEEK 2 (January 17-21, 2022)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WEEK 3 (January 24-28, 2022)</td>
<td>Strict Liability</td>
<td>697-722</td>
</tr>
<tr>
<td>WEEK 4 (January 31-February 4, 2022)</td>
<td>Tort Damages</td>
<td>723-793</td>
</tr>
<tr>
<td>WEEK 5 (February 7-11, 2022)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WEEK 6 (February 14-18, 2022)</td>
<td>Wrongful Death and Survival</td>
<td>795-822</td>
</tr>
<tr>
<td>WEEK 7 (February 21-25, 2022)</td>
<td>Immunities</td>
<td>877-957</td>
</tr>
<tr>
<td>WEEK 8 (February 28-March 4, 2022)</td>
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<tr>
<td>WEEK 9 (March 7-11, 2022) Midterm Week</td>
<td>Vicarious Liability</td>
<td>959-992</td>
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Zoom Registration for Class Access Link

*For Zoom classes, you must enter your name in the chat during class to show your attendance. Please have camera on, facing you and not the ceiling (or the potted plant).
<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEEK 10 (March 14-18, 2022)</td>
<td>SPRING BREAK</td>
<td></td>
</tr>
<tr>
<td>WEEK 11 (March 21-25, 2022)</td>
<td>Nuisance</td>
<td>993-1037</td>
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<tr>
<td>WEEK 12 (March 28-April 1, 2022)</td>
<td>Products Liability</td>
<td>1039-1152</td>
</tr>
<tr>
<td>WEEK 13 (April 4-8, 2022)</td>
<td>Defamation</td>
<td>1153-1250</td>
</tr>
<tr>
<td>WEEK 14 (April 11-15, 2022)</td>
<td>NO Class April 15, Good Friday</td>
<td></td>
</tr>
<tr>
<td>WEEK 15 (April 18-22, 2022)</td>
<td>Privacy</td>
<td>1251-1300</td>
</tr>
<tr>
<td>WEEK 16 (April 25-29, 2022)</td>
<td>Last day of Class: Wednesday, April 27</td>
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<tr>
<td></td>
<td>Reading Period: April 28 - May 1</td>
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<tr>
<td></td>
<td>Torts Uniform Exam: TBD</td>
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