

**THURGOOD MARSHALL SCHOOL OF LAW 2018 SPRING SEMESTER TORTS II
SYLLABUS PROFESSOR WEEDEN LAW 509 SECTION 3**

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Office Hours: M W F 1:00 P.M. - 4:00 P.M.

Class Meets M W F from 12:00 PM.-12:50 P.M. Room 106 LSB

Required textbook: Schwartz, Kelly & Partlett, Prosser, Wade & Schwartz's Torts Cases and Materials Foundation Press (13th ed. 2015).

Recommended Reading: Case Analysis and Fundamentals of Legal Writing, by Williams P. Statsky & R. John Wernet, Jr. (any available edition)

COURSE CONTENT

Last fall semester in Torts I students were introduced to basic theories of liability in Torts. Students examined in depth the following topics: (1) development of liability based upon fault; (2) intentional torts; (3) privileges to the intentional torts; (4) negligence; (5) owners and occupiers of land. The course coverage this spring semester in Torts II will include (6) damages (7) wrongful death and survival (8) defenses; (9) imputed negligence; (10) strict liability; (11) products liability; (12) nuisance; (13) defamation; and (14) 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. We shall examine the public policy considerations involved in the establishment and development of the law of torts as applied to the identified fourteen topics.

COURSE REQUIREMENTS

Each student is required to read the assigned materials before they are discussed in class. Some of the cases may be assigned to individual students in advance. From time to time other reading materials may be assigned. 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 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 class.

Course Objective

An 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 & EXAMINATIONS

The professor will give two cumulative examinations this semester before the final uniform comprehensive examination. The first examination on Wednesday March 7, 2018, will consist of 25 objective questions worth two points each for a total of fifty (50) points. The second examination on Wednesday April 18, 2018, will consist of 23 objective questions worth two points each and a four point essay for a total of fifty (50) points. A student may earn a total of 100 examination points during the spring semester before the uniform comprehensive final torts exam. During the fall semester in Torts I (508) each student was given an opportunity to earn a total of

105 examination points. The fall October 2017, exam was worth 25 points and the fall December 2017 exam, was worth 80 points. Prior to taking the uniform comprehensive exam in May each student in the class will have taken four earlier cumulative examinations with an opportunity to earn a total of 205 points for both Torts I & Torts II. The Torts course will also have a final uniform comprehensive examination at the end of the semester. Practice exams may be administered throughout the semester to aid you in preparing for the two interim exams and the May Final Comprehensive Examination. 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.

The two interim exams given tis semester are mandatory. Failure to take an interim exam may result in a lower final grade. Excessive absences and lack of preparations may result in a lower grade in the course.

+ **(Notice)** The law school has a uniform examination policy for all first-year substantive courses. The final examination in all sections of Torts will be the same. It will constitute approximately fifty percent (50%) of the overall course grade for both Torts I & Torts II. A single final uniform cumulative comprehensive exam including both Torts I & Torts II will be administered at the end of the current semester.

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.

Please see:

http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

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. Students are expected to read the notes following the cases in the textbook. Supplementary material listed under “Recommended Reading Material” on page 1 of this syllabus may be helpful in clarifying the process of identifying a specific legal issue. From time to time other reading material may be assigned.

Attendance Students are expected to attend class on a regular basis. The grade of any person who has been absent from class more than seven (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 class. The number of absences permitted in this three-hour course this semester is five.

Professionalism: Students are expected to demonstrate reasonable progress in developing legal analysis skill and competence while participating in class discussions.

ACADEMIC CALENDAR

SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens Tuesday January 2, 2018

First Day of Class Monday January 8, 2018

Last Day to ADD/DROP Wednesday January 10, 2018

M L K Holiday (No Classes) Monday January 15, 2018

Purge of all unpaid course selections Wednesday February 7, 2018

Mid Term Examinations Mon – Fri March 5– 9, 2018

Spring Break Mon – Fri March 12 – 16, 2018

Good Friday (No Classes) Friday March 30, 2018

Last Day of Classes Wednesday April 25, 2018

Last Day to Drop a Class Wednesday April 25, 2018

First Year Professors' Grades due Wednesday April 25, 2018

Reading Period (**No Classes**) Thur. – Sun April 26 -29, 2018

Final Examinations Mon- Fri April 30 – May 11, 2018

Hooding Ceremony Friday May 11, 2018

Commencement Saturday May 12, 2018

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

TMSLAW REGISTRAR

Academic Calendar Approved May 31, 2017 and updated November 14, 2017

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 and compliance with these rules is required by Texas Southern University and the Faculty of Thurgood Marshall School of Law. The rules were adopted by the Faculty and can only be amended by a majority vote of the faculty. It is strongly recommended that, 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. It is also available on the flash drive Distributed to 1L students during Fall 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 the TMSL's Student Rules and Regulations. A copy may be posted on the law school web site and may remain throughout each Academic Year. Hard copies may be available 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 each member of the faculty.

TOPICS AND READING ASSIGNMENTS

Week 1	January 8-12	pp. 541- 591
	Damages	
Week 2	January 15- 19	pp. 593-617
	*MLK Holiday Monday No Class, Wrongful Death	
Week 3	January 22-26	pp. 619-660
	Defenses/Contributory Negligence	
Week 4	January 29- Feb -2	pp. 661-703
	Defenses /Immunities	
Week 5	February 5 – 9	pp. 705- 746
	Vicarious Liability & Strict Liability	
Week 6	February 12 - 16	pp. 746 - 787
	Strict Liability Abnormally Dangerous Activities, Products Liability	
Week 7	February 19 - 23	pp.787 - 827
	Products Liability & Products Defects	

Week 16 April 23- 27

 Review *April 25 Class Ends

 Reading Period April 26-29

Week 17 April 30- May 4

 Final Exam First Week

Week 18 May 7-11

 Final Exam Second Week

 Hooding Ceremony May 11

 Commencement Saturday May 12