

FALL SEMESTER 2017 TORTS SYLLABUS THURGOOD MARSHALL SCHOOL OF LAW

LAW 508 SECTION 3

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Location: Suite #221J

Office Hours: M W F 11:00 A.M.- 1:00 P.M. & 2 - 4:00 P.M. (Other times are available by appointment or walk-in)

This Class meets in Room #208 Monday, Wednesday & Friday from 1:00 - 1:50 P.M.

Course Book: Schwartz, Kelly & Parlett, *Prosser, Wade & Schwartz's Torts Cases and Materials* Foundation Press (13th ed. 2015). "This casebook aspires to provide teachers with the raw materials to inform and challenge students to learn the law and think critically about it."

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

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; (4) negligence; (5) Causation in fact; (6) proximate or legal cause; (7) joint tortfeasors; (8) duty of care. 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

The professor will give one mid-semester objective examination (multiple choice questions) on Friday October 20 and a second examination which will include an essay question as well as multiple choice questions at the end of the fall semester. The fall semester score for this course will be based on those two examinations. There will be one Midterm Exam in October with 25 multiple choice questions worth 1 point each for a total of 25 points. The second fall semester Exam in December will have multiple choice questions and an essay for a total of 75 possible

questions points. A student who takes both the October & December Exam will have an opportunity to earn a total of 100 points during the fall semester. Exams and reviews are 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 topics covered in during the fall semester course of Torts I may also be included in the spring 2018 semester Torts II examinations. Practice exams may be administered throughout the semester to aid you in developing your legal analysis skills. *The mid-semester and the end of semester exam are mandatory. Failure to take a mandatory exam may result in a reduced final grade. Excessive absences and lack of preparations may result in a lower grade in this course.*

*****NOTICE:** The law school may administer a uniform examination in its first-year courses. If administered the final comprehensive examination in all sections of Torts will be the same. When administered the final comprehensive exam constitutes approximately fifty percent (50%) of the course grade.

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 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. 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 skill and competence while participating in class discussions.

TEXAS SOUTHERN UNIVERSITY ACADEMIC CALENDAR 2017

FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 14-18, 2017
First Day of Class	Monday	August 21, 2017
Last Day to ADD/DROP	Friday	August 25, 2017
Labor Day (NO CLASSES)	Monday	September 4, 2017
Purge of all unpaid course selections	Thursday	September 20, 2017
Mid Term Examinations	Mon – Fri	October 16-20, 2017
VETERANS DAY (NO CLASSES)	Friday	November 10, 2017 (tentative)
Thanksgiving Holiday	Thurs – Fri	November 23-24, 2017
Last Day of Classes	Thursday	November 30, 2017
Last Day to Drop a Class	Thursday	November 30, 2017
First Year Professors' Grades due	Thursday	November 30, 2017
Reading Period (NO CLASS)	Friday - Sunday	December 1-3, 2017

Final Examinations	Mon –Fri	December 4 -Dec. 15, 2017
Commencement	Saturday	December 16, 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. 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. It is also available on the flash drive

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 web site and shall remain 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.

READING ASSIGNMENTS

WEEK 1 (August 21-25)

pp. 1-35

Discussion of Legal Analysis, study skills and avoiding unnecessary anxiety
Development of Liability based on fault Intentional Interference with person

WEEK 2 (August 28- September 1)

Intentional Interference with person or property

pp. 36- 79

WEEK 3 (Sept 4-8)

Intentional Interference with person or property & privileges pp. 79 - 106

*No Class Labor Day

Week 4 (September 11 - 15)

Intentional Interference with person or property Privileges pp. 106-149

Week 5 (September 18-22)

Privileges & Negligence

pp. 149 -193

Week 6 (September 25- 29)

Negligence (standard of care)

pp. 194-237

Week 7 (October 2-6)

Negligence (violation of statute)

pp. 238-285

Week 8 (October 9 - 13)

Proof of Negligence & Res Ipsa Loquitor & Causation in Fact

pp. 285-329

Week 9 (October 16--20)

****Midterm Exam Friday October 20**

	Causation in Fact	pp.329- 366
Week 10	(October 23-27)	
	Proximate or legal cause	pp. 366-414
Week 11	(October 30 – November 3)	
	Proximate cause/ intervening cause	pp. 414-458
Week 12	(Nov. 6-10)	
	Joint Tortfeasors	Friday Nov. 10 Veterans Day No Class tentative
		pp. 458- 489
Week 13	(November 13 - 17)	
	Duty of Care, Owners & Occupiers of Land	
		pp. 490-522
Week 14	(November 20- 24)	pp. 522- 531
	\ Owners & Occupiers of Land	
	Thanksgiving Holiday November 23 -24	
Week 15	(November 27 – December1)	pp.531- 539

*Last Day of Class Thursday November 30

*Reading Period December 1-3

WEEK XV1 Final Examinations First Week (Dec. 4-8)

WEEK XV11 Final Examinations Second Week (December 11-15)

* Student Semester Ends Dec. 15 *Winter Commencement Saturday Dec.16

WEEK XVIII (December 18 – 22)

WEEK XIX (December 25- 29)

WEEK X *Christmas Holiday Monday December 25