

PRELIMINARY DRAFT

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2017-2018
SECTION I

TORTS I & II FALL & SPRING COURSE SYLLABUS LAW 508 & 509

REQUIRED TEXT

1. Schwartz, Kelly & Partlett, Prosser, Wade And Schwartz's Torts, Foundation Press (13th ed. 2015)

REFERENCE TEXTS

1. D. Dobbs, P. Hayden & E. Bublick Hornbook on Torts, West Academic Pub. (2nd ed. 2016).
2. W. Keeton, D. Dobbs, R. Keeton and D. Owen, Prosser and Keeton on Torts, West Publishing Co., 1984 (This is a hornbook on tort law.)
3. Restatement of Torts, Latest Editions (These restatement provisions are in a series of books containing the law of torts, commentary, and illustrations.)

COURSE CONTENT AND OBJECTIVES

During the Fall 2017 and Spring 2018 semesters, 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 torts; (3) privileges to the intentional torts; (4) negligence; (5) owners and occupiers of land; (6) wrongful death and survival; (7) defenses; (8) imputed negligence; (9) strict liability; (10) products liability; (11) nuisance; (12) defamation; and (13) invasion of privacy. These tort actions involve civil wrongs committed by one person against another and/or property of another. An overview of "misrepresentation," "misuse of legal procedure," and "interference with advantageous relationships" will be provided if time permits. Additionally, an attempt will be made to examine the public policy considerations involved in the establishment and development of all of the torts, defenses, and concepts covered in the course.

COURSE REQUIREMENTS

Each student is required to read the assigned materials before they are discussed in class. Some of the cases will be assigned to individuals in advance. Additionally, students are expected to read relevant sections of the Restatement (Second) and (Third) of Torts, and **all** of the notes following the cases and other textual information in the textbook. Supplementary materials listed under "Reference Texts" above

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in this syllabus should be helpful in clarifying tort concepts. From time to time other reading materials will be assigned.

During the Fall Semester, class meets from 1:00 ^{PM} to 1:50 ^{PM} on Monday, Wednesday and Friday. You are expected to be in your seats and ready to participate when the professor arrives. Students are expected to attend class on a regular basis. See the Spring schedule for the days and times that the class meets during the Spring Semester. The grade of any person who has been absent from regular class sessions more than six (6) times during the Fall semester and six (6) times during the Spring semester may be lowered one (1), two (2) or three (3) grades depending on the number of excess absences. Points will be deducted from the grades of persons who are unprepared for class when called on to respond.

GRADING CRITERIA

There will be a total of approximately six (6) cumulative real interim examinations during the Fall and Spring semesters. Practice exams are cumulative and will also be administered throughout both semesters to aid you in preparing for the interim exams, the final exam, and ultimately the Bar Examination. Practice Exams will be held on Friday at 2:00 p.m. unless informed otherwise. All interim real exams and practice exams are mandatory. Failure to take these exams will result in a lower final 50% score. Excess absences and unpreparedness will also result in the 50% score being lowered. If you are unprepared for class, inform me orally or in writing at the beginning of class, and you will be excused from participation on that day.

Extra credit opportunities will probably be available, which could enhance your grade in the course. Extra credit projects will be announced at the appropriate times.

*****NOTE:** The law school has a uniform examination policy for all first-year substantive courses. Therefore, the final examination in all sections of Torts will be the same, and it will constitute fifty percent (50%) of the overall course grade. The final exam will be cumulative.

EXAMS AND REVIEWS

Exams and reviews will be scheduled throughout both semesters at times other than the times that the class meets unless informed otherwise. Practice exams will be held after class at 2:00 p.m. on Fridays unless a different day is announced. Some of the professor's reviews may be held on the weekends or at the end of the school day. Attendance at reviews or tutorials conducted by the professor is **not** mandatory.

TENTATIVE OFFICE HOURS (FALL 2017)

- Monday and Wednesday: 2:00^{pm} to 3:30^{pm}
- Tuesday: By Appointment
- Friday: 2:00^{pm} to 3:30^{pm} (This time will change on Practice Exam days)
- Other times by appointment

NOTE: Office hours for the Spring Semester (2018) will be announced at the beginning of the second semester.

FIREARMS

- My office is a gun-free zone; therefore, guns are banned in my office (Room 221-F).

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TORTS**

**TORTS I
TOPICS AND ASSIGNMENTS (FALL, 2017)**

**WEEK I
(Aug. 21-25)**

- Overview of Tort Law pp. 1-15
 - Development of Liability Based Upon Fault
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**WEEK II
(Aug. 28-Sept. 1)**

- Intentional Interference with Person or Property pp. 17-42
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**WEEK III
(Sept. 4-8)**

- Intentional Interference with Person or Property pp. 42-72
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**WEEK IV
(Sept. 11-15)**

- Intentional Interference with Person or Property pp. 72-96
 - Privileges to Intentional Torts pp. 97-113
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**WEEK V
(Sept. 18-22)**

- Privileges to Intentional Torts pp. 114-137
 - Negligence (Duty and Breach) pp. 139-147
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**WEEK VI
(Sept. 25-29)**

- Negligence (Duty and Breach) pp. 147-185
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WEEK VII
(Oct. 2-6)

- Negligence (Duty and Breach) pp. 185-225
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WEEK VIII
(Oct. 9-13)

- Negligence (Duty and Breach) pp. 225-272
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WEEK IX
(Oct. 16-20)

- Causation in Fact pp. 273-311
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WEEK X
(Oct. 23-27)

- Proximate or Legal Cause pp. 313-350
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WEEK XI
(Oct. 30-Nov. 3)

- Proximate or Legal Cause pp. 350-384
 - Joint Tortfeasors pp. 385-396
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WEEK XII
(Nov. 6-10)

- Joint Tortfeasors pp. 396-422
 - Damages pp. 541-553
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WEEK XIII
(Nov. 13-17)

- Damages pp. 553-591
 - Duty of Care (“Special Duty” Cases) pp. 423-437
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WEEK XIV
(Nov. 20-24)

- Duty of Care (Special Duty” Cases) pp. 437-499
 - **Thanksgiving Holiday (Nov. 23-24)**
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WEEK XV

(Nov. 27-Dec. 2)

- Owners and Occupiers of Land **pp. 501-539**
 - **TSU Hurricane Harvey Makeup Days: Dec. 1 & 2 (Fri. & Sat.)**
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WEEK XVI

(Dec. 4-8)

- **TSU Hurricane Harvey Makeup Days: Dec. 4 & 5 (Mon. & Tue.)**
 - **Reading Day (Dec. 6)**
 - **Final Exams (Dec. 7 & 8)**
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WEEK XVII

(Dec. 5-9)

- **Final Exams**

NOTE: The final draft of the Spring Semester Assignments (containing all dates) will be distributed at a later time.

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**TORTS II
(LAW 509) SECTION I
TOPICS AND ASSIGNMENTS (Spring, 2018)**

**WEEK I
(Jan. 8-12)**

- (Damages (2nd coverage if necessary) **pp. 541-591**
 - Duty of Care (“Special Duty” Cases) **pp. 423-499**
(2nd coverage if necessary)
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**WEEK II
(Jan. 15-19)**

- **Martin Luther King Holiday (Jan. 15th)**
 - Owners and Occupiers of Land (2nd coverage if necessary)
 - Wrongful Death & Survival **pp. 501-539**
pp. 593-617
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**WEEK III
(Jan. 22-26)**

- Defenses **pp. 619-660**
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**WEEK IV
(Jan. 29-Feb. 2)**

- Defenses **pp. 661-703**
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WEEK V

- Vicarious Liability **pp. 705-732**
 - Strict Liability **pp. 733-750**
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WEEK VI

- Strict Liability **pp. 750-765**

WEEK VII

- Products Liability pp. 767-807
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WEEK VIII

- Products Liability pp. 807-850
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WEEK IX

- Defamation pp. 879-920
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**WEEK X
(March 12-16)**

- Spring Break
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WEEK XI

- Defamation pp. 920-958
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**WEEK XII
(March 26-30)**

- Defamation pp. 958-999
 - Privacy pp. 1001-1033
 - Good Friday Holiday (March 30th)
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WEEK XIII

- Privacy pp. 1034-1052
 - Nuisance pp. 851-878
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WEEK XIV

- Misrepresentation (Chapter 21)
(Overview **if** Time Permits)
 - Misuse of Legal Procedure (Chapter 20)
(Overview of Lecture **if** Time Permits)
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WEEK XV

- Makeup Sessions or Review
 - **Pre-Final Exam (Time: TBA) * * ***
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WEEK XVI

- Pre-Final Exam (Time: TBA) * * *
 - Review and Practice Exam
- ** (Class will meet 2 hours on Monday and Wednesday of this week) ****
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WEEK XVII (April 30-May 4)

- **Final Exam Period**
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WEEK XVIII (May 7-11)

- **Final Exam Period**