

# **FALL SEMESTER 2019 TORTS 1 SYLLABUS THURGOOD MARSHALL SCHOOL OF LAW**

## **LAW 508 SECTION 3**

**NAME:** Associate Dean of Research & Faculty Development Professor L. Darnell Weeden

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**Location:** Suite #223D

**Professor Office Hours:** M W F 11:00 A.M. - 12:00 P.M. & 2:00 P.M. – 4:00 P.M. Tuesday & Thursday 10:00 A.M. – 3:00 P.M. (Other times are available by appointment or walk-in)

**Class meets in Room #206 Monday, Wednesday & Friday 10:00 A.M. - 10:50 A.M.**

### **TWEN Page**

Please be sure to sign up for the TWEN page because information relevant to this class will be posted on the TWEN page during the semester.

### **Course Book:**

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Schwartz, Kelly & Parlett, *Prosser, Wade & Schwartz's Torts Cases and Materials* Foundation Press (13<sup>th</sup> 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."

### **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 to the intentional tort; (4) negligence (duty and breach); (5) Causation in fact; (6) proximate or legal cause; (7) joint tortfeasors; (8) duty of care (special duty cases) (9) owners and occupiers of land and (10)

damages. 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**

Your final grade will be based on the following:

Exam #1 September 20	one third of 50%
Exam #2 October 18	one third of 50%
Exam #3 November 22	one third of 50%
Final uniform Examination	50%

## **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 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 a three-hour course this semester is five.

## **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 propose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, 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 devises 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).

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. It is important that you do not the classroom during instruction. Once class begins, you should remain seated and fully engaged in the discussion. If you have a medical condition that requires you to regularly leave after class has begun, please Dean Mouton for approval. Otherwise, such disruption of class will be considered as unacceptable.

## **READING ASSIGNMENTS**

WEEK 1 (August 19-23)	pp. 1-39
Discussion of Legal Analysis, study skills and avoiding unnecessary anxiety & Development of Liability based on fault Intentional Interference with person or property	
WEEK 2 (August 26- 30)	
Intentional Interference with person or property	pp. 39- 86
WEEK 3 (Sept 2-6)	
Intentional Interference with person or property & privileges *No Class Labor Day	pp. 86 - 114
Week 4 (September 9 - 13)	
Privileges & Negligence	pp. 114-169
Week 5 (September 16-20)	
Negligence & Standard of care <b>Friday September 20 Exam #1</b>	pp. 169 -209
Week 6 (September 23- 27)	
Negligence standard of care, violation of statute & proof	pp. 209-259
Week 7 (September 30 – October 4)	

	Proof of Negligence & Proof of Causation in fact	pp. 260-311
Week 8	(October 7 - 11)	
	Proximate or Legal Cause	pp. 313-366
Week 9	(October 14—18)	
	<b>**Midterm Exam Friday October 18 Exam #2</b>	
	Proximate cause joint tortfeasors	pp.366- 396
Week 10	(October 21-25)	
	Joint tortfeasors & Duty of Care	pp. 396-445
Week 11	(October 28 – November 1) Duty of Care	pp. 446- 499
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Week 12	(November 4 - 8)	
	Duty of Care, Owners & Occupiers of Land	pp. 501 - 539
Week 13	(November 11- 15)	pp. 541- 578
	Damages	
Week 14	(November 18 – 22)	pp.578- 591
	<b>Exam #3 Friday November 22</b>	
Week 15	(November 25-29)	
	Review	

\*Last Day of Classes Tuesday November 26

\*Reading Period November 27 (No Class Wednesday)

**\*Thanksgiving Holiday 28 -29**

\* Reading Period (No Classes) Saturday-Sunday November 30-December 1

Week 16 Final Examinations First Week (Dec. 2-6)

Week 17 Final Examinations Second Week (December 9-13)

\* Student Semester Ends Dec. 13 \*Winter Commencement Saturday Dec.14

Week 18 (December 16 – 20)

Week 19 (December 23- 27)

Week 20 \*Christmas Holiday Wednesday December 25

**Supplemental Recommended Reading:** Case Analysis and Fundamentals of Legal Writing, by Williams P. Statsky & R. John Wernet, Jr. (any available edition). According to Statsky & Wernet, “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.” Students are expected to read the notes following the cases in the textbook. The supplementary reading” in this syllabus is typically very helpful in clarifying the process of identifying specific legal issues. From time to time, other reading material may be assigned.

## **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.

Contact Dean Virgie Mouton (Student Affairs) if require any special accommodations regarding any of the assuagements, including, but not limited to, extensions, note-taker, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton

Assistant Dean for Student Development and Academic Support

Phone; 713 313-7909

Email: Virgie.Mouton@tmslaw.tsu.edu

Please see:

[http://www.tsulaw.edu/student\\_affairs/docs/2011-2012AccommodationsHandbook.pdf](http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf)

## **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](http://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 of the Student Rules and Regulations. A copy shall be posted on the law school's web site 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.

## **Assessment Description**

The primary format for your examinations will be mostly objective but will also include a timed essay on your midterm exam. All of the questions are designed to help you develop the legal

reasoning skills necessary to development effective legal arguments. It is highly recommended that you prepare for these exams by reviewing the assigned reading as well as the material covered in class. The professor will give Examination #1 on Friday September 20 will include 15-20 objective multiple choice questions as well as a timed essay. Examination #2 on Friday October 18 will consist of 25 objective multiple choice questions. Examination #3 on Friday November 22 will consist of 25 objective multiple choice questions. 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.

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. Practice exams may be administered throughout the semester to support you in developing your legal analysis skills. All three exams and the final uniform comprehensive exam at the end of the semester are mandatory. Failure to take a mandatory exam may result in a reduced or failing final grade. Excessive absences and lack of preparations may result in a lower grade in this course.

## **TEXAS SOUTHERN UNIVERSITY T H U R G O O D MARSHALL SCHOOL OF LAW ACADEMIC CALENDAR 2019–2020**



### **FALL SEMESTER ACCELERATED**

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

### **FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)**



Orientation 2019	Monday–Friday	August 12–16,
<b>First Day of Class 2019</b>	<b>Monday</b>	<b>August 19,</b>
Last Day to ADD/DROP	Wednesday	August 21, 2019
<b>Labor Day (NO CLASSES) 2019</b>	<b>Monday</b>	<b>September 2,</b>
<i>Purge of all unpaid course selections</i> Wednesday		
September 18, 2019	<b>Mid Term Examinations</b>	<b>Monday–</b>
<b>Friday</b>	<b>October 14–18, 2019</b>	Last Day to Drop a Class
Friday	November 8, 2019	
Last Day of Classes 2019	Tuesday	November 26,
First Year Professors' Grades due	Tuesday	November 26, 2019
<b>Reading Period (NO CLASS) 27, 2019</b>	<b>Wednesday</b>	<b>November</b>
<b>Thanksgiving Holiday November 28–29, 2019</b>	<b>Thursday–Friday</b>	
<b>Reading Period (NO CLASS) December 1, 2019</b>	<b>Saturday–Sunday</b>	<b>November 30–</b>
Final Examinations	Monday–Friday	December 2–
December 13, 2019	Commencement Exercises	Saturday
December 14, 2019		

### **SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)**

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
<b>M L K Holiday (NO CLASSES) 2020</b>	<b>Monday</b>	<b>January 20,</b>
<i>Purge of all unpaid course selections</i> Friday		
February 7, 2020	<b>Mid Term Examinations</b>	<b>Monday–Friday</b>
March 9–13, 2020	<b>Spring Break</b>	<b>Monday–</b>

Friday	March 16–20, 2020	<b>Spring Break (University Closed)</b>	<b>Wednesday–Friday</b>	<b>March 18–20, 2020</b>	Last Day
to Drop a Class	Thursday			April 9,	
2020					
<b>Good Friday (NO CLASSES)</b>		<b>Friday</b>		<b>April 10, 2020</b>	
Last Day of Classes		Tuesday		April 28, 2020	
First Year Professors' Grades due		Tuesday		April 28, 2020	
Reading Period ( <b>NO CLASSES</b> )		Wednesday–Thursday			
	April 29–April 30, 2020	Simulated Bar Exam*			
Friday May 1, 2020 ( <i>tentative</i> )	Reading Period ( <b>NO CLASSES</b> )				
Saturday–Sunday	May 2–May 3, 2020	Final Examinations			
Monday–Friday	May 4–May 15, 2020				
Hooding Ceremony	Friday			May 15, 2020	
Commencement Exercises	Saturday			May 16, 2020	

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

Updated August 6, 2019