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:

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.”

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)

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

WEEK 3 (Sept 2-6)

Intentional Interference with person or property & privileges

*No Class Labor Day

Week 4 (September 9 -13)

Privileges & Negligence

Week 5 (September 16-20)

Negligence & Standard of care **Friday September 20 Exam #1**

Week 6 (September 23- 27)

Negligence standard of care, violation of statute & proof

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)

**Midterm Exam Friday October 18 Exam #2

Proximate cause joint tortsfeasors pp.366- 396

Week 10 (October 21-25)

Joint tortsfeasors & Duty of Care pp. 396-445

Week 11 (October 28 – November 1) Duty of Care pp. 446- 499

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

Exam #3 Friday November 22

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@tm-law.tsu.edu

Please see:


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 website 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 of the Student Rules and Regulations. A copy shall be posted on the law school’s website 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 THURGOOD 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 Monday–Friday August 12–16, 2019

First Day of Class Monday August 19, 2019

Last Day to ADD/DROP Wednesday August 21, 2019

Labor Day (NO CLASSES) Monday September 2, 2019

Purge of all unpaid course selections Wednesday

September 18, 2019 Mid Term Examinations Monday–Friday October 14–18, 2019 Last Day to Drop a Class

Friday November 8, 2019

Last Day of Classes Tuesday November 26, 2019

First Year Professors’ Grades due Tuesday November 26, 2019

Reading Period (NO CLASS) Wednesday November 27, 2019 Thanksgiving Holiday Thursday–Friday November 28–29, 2019

Reading Period (NO CLASS) Saturday–Sunday November 30–December 1, 2019

December 1, 2019 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

M L K Holiday (NO CLASSES) Monday January 20, 2020

Purge of all unpaid course selections Friday

February 7, 2020 Mid Term Examinations Monday–Friday

March 9–13, 2020 Spring Break Monday–
Friday March 16–20, 2020 Spring Break (University Closed)

Wednesday–Friday March 18–20, 2020 Last Day to Drop a Class

Thursday April 9, 2020

Good Friday (NO CLASSES) Friday April 10, 2020

Last Day of Classes Tuesday April 28, 2020

First Year Professors’ Grades due Tuesday April 28, 2020

Reading Period (NO CLASSES) Wednesday–Thursday

April 29–April 30, 2020 Simulated Bar Exam*

Friday May 1, 2020 (tentative) Reading Period (NO CLASSES)

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