

# HAMLIN UNIVERSITY SCHOOL OF LAW

## Syllabus for Torts I Fall, 2010

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### **Class Meetings and Office Hours**

The class meets on Tuesdays and Thursdays from 8:00 to 9:15 in classroom 101. My other class meets Mondays and Wednesdays from 11:00 to 11:50. You will find me in my office (227W) before and after these classes. I will also often be in the office several afternoons and occasional Fridays. I do not post regular office hours, but am available to students any time I am here (shortly before a class may not be a prime time).

### **Required Text and Supplemental Materials**

The casebook for this class is Victor E. Schwartz, Kathryn Kelly & David Partlett, *Prosser, Wade & Schwartz's Torts: Cases and Materials* (12th ed. 2010). No supplemental materials are required.

A website for this class can be found on The West Education Network [TWEN]. The syllabus, additional course materials, sample examinations, and computer-assisted lessons from the Center for Computer-Assisted Legal Instruction [CALI] will be posted on the TWEN site. Students should register on TWEN as soon as possible and check the site periodically for announcements and other materials. Lessons on the CALI site are not specifically assigned, but they are strongly recommended. Students have always found them helpful. You will note I have written several of them. The best time to work through a CALI lesson is at the end of the material it covers, e.g., the battery lesson(s) at the end of our study of the tort of battery.

### **Course Description and Objectives**

As described in the school of law catalog, this course “[f]ocuses on civil actions for injury to person, property, or intangible interest on claims of intentional wrongs, negligence, or strict liability. Torts I is a vehicle to teach development of the common law.”

The objectives of this course are the following:

- 1) learning legal method, including the skill of briefing cases;
- 2) understanding the common law development of the law of torts;
- 3) developing the ability to make and evaluate legal arguments;
- 4) learning to separate the relevant from the irrelevant; and
- 5) learning tort law and the bases of tort liability.

The classroom discussion will primarily be the Socratic method based on the case method of

legal instruction. We will also analyze and discuss hypotheticals.

While case briefs will not be collected or graded, I strongly recommend that first-year students brief every case. We will spend the first few weeks of the semester concentrating on this skill. Professors differ to some extent in expectations for a brief, I believe a good case brief will have the following elements:

- name of case and citation to where it is found in the casebook;
- facts of the case (what are the relevant facts needed to state to support the issue/holding; the procedural history is part of the facts, not a separate section);
- the issue (phrased as a question, the other side of the “holding” of the case);
- the decision (this is only “yes” or “no” in answer to your yes or no issue; and
- reasoning and comments (mention court’s reasoning, your reactions and comments).

We will discuss briefing techniques in the first class, and work through your briefs for the first few weeks of class.

### **Attendance Policy**

Attendance will be recorded by circulation of the attendance sheet provided by the registrar’s office. Attendance is expected at every class. Excessive absences (defined as four absences in a semester) will result in removal of the student from the class roster; no make-up work will be offered.

### **Examination and grading**

The grade will be based entirely on the final examination, which in all likelihood will be a three-hour examination combining both traditional fact-pattern analysis questions and multiple-choice questions.

### **Assignments and Class Outline**

Note: I recommend against first-year law students reading beyond the assignment for the first class prior to our meeting for the first time. Students eager to read over the summer will find value in *The Bramble Bush* by Karl Llewellyn and possibly enjoy *One L* by Scott Turow or *The Paper Chase* by John Jay Osborn, Jr.

Class 1. Read the excerpt from Roger C. Park & Douglas D. McFarland, *Computer-Aided Exercises in Civil Procedure* (5<sup>th</sup> ed. 2004), which can be found on the TWEN website under Course Materials. Read and prepare pages 1-10 in your Prosser casebook; brief *Weaver v. Ward* and *Brown v. Kendall*.

Class 2. Read the remainder of Chapter I. Development of Liability Based Upon Fault (brief *Cohen v. Petty* and *Spano v. Perini Corp.*), then begin Chapter II. Intentional Interference with Person or Property (brief *Garratt v. Dailey*).

For each of the remaining classes of the semester, read and brief the next five cases beyond the case at which the previous class ends. We will consider the materials in the following order:

Chapter I	Development of Liability Based Upon Fault
Chapter II	Intentional Interference with Person or Property
Chapter III	Privileges
Chapter IV	Negligence
Chapter V	Causation In Fact
Chapter VI	Proximate or Legal Cause
Chapter X	Damages (in part—to be assigned)
Chapter XII.	Defenses (in part—to be assigned)
Chapter XIV	Strict Liability (in part—to be assigned)

At a time convenient in the semester, probably early November, we will discuss the skills and techniques of writing a law school exam and have a practice examination (not graded).