



HAMLINE UNIVERSITY
School of Law
COURSE SYLLABUS

Faculty: **Professors Marilynne Roberts and Sharon Sandeen**

Course: **Torts I**

Semester: **Fall 2010**

Meeting Schedule: Tuesdays and Thursdays 1:00 to 2:15 p.m.

Room: 101 (Roberts) and 103 (Sandeen)

Textbook	Primary Text	Primary Text	Recommended not required
Author	Dobbs, Hayden, and Bublick	N/A	N/A
Title and edition of text	Torts and Compensation: Personal Accountability and Social Responsibility for Injury (6 th ed.)		
Publisher/year	West 2009		
ISBN	9780314184900		

Learning Outcomes for the Course:

There is a lot to learn in the first year of law school, and it is not just “the law.” You will be learning a new language, including a lot of new words. You will also be learning new skills, including how to read, understand, analyze, and critique reported case decisions and statutes and how to make clear and persuasive legal arguments. Think of the first year of law school as a process whereby you are building a foundation for your future understanding of the law.

Tort law is one of the important foundational topics in law school for several

reasons. First, it introduces students to the common law process of law making. Although today many laws are the result of legislative enactments, historically in the United States law was (and to a great extent, still is) developed in the courts. Second, tort law is important because it is one of two broad categories of civil wrongs; the other being breach of contract. If you understand the core principles and theories of tort and contract law, you will be able to effectively analyze most legal problems. Third, as the title of the casebook suggests, tort law is one of the principal ways that society defines personal accountability and social responsibility (two other ways being criminal law and social norms).

At the conclusion of this course, you should be able to (and will be tested on your ability to):

1. Analyze and understand reported case decisions and how the law develops at common law;
2. Articulate and apply the prima facie elements of various intentional torts and a claim for negligence;
3. Articulate and apply the applicable limitations and defenses to the torts you learn;
4. Identify key issues and make well-reasoned and persuasive legal arguments; and
5. Comment on the theories and social policies which underlie tort law.

Course Expectations:

HUSL Policies on attendance, lateness and preparation

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

Attendance Policies in this Course

You are expected to attend all class sessions, be prepared to discuss the assigned reading, and participate in all classroom exercises. Attendance is taken by passing around a class roster that each student in attendance is required to initial in their own handwriting. You are not allowed to sign-in for a classmate and you should not sign-in if you are late. Attendance is for the full class session: do not plan to leave early without prior approval.

There are no excused absences. Rather, in light of the fact that students may become ill or have other unexpected emergencies that prevent them from attending class, each student can miss up to three class sessions without penalty. If you miss or are late to more than three class sessions, your final grade may be reduced at the discretion of the Professor. If you miss more than four class sessions, your final grade will be reduced. If you miss more than five class sessions, you will be reported to the Associate Dean for Student and Multicultural Affairs and may be expelled from the class.

Punctuality/Preparation Policies in this Course

All students are expected to be prepared for class and otherwise to act in the classroom as they are expected to act in a court of law: as professionals.

You must be punctual: There is a saying that ninety-percent of success is just showing up. In the practice of law, you have to show up on time. You never want to keep a judge, a legislator, a client, or a colleague waiting if you can possibly help it. Being a professional and respected lawyer means planning your schedule so you are never (or rarely) late. This means you need to plan for unexpected contingencies such as traffic, road closures, weather delays, flat tires, and sick family members.

You must be prepared and attentive: Pay attention in class, listen carefully to the Professor and your fellow classmates, and be prepared to participate when called upon. You will not be graded or judged based upon what you say, but your failure to regularly participate in classroom discussions, particularly when you are called upon, can count against you in the final grading.

You must be respectful: There is no such thing as a stupid question in law school, particularly during your first year of law school. We each have our own experiences and perspectives about the world, and if we listen carefully, we can learn a lot from the perspectives of others. For this reason, everyone is encouraged to share their perspectives and is expected to be respectful of the perspectives of others.

Do not be afraid to speak up: Law is an advocacy profession. To present your client's case, you must be heard. One of your classroom responsibilities is to speak loudly enough for all to hear you. That may take practice for some of you. You are welcome to let people know when you cannot hear them. If you cannot speak loudly enough while seated, you will be asked to stand.

Policy on Laptop Use in Class:

Recent studies on human cognition have demonstrated that humans learn better when they are not distracted by electronics. It has also been shown that in order to remember what they have been taught, it is important for students to transfer what they have learned from their short-term to long-term memories. Thus, in order to improve your learning and the learning experience for all students in the classroom, all electronic devices, including cell phones and laptops, must be turned-off during the class period.

Instead of a laptop, it is recommended that you take hand-written notes and that you maintain and bring your case briefs to class in hard-copy form. The hard-copy version of notes and case briefs can then be used by you to create and regularly update an electronic outline. In this way, you will be transferring the information you learned in class and during your reading of cases from your short-term to long-term memories.

Other Classroom Policies:

A seating chart of the class will be prepared after the second class session. Please sit in the same seat throughout the semester.

Grading Components

<i>Final examination:</i>	Two hour, scheduled essay exam
Date/Time:	December [TBA], 2010
Requirements:	Covering all materials through the end of course.
Component(s) of your grade:	75%
<i>Mid-term exam or quizzes</i>	24-hour take-home in the style of an essay exam.
Dates/Times:	To be picked up September 10 through 17, 2010
Requirements:	Covering all materials through Sept. 2, 2010. The exam answers should be submitted in type-written form, limited to 1400 words maximum.
Component(s) of your grade:	25%
<i>Written Assignments:</i>	Evaluation Assignment
Dates/Times:	Last Week of Class
Requirements:	A short written critique of torts will be required.
Component(s) of your grade:	Required, but not graded. Points will be deducted if it is not completed.

Oral Presentation(s) None other than in-class participation.

Dates/Times:

Requirements:

Component(s) of your
grade:

*Participation/Other Grade
Components*

Requirements: See discussion of class participation above.

Component(s) of your
grade Active participation on a regular basis may be used
to bump students up a half grade, particularly if
they are on the margin. Lack of participation will
result in students who are on the margin not being
bumped up or being bumped down half a grade.

Reading assignments:

Class session 1: August 24, 2010

Casebook pp. 2-44: Introduction to tort law, fault principle; Battery

Class session 2: August 26, 2010

Casebook pp. 44-61: Battery

Class session 3: August 31, 2010

Casebook pp. 61-77: False Imprisonment; Torts to Property

Class session 4: September 2, 2010

Casebook pp. 78-103: Defenses to Intentional Torts

Class session 5: September 7, 2010

Review Intentional Torts (catch-up as needed); See all assignments above.

LABOR DAY HOLIDAY: September 6, 2010 (Time to study for the mid-term.)

Class session 6: September 9, 2010

Exam Taking-discussion and practice

Mid-Term Exam Period: Friday, September 10 through September 17, 2010

Class session 7: September 14, 2010

Casebook pp. 105-124: Negligence Prima Facie Case; Duty of Care.

Class session 8: September 16, 2010

Casebook pp. 124-137: Specification of Particular Standards or Duties

Class session 9: September 21, 2010

Casebook pp. 138-169: Breach of Duty

Class session 10: September 23, 2010

Casebook pp. 169-193: Proving Conduct; Res Ipsa Loquitur

Class session 11: September 28, 2010

Casebook pp. 194-217: Actual Harm: Cause in Fact

Class session 12: September 30, 2010

Casebook pp. 218-230: Proximate Cause

Class session 13: October 5, 2010

Casebook pp. 231-250: Proximate Cause continued

Class session 14: October 7, 2010

Casebook pp. 251-278: Comparative Fault

Class session 15: October 12, 2010

Casebook pp. 279-291: Assumption of Risk
Mid-term grades and exam booklets available.

Class session 16: October 14, 2010

Casebook pp. 292-312: Defenses Not on the Merits

Class session 17: October 19, 2010

Discussion of Mid-Term Exam

MID-TERM BREAK: October 21 through October 24, 2010

Class session 18: October 26, 2010

Casebook pp. 313-345: Limiting or Expanding Duties by Class or Status of Parties

Class session 19: October 28, 2010

Casebook pp. 477-509: The Duty to Protect from Third Persons

Class session 20: November 2, 2010

Casebook pp. 510-525: Limiting Duties: Emotional Harm

Class session 21: November 4, 2010

Casebook pp. 525-543: Emotional Harm (continued)

Class session 22: November 9, 2010

Casebook pp. 566-583: Vicarious Liability

Class session 23: November 11, 2010

Casebook pp. 583-598: Vicarious Liability (continued)

Class session 24: November 16, 2010

Review of Negligence (catch-up as needed); See all assignments above from Class Session 7

Class session 25: November 18, 2010
Casebook pp. 599-614: Strict Liability

Class session 26: November 23, 2010
Exam Taking-discussion and practice

THANKSGIVING BREAK: November 24 through November 28, 2010

Class session 27: November 30, 2010
Casebook pp. 614-630: Strict Liability (continued)

Class session 28: December 2, 2010
Evaluation Assignment
Casebook pp. 815-825