



HAMLINE UNIVERSITY
 School of Law
 COURSE SYLLABUS

Faculty: **Professor Marilynne Roberts**

Course: **Torts I**

Semester: **Spring 2011**

Meeting Schedule: Saturday 1:15 - 4:15

Room: 101

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. Attendance is for the full class session: do not plan to leave early without prior approval.

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:

I encourage you to take handwritten notes, then to create and regularly update an electronic outline outside of class. This complements studies proving that people learn better when they are not distracted by electronics. You may also be less likely to have positive initial interactions with employers and clients if using a laptop.

If you do choose to use a laptop, only word processing programs may be open during class, and the material must be related to the Torts I course. Do not use web browsers, e-mail, instant messaging, or games. An individual violating this policy may not be permitted to bring a laptop to class for the duration of the course. Turn off phones, PDAs, Blackberries, etc.. Do not text during class.

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 *Final examination:*

Three hours, scheduled essay exam

Date/Time:

TBD

Requirements:

Covering all materials through the end of course.

Component(s) of your grade:

100%

Mid-term exam or quizzes

No

Written Assignments:

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.

Reading assignments:

1:	1/15	2 - 64	Introduction to tort law, fault principle, Battery; Assault, False Imprisonment Torts to property, Review prima facie case
2	1/22	68 -71	
		78 - 103	
Negligence			
3.	1/29	105-143	Duty; Breach
4.	2/5	143-175	Breach
5.	2/12	176-193	Breach
6.	2/19	194-222	Harm and Causation in Fact; Proximate Cause

7.	2/26	223-250	Proximate Cause
8.	3/5	Spring Break	Choose your topic
9.	3/12	251-312	Defenses
10.	3/19	313-345	Limiting or Expanding the Duty of Care According to Context or Relationship
11.	3/26	477-533	Duty to Protect from Third Persons; Emotional Harm

The Ebb and Flow of Common Law Strict Liability for Physical Harms

12.	4/2	565-598	Vicarious Liability
13.	4/9	599-630	The Development of Common Law Strict Liability
14.	4/16	Assigned later	Practicing Tort Law in Minnesota – guest/s