

ADVANCED TORTS

Fall 2013

Professor Kahn

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Readings:

The casebook for the course is: Christie and Sanders, *Advanced Torts* (West 2012). All page references in the syllabus assignments are to this book, unless otherwise noted.

Resources:

There are several serviceable hornbooks and supporting outlines available that deal with aspects of this course. Two larger general hornbooks are: Dobbs, *The Law of Torts*, and Epstein, *Torts*. A very nice shorter introduction to some of the broad principles of tort law is Abraham, *The Form and Functions of Tort Law*, 3d ed. The American Law Institute has also published in one volume *A Concise Restatement of Torts* which you may find useful for reference.

Class Participation: The course is organized around fostering student discussion of the cases we read each class, therefore your regular attendance is essential. Every student will be responsible for presenting at least one case in class. These cases will be assigned in advance.

Classroom Etiquette: The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and indeed professionally required that you demand professional behavior of your classmates in and out of class.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to usual courtesies, refrain from text-messaging and email; using cell phones, pagers, or any other communication device; refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

- Behavior which interferes with the learning ability of your classmates will be sanctioned accordingly.

Attendance Policy: Attendance is important and required by the ABA and Hamline University School of Law. If a student is absent (for any reason) more than 2 times this semester, it is **his or her responsibility** to contact the professor to determine whether the work can be made up or whether some other arrangement such as a grade change or withdrawal from the course is more appropriate. Failure to consult with the professor

promptly about make-up work or other alternatives after a third (3) absence may constitute grounds for withdrawal from the course.

Grading: Your course grade will be derived primarily from your final exam. Class participation may count as a “plus” factor in cases where grades are on a particular borderline. Failure to participate in class will *not* count against you so long as you each make a good faith effort in your assigned class case presentations.

Final Exam: The Final Exam will be *limited open book*. This means you may bring in the casebook and any other assigned materials. You may also bring in any notes or outlines that *you yourself* have written. This does not include other materials that you have simply copied. You may bring in notes that have been prepared cooperatively with other students. You may not bring in commercial outlines or any other such materials not assigned in class.

THIS SYLLABUS IS SUBJECT TO REVISION

Section I: Products Liability

Assignment 1: Theories of Liability and Types of Defects
pp. 163-201

Assignment 2: Design Defects
pp. 202-248

Assignment 3: Warning Defects
pp. 249-300

Assignment 4: Parties and Interests Covered; Expert Testimony and Defenses
pp. 300-339

Section II : Torts for Economic Injury

Assignment 5: Economic Loss Rule; Breach of Fiduciary Duty; Fraud
pp. 45-96

Assignment 6: Negligent Misrepresentation; Tortious Interference with K; Damages
pp. 97-116; 131-162.

Section III: Interests in Land

Assignment 7: Nuisance and Trespass
pp. 1-44

Section IV: Intentional Infliction of Emotional Distress

Assignment 8: IIED
pp. 434-481

Section V: Defamation

Assignment 9: Common Law Development
pp. 481-527

Assignment 10: Defenses; Constitutional Developments: Public Officials
pp. 527-592

Assignment 11: Constitutional Developments – private figures
pp. 592-637

Section VI: Privacy

Assignment 12: Privacy - I
pp. 638-699

Assignment 13: Privacy - II
pp 699-750