

**TORTS I**  
**Syllabus**  
**(as of June 28, 2013 and subject to revisions)**

**Professor Sharon K. Sandeen**

**Fall 2013**

**Room: Law 101**

**Date and Times: Saturdays, 8:15 to 11:30 a.m.**

**Office Hours:**

My official office hours are 11:15-11:45a.m. on Tuesday and Thursdays and 11:35 to Noon on Saturdays. I also hope to arrive at the classroom by 8:00 a.m. every Saturday that we have class in order to answer any group questions, particularly for first-year students. You are also welcome to e-mail me to set up an appointment anytime. My e-mail address is: [ssandeen@hamline.edu](mailto:ssandeen@hamline.edu).

**Readings:**

The text for this course is Dobbs, Hayden, and Bublick, *TORTS AND COMPENSATION: PERSONAL ACCOUNTABILITY AND SOCIAL RESPONSIBILITY FOR INJURY* (2013) (CONCISE EDITION, 7th ed.). Numerous study guides are available for introductory torts courses; we will discuss options during the first week of class.

**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 and new skills, including how to read, understand, analyze, and critique reported case decisions and how to make clear and persuasive legal arguments.

Tort law is an important foundational topic in law school. First, tort law introduces you to the common law process of law making. Many of today’s laws are the result of legislative enactments, but 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 is breach of contract); if you understand the core principles and theories of tort and contract law, you will be able to analyze most legal problems. Finally, tort law is one of the principal ways that society defines personal accountability and social responsibility (two other ways are 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. Read, analyze, and apply the holding, reasoning, and rule of a case to a new factual situation;
2. Understand the development of common law through the tort regime;
3. Articulate the elements and related doctrines of several intentional torts and a claim for negligence;
4. Articulate and apply the applicable limitations and defenses to the torts you learn; and
5. Explain the purposes of the tort law system and evaluate its ability to provide adequate remedies for injuries.

## 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 expectations described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other pen 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

Being on time to meetings and court appearances is a big part of being a lawyer. That is one reason why attendance is taken in law school. Another reason is that the ABA requires that you regularly attend classes.

You are expected to attend all class sessions, be prepared to discuss the assigned reading, and participate in all classroom exercises. Attendance is taken daily by passing around a class roster or an attendance sheet. Each student is responsible for ensuring that he or she signs the roster or attendance sheet for each day that they attend class. Failure to do so will count as an absence.

When signing the roster or attendance sheet, please use your own handwriting; you are not allowed to sign-in for a classmate and you should not sign-in if you are late to class. 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 one class session without penalty. If you miss or are late to more than one class session, your final grade may be reduced at the discretion of the Professor. If you miss or are late to more than two class sessions, your final grade will be reduced. If you miss or are late to more than three class sessions, you will be reported to the Associated Dean for Student and Multicultural Affairs and may be expelled from the class.

### Requirement of Professionalism

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 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 they are 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:**

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, it is suggested that you not use your laptop. 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.

If you choose to use your laptop, you are only allowed to use it for word processing purposes to take notes and to review your case briefs and other case materials. The use of laptops and other electronic devices (e.g., pagers, music players, and cellular phones) in a manner that is not conducive to a professional atmosphere and that detracts from the learning experience is prohibited. The in-class use of electronic devices for purposes of text-messaging, reviewing and sending e-mail, playing games, and viewing obscene or offensive material is strictly forbidden.

### **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.

The Professor will make written comments on the mid-term exam so that students can obtain formative feedback. Once the mid-term exams are graded, each student should obtain his or her

exam and review it carefully. All students are encouraged to meet with the Professor to discuss their mid-term exams. Sign-up sheets will be available.

The final exam may cover all of the materials studied in the course.

**Grading and Grading Components:**

The Professor grades on a 100 point scale. Generally, 70 points is a C; 80 points is a B; and 90+ points is an A. For this course, each student can earn a maximum of 100 points: up to 20 for the mid-term; up to 70 for the final; and up to 10 “professionalism points.” The mid-term and final will be in the form of essay exams and will be graded based upon a number of criteria, including organization, writing ability, knowledge of the law, and legal analysis and reasoning. Professionalism points will be awarded at the discretion of the Professor based upon demonstrated adherence to standards of professionalism and course policies as described above. At least one point will not be awarded in the case of a second absence and two points each for any absences over two.

**Assignments:**

This syllabus is subject to change as we move through the semester. Any changes will be announced in class, and a revised syllabus will be distributed if necessary.

<b>Date</b>	<b>Assignment</b>	<b>Topic</b>
Week 1 (August 17)	pp. 1-46	Intro., case examples, case briefing Begin Intentional Torts
Week 2 (August 24)	pp. 47-88	Complete Intentional Torts
August 31	LABOR DAY HOLIDAY	Study for Take-home mid-term to cover Intentional Torts
Week 3 (September 7)	TBA	TBA Mid-term exam first hour.
Week 4 (September 14)	TBA	TBA
Week 5 (September 21)	TBA	TBA
Week 6 (September 28)	TBA	TBA
Week 7 (October 5)	TBA	TBA
Week 8 (October 12)	TBA	TBA
October 19	MID-TERM BREAK	
Week 9 (October 26)	TBA	TBA
Week 10	TBA	TBA

(November 2)		
Week 11 (November 9)	TBA	TBA
November 16	NO-CLASS; STUDY FOR REVIEW	
November 23	THANKSGIVING BREAK	
Week 12 (November 30)	Make-Up Day/Review	