

TORTS – I

Fall 2009

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This course focuses 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.

Readings: The casebook for this course is: Prosser, Wade and Schwartz. *Torts: Cases and Materials*, 11th Edition. All page references in the syllabus assignments are to this book, unless otherwise noted.

Resources: There are several serviceable hornbooks available in the library. 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*. The American Law Institute has also published in one volume *A Concise Restatement of Torts* which you may find useful for reference.

I have asked to bookstore to have on hand copies of a brief hornbook that I think may be a useful supplement for some of you. It is, Kenneth Abraham, *The Form and Functions of Tort Law*. 3d ed. (Foundation Press). There are of course, numerous commercial outlines available. These can be useful if you find one that works well with your own style of study. Be careful, however, to use these as *supplements* to not *replacements* for the readings.

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 5 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 sixth (6) absence may constitute grounds for withdrawal from the course.

Grading: Your course grade will be derived primarily from a series of regular in class quizzes and 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

1. Development of Liability Based on Fault

Assignment 1: pp. 1-16

2. Intentional Torts

Assignment 2: Intent, pp. 17-29

Assignment 3: Battery and Assault, pp. 29-40

Assignment 4: False Imprisonment, pp. 40-50

Assignment 5: IIMD, pp. 50-66

Assignment 6: Trespass to Land, pp. 66-75

Assignment 7: Trespass to Chattels and Conversion, pp. 75-84

3. Privileges

Assignment 8: Consent, pp. 91-103

Assignment 9: Defense of Self, Others and Property, pp. 103-113

Assignment 10: Recovery of Property, Necessity, pp. 113-124

Assignment 11: Discipline, Justification, pp. 124-130

4. Negligence

Assignment 12: History, element and Formula, pp. 131-145

Assignment 13: Std of Care (Reasonable Person) – I, pp. 145-157

Assignment 14: Std of Care (Reasonable Person) – II, pp. 157-168

Assignment 15: Professionals - I, pp. 168-177

Assignment 16: Professionals - II, pp. 177-191

Assignment 17: Rules of Law, pp. 200-215

Assignment 18: Proof of Negligence, pp. 229-237

Assignment 19: Res Ipsa Loquitur, pp. 237-248

5. Causation in Fact

Assignment 20: Sine Qua Non, pp. 259-270

Assignment 21: Concurrent Causes and Id, pp. 282-292

6. Proximate Cause

Assignment 22: Unforeseeable Consequences – I , pp. 293- 305

Assignment 23: Unforeseeable Consequences – II , pp. 305-319

Assignment 24: U.C. – III and Intervening Causes -I , pp. 319-331

Assignment 25: Intervening Causes – II , pp. 335-344

Assignment 26: Public Policy, pp. 344-355

7. Defenses

Assignment 27: Plaintiff's Conduct, pp. 581-601

Assignment 28: Assumption of Risk, pp. 601-614

8. Damages

Assignment 29: Personal Injuries – I, pp. 519-530

Assignment 30: Personal Injuries – II, pp. 540-550

Assignment 31: Punitive Damages, pp. 550-564

9. Imputed Negligence

Assignment 32: Vicarious Liability, pp. 660-667

Assignment 33: Resp. Sup, etc, pp. 667-678

Assignment 34: Bailments and Imputed Contrib., pp. 678-685

10. Joint Tortfeasors

Assignment 35: Liability and Joinder of D's, pp. 361-371

Assignment 36: Satisfaction and Release, pp. 371-383

Assignment 37: Contrib & Indemnity, pp. 383-392

11. Strict Liability

Assignment 38: Strict Liability – I, 686-699

Assignment 39: Strict Liability –I I, 699-710

Assignment 40: Strict Liability – I, 710-717

Assignment 41 – open

Assignment 42 - open