

# HAMLIN UNIVERSITY SCHOOL OF LAW

## Syllabus for Torts I Fall, 2008

Professor Douglas McFarland

[dmcfarland@hamline.edu](mailto:dmcfarland@hamline.edu)

### **Class Meetings and Office Hours**

The class meets on Mondays and Wednesdays from 11:00 to 12:15. My other class meets Mondays and Thursdays from 8:00 to 9:15. You will be able to find me in my office most of the day on Mondays, Wednesdays, and Thursdays. The best times are right after a class. I may also be in the office on some Tuesdays and Fridays.

### **Required Text and Supplemental Materials**

The casebook for this class is Victor E. Schwartz, Kathryn Kelly & David Partlett, *Prosser, Wade & Schwartz's Torts: Cases and Materials* (11th ed. 2005). No supplemental materials are required.

A website for this class can be found on The West Education Network [TWEN]. The syllabus, additional course materials, sample examinations, and computer-assisted lessons from the Center for Computer-Assisted Legal Instruction [CALI] will be posted on the TWEN site. Students should register on TWEN as soon as possible and check the site periodically for announcements and other materials.

### **Course Description and Objectives**

As described in the school of law catalog, this course “[f]ocuses 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.”

The objectives of this course are the following:

- 1) learning legal method, including the skill of briefing cases;
- 2) understanding the development of the law of torts;
- 3) developing the ability to make and evaluate legal arguments; and
- 4) learning tort law and the bases of tort liability.

The classroom discussion will primarily be the Socratic method based on the case method of legal instruction. We will also analyze and discuss hypotheticals.

While case briefs will not be collected or graded, I strongly recommend that first-year students brief every case. We will spend the first few weeks of the semester concentrating on this skill.

### **Attendance Policy**

Attendance will be recorded by circulation of the attendance sheet provided by the registrar's office. Attendance is expected at every class. Excessive absences (defined as four absences in a semester) will result in removal of the student from the class roster; no make-up work will be offered.

### **Examination and grading**

The grade will be based entirely on the final examination, which in all likelihood will be a three-hour examination combining both traditional fact-pattern analysis questions and multiple-choice questions.

### **Assignments and Class Outline**

Class 1. Read the excerpt from Roger C. Park & Douglas D. McFarland, *Computer-Aided Exercises in Civil Procedure* (5<sup>th</sup> ed. 2004), which can be found on the TWEN website under Course Materials. Read and prepare pages 1-10 in your Prosser casebook; brief *Weaver* and *Brown*.

Class 2. Read the remainder of Chapter I. Development of Liability Based Upon Fault (brief *Cohen* and *Spano*), then begin Chapter II. Intentional Interference with Person or Property (brief *Garratt*).

For each of the remaining classes of the semester, read and brief the next five cases beyond the case at which the previous class ends. We will consider the materials in the following order:

Chapter I	Development of Liability Based Upon Fault
Chapter II	Intentional Interference with Person or Property
Chapter III	Privileges
Chapter IV	Negligence
Chapter V	Causation In Fact
Chapter VI	Proximate or Legal Cause
Chapter X	Damages (in part)
Chapter XII.	Defenses (in part)
Chapter XIV	Strict Liability (in part)

At a time convenient in the semester, probably early November, we will discuss the skills of writing a law school exam and have a practice examination (not graded).