

HAMLIN UNIVERSITY SCHOOL OF LAW
FALL SEMESTER 2008
TORTS I

Professor Marilynne Roberts
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Law Graduate Building 218E
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Office Hours Th 12 - 2 Fri 11 - 12 and 2 - 3 Or by appointment

Class Wednesday and Friday 12:30 - 1:45 p.m. Law School 101

Required Casebook

Dobbs and Hayden, Torts and Compensation: Personal Accountability and Social Responsibility for Injury, 5th Edition, ISBN 0-31415029-3

Goals and Objectives

1. Understand the American civil justice system including personal accountability and social responsibility for injury
2. Analyze judicial opinions, including the abilities to identify the critical facts of a case, to isolate the holding of a case, and to compare and contrast cases
3. Demonstrate skills of persuasion by practicing careful case reading, factual and policy analysis, and respectful discussion
4. Apply the basic theories of intentional torts, negligence, and strict liability
5. Recommend methods of dispute resolution in a specific legal context
6. Analyze law as an instrument of public policy and social change, observe the development of common law, and understand arguments regarding tort reform

Attendance, Participation and Technology

Attendance will be taken by passing the sheets prepared by the Law Registrar. Attendance is for the full class session; do not plan to leave early without approval. Academic Rule 1-110 requires that you attend class regularly, be punctual, and be prepared. I will enforce this rule.

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.

Grading

This course will have one three-hour exam during the examination period. I reserve the right to raise a student's grade one-half grade for regular, excellent class participation.

Special Note Regarding Scheduling

Hamline University's Convocation is Friday, September 5th. Class will be held at 1 p.m.. We will discuss when to make up the missed time during class. We will also re-schedule class November 7, as I co-coach the American Bar Association Negotiation Moot Court Team, and our competition is that weekend.

Reading Assignments

Class Date Pages Topic

Intentional Torts

1	8/20	2 -46	Introduction to tort law, fault principle, Battery
2	8/22	46 -68	Assault, False Imprisonment
3	8/27	68 -74	Torts to property, Review prima facie case
		82 -86	Defenses, privileges
4	8/29	86 -100	Defenses, consent

5 9/3 100-109 More privileges; review intentional torts

Negligence

6 9/5 111-133 Introduction; duty and breach *Meet at 1 p.m.
7 9/10 133-155 Duty; specification of standards or duties; breach
8 9/12 155-177 Breach; risk utility analysis; Proof
9 9/17 177-187 Breach; Evaluating conduct
10 9/19 187-199 Res ipsa loquitur
11 9/24 199-207 RIL; More probably than not; Actual harm
12 9/26 208-233 Cause in Fact; but-for and alternative tests
13 10/1 234-251 Proximate cause
14 10/3 251-270 Proximate cause
15 10/8 271-289 Defenses
16 10/10 289-302 Defenses and review
17 10/15 303-319 Assumption of the risk
18 10/22 320-343 Defenses not on the merits
19 10/24 345-363 Limiting duties according to class or status of parties
20 10/29 363-381 Limiting duties according to class or status of parties
21 10/31 524-559 Duty to protect from third persons
22 11/5 560-591 Special Types of Harm: Emotional harm

Strict Liability for Physical Harms

23 11/7 623-660 Vicarious liability We will re-schedule this class
24 11/12 661-683 Common law strict liability; nuisance
25 11/14 683-694 Abnormally Dangerous activities; strict liability today
26 11/19 901-916 Evaluating tort law; workers compensation
27 11/21 Discuss exam preparation
28 12/3 Written evaluation of tort law; Review and wrap up course

12/19 Final Examination