Course Materials

- **Casebook—Required**
  Russell Weaver, John Bauman, John Cross, Andrew Klein, Edward Martin, and Paul Zweir, II, *Torts: Cases, Problems, and Exercises* (4th ed.) is the required text. The textbook comes in both a hardcover and a loose-leaf format (to help minimize your book-buying costs to the extent possible). Reading assignments will be posted on the TWEN page for this class.

- **Syllabus—Required**
  Students are expected to read this course syllabus prior to the start of the course and to refer to it regularly when questions covered herein arise during the semester.

- **Additional Materials—Required**
  Additional materials, including readings, assignments, CALIs, slides, video links to lectures, quizzes, exams, discussion forums, and the like, for which you are responsible, will be posted on the course TWEN page. The TWEN page will be the locus of the course, as this course is conducted remotely and asynchronously. As a result, you should carefully check the TWEN page with tremendous frequency during the course.

  Furthermore, you will need to obtain access to the movie, *A Civil Action*. A copy of the movie in DVD format is on reserve at the SIU School of Law Library for those of you in the Carbondale area. You are responsible for obtaining access to this film for an assignment that will be made when we cover the Damages module of the course, as there is a mandatory, graded Writing Across the Curriculum assignment related to this film and the material being covered during that course module.

- **Supplemental Materials—Optional/Recommended**
  CALI exercises related to the topics covered in class are available via TWEN. You are encouraged to use these as review. In addition, there are a number of good torts supplements. Among them, you might find the following particularly helpful: Edward Kionka, *Tort Law in Nutshell*; John Diamond, Lawrence Levine, and Anita Bernstein, *Understanding Tort Law*; Terrence F. Kiely and Bruce L. Ottley, *Understanding Products Liability Law*; Martin Shapo, *Principles of Tort Law*; and Joseph Glannon, *The Law of Torts*. In addition, Dan Dobbs, *The Law of Torts*, is the definitive hornbook in this area of law.

Grading

- **Final Examination—50% of Final Grade—DUE 1 P.M CENTRAL STANDARD TIME (CARBONALE TIME) ON FRIDAY, AUGUST 7, 2015**
Half of the grade for this two (2)-credit class, taught via asynchronous, distance learning, will be based on a take-home exam that will be distributed electronically at the end of the semester. No later than the specified due date and time noted above, the completed exam must be successfully submitted to and received by Carol Manis, via email (to Carol Manis (cmanis@law.siu.edu)) using your exam number as the only identifier on the exam itself. (Do NOT email me, the instructor, a copy of the exam for obvious reasons related to use of the exam number. To do so constitutes an Honor Code violation.) The exam will be comprehensive. While it will be open book and open note, it is to be individually completed (as to do otherwise constitutes a serious Honor Code violation). Specifics regarding the exam, which will predominantly include essay-style questions, will be provided at the end of the semester.

- **Writing Across the Curriculum Assignments**
  To meet the SIU School of Law Writing Across the Curriculum (WAC) requirement, *three (3), mandatory, graded* writing assignments related to advanced torts will be made during the course of the semester. They are as follows, and the portions of the grade they constitute are also set forth below:

  - **Warning Drafting Assignment—20% of Course Grade**
    This assignment will be part of the Products Liability module of the course. This assignment will include the drafting and design of product warnings for a specified product that you will be told of in the actual assignment, as well as the drafting of a memo explaining the need for, design of, and placement of such warnings. Specific details will be provided in the assignment, which will be posted on the TWEN page when the relevant portion of the Products Liability module arises.

  - **Multiple-choice Question Drafting Assignment—10% of Course Grade**
    This assignment, which includes the drafting of a number of separate fact patterns, a specific question related to the areas of tort we cover in class, answers (both correct (1) and otherwise (3)), and explanations of answers (both correct and otherwise), will be due at the end of the semester. This assignment is designed to aid you in reviewing and applying the law learned in various modules of the course. The specifics of this assignment will be provided via TWEN once we are partially through the course.

  - **Reflection Paper—5% of Course Grade**
    This assignment will be part of the Damages module of the course. It is geared toward aiding your understanding of the types of damages and how they are calculated, as well as how tort cases are valued, aspects of practice management, and professional ethics. This assignment will require you to have access to and to carefully watch and contemplate the movie, *A Civil Action*, and then to draft a reflection paper, based on specific questions that guide your analysis. Exact details will be provided in the assignment, which will be posted on the TWEN page when the Damages module arises.
Specific assignments and due dates will be posted on TWEN during the course of the semester. You are required to complete and submit all WAC assignments in a timely manner to be eligible to take the final exam. As this is a professional-level course, all writing assignments are expected to be submitted on time and executed in a high-quality manner, reflecting excellence in comprehension, analysis, application, reflection, articulation, technical writing (i.e., grammar, style, etc.), and presentation.

- **Class Discussion Forum Participation—5% of Total Grade**
  To incentivize students to be engaged and to stay on track with readings and lectures throughout the semester, a small portion of the grade has been assigned to regular, high-quality participation in the class discussion forums, available via TWEN. Discussion will be based on specific questions I, as the instructor, will regularly pose. The discussion questions posed will be related to the modules being covered during the given week/module(s). While the portion of the grade assigned to such participation is small, as each law student should know by his or her second and third year of law school, every point earned in a course matters, at least in terms of the final grade.

  High-quality forum participation includes comments and contributions in the discussion forum that are: civil, timely, directly on point/highly relevant, non-duplicative, add meaningfully to the discussion by moving it forward, articulate, clear, insightful, analytical, reflective, and succinct. Determinations and decisions related to students’ performance are made solely at the instructor’s discretion and are determined at the end of the semester during the grading period.

  Moreover, the Class Discussion Forum presents the primary avenue for posing questions you may have about the material covered during the module (i.e., the readings, the slides, the lectures, etc.) under discussion at the time. Any questions should be related to the module under discussion. Also, once we move on to the next module, discussion of the prior module(s) is closed. This is yet another incentive to stay on track with the materials.

- **Quizzes—10% of Total Grade**
  Given the online, asynchronous nature of this course, staying on track, doing careful reading, reviewing the provided slides and other materials, and listening carefully to lectures (often multiple times) are imperative to your understanding and success in the course. As class attendance and all of the queues related to it are not possible in an asynchronous, distance-learning course, regular quizzes are required to ensure everyone keeps up and to comply, as a proxy, with law school requirements related to attendance. The quizzes will be made available—and will also be due—during the module(s) being covered in a given week. The quizzes will be made available on TWEN and due dates will be specified there, as well.

**Course Objectives, Outline/Overview, and Other Key Comments**

- **Course Objectives and Outline/Overview**
  As an area of law, torts encompasses a broad group of legal wrongs for which there is redress—typically in the form of damages—in the civil context (rather than the criminal
In the first semester of the first year of law school, students are primarily exposed to intentional torts and negligence in the mandatory torts course. The purpose of this course is to provide students with more extensive exposure to the torts arena, which is critical as torts is heavily tested on bar exams and as, in practice, tort issues are presented by clients with great frequency.

To that end, this course will address, in detail, types of torts and aspects of torts that cannot be covered in an in-depth manner in the first-year torts course. This coverage will include underlying policy issues, as well. Among those torts topics will be the following:

I. Strict Liability
II. Nuisance
III. Products Liability
IV. Defamation
V. Privacy Torts
VI. Types of Damages and Damages Calculations
VII. Wrongful Death and Survivorship Actions
VIII. Misuse of Legal Process
IX. 1983 Claims

Note: This is a general outline/course overview, and is subject to modification throughout the course by the instructor.

Typically, one or more modules will be assigned each week, including reading assignments, a recorded lecture (or series of lectures), slides, posted questions on the discussion forum, and one or more quizzes. Some modules will include WACs, as noted above. In addition, there are voluntary CALIs on many of the topics. All materials will be accessible via TWEN.

In addition, to coverage of torts topics and preliminary bar preparation in the torts subject area, an objective of this course is preparing students for the legal profession. As a result, the course will provide students with exposure to legal practice issues as they relates to torts through an occasional guest speaker, practice pointers, and some discussion of procedural matters.

Finally, this is an asynchronous, distance-learning course; as such, it relies heavily on—as well as builds—your time management and self-directed study skills. Building these skills is a secondary, but critical, objective of the course. This also prepares you for the bar exam. Please note the warning that you cannot afford to skim or skip the readings or to fall behind, especially given the shortened nature of the summer semester.

A final comment that bears noting is that this is the first time this course is being offered as a distance-learning course. Given that, teaching materials used in the traditionally structured course are being reconstructed and developed in real time as we progress through the shortened summer semester. As such, there will not be the opportunity to work ahead, as those modules will not be available in advance.
Modules: Reading Assignments, Lectures, Slides, Discussion Questions, Quizzes, and Related WACs (as applicable)
Reading assignments in the casebook and other required readings will be posted in advance, in modules or sub-modules, on the TWEN course page. Corresponding lectures and slides will be subsequently posted on TWEN, as you are expected to read prior to the lecture. Quizzes for each module will also be available via TWEN, with a due date for each module’s quiz. Discussion questions will be posted in a discussion forum on TWEN related to the module, as well. And, as noted above, some modules have a related WAC, which will be made accessible via TWEN.

Use of TWEN
Given that this is a distance-learning course that will be utilizing TWEN as the electronic delivery platform, utilizing the TWEN page on a very frequent basis will be imperative.

Accessibility
As the course instructor, I am available by email for both questions and to make an appointment, if necessary, to discuss matters related to the class. You can email me via the course TWEN page using the email function. For questions related to course materials, you are encouraged to use the discussion forum, as many people may have the same question and as it gives students the opportunity to test their understanding by answering such questions.

Accommodations for Students with Disabilities
Pursuant to the Rules of the Southern Illinois University School of Law, “[t]he Law School will make reasonable accommodations for students with disabilities. A student seeking such accommodation must make application to the Associate Dean in accordance with the Southern Illinois University School of Law Policy Concerning Applicants and Students with Disabilities. A student is required timely to submit appropriate documentation of the disability sufficient to allow the Associate Dean to determine the reasonableness of the accommodation requested. If the requested accommodation concerns examinations, the Associate Dean will decide whether to grant the accommodation after consultation with the appropriate faculty member(s). The Associate Dean and the faculty members involved will treat the identity of the student requesting accommodation as confidential, to the maximum extent practicable.”