

**SOUTHERN ILLINOIS UNIVERSITY
LAW SCHOOL
TORTS
FALL 2019**

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**M, W 11:00 -12:15 Room 204
F 11:00 – 11:50am Room 204**

SYLLABUS

COURSE DESCRIPTION AND STUDENT LEARNING OBJECTIVES:

This course surveys basic tort law, or the way the law redresses wrongful injuries to another person or his property. We will discuss topics such as intentional torts; negligence; defenses; damages; products liability and strict liability. In this course, you will receive an introduction to the legal method, the tort litigation process and the social policy considerations underlying tort law. Moreover, you will learn how to analyze legal problems and how to communicate your legal analysis through writing.

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Using a relevant fact pattern, students will be able to identify legal issues related to the various tort claims and defenses covered in this course, make critical and effective arguments regarding the application of tort law to the fact pattern and determine the proper resolution of the identified legal issues.
- Students will be able to articulate the distinctions between different forms of liability in tort, including liability for intentional misconduct, negligence, reckless conduct, and strict liability.
- Students will be able to produce written work product that demonstrates mastery of the CiRAC method.

REQUIRED TEXTS:

GOLDBERG, SEBOK & ZIPURSKY, TORT LAW: RESPONSIBILITIES AND REDRESS (4th Ed. 2016) (ISBN 978-1-4548-6820-0)

GLANNON, THE LAW OF TORTS, EXAMPLES AND EXPLANATIONS (5th edition, Aspen).

CLASS ATTENDANCE:

Active class participation is essential to success in this course. You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict. As such, attendance is mandatory (including in our make-up class) and you may miss no more than four (4) classes during the semester. An absence may be excused (or made up through a separate

assignment) only in extraordinary situations, which will be addressed at my sole discretion on a case-by-case basis. I would advise that you not use up all of your absences early in the semester. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School's attendance policy. *See* School of Law Rules III.5 (f)-(g).

This semester, there will be a few make-up class sessions (for example, we will need to make up classes which are missed due to observance of Labor Day and the Midterm Week). Failure to attend make-up classes or to complete a make-up class assignment will count as an absence.

An attendance sheet will be distributed at the beginning of each class. Please sign the attendance sheet acknowledging that you (1) are present, (2) are prepared to participate in the class discussion, **and** (3) have completed any assignment. You may not sign for anyone but yourself. **If you miss more than five minutes of class for any reason, you may not sign the attendance sheet and you will be counted as absent.** Repeated tardiness will also result in being marked absent. If you must miss more than five minutes of class, you may still come to class provided that you do not cause an interruption.

CLASS PREPARATION & PARTICIPATION:

General Notes

To supplement class, I will be using TWEN, a web-based platform hosted by Westlaw. This syllabus is posted on TWEN. Moreover, I will use TWEN to post other class materials. In addition to these posted materials, there is a Continuing Class Discussion page where you can post questions at any hour of the day (or night) and where others, including myself, can respond. **You must sign-up for the class TWEN page by the start of class. You are responsible for familiarizing yourself with the information posted and discussed on TWEN prior to the examination.**

You must register on TWEN to be able to access it, using your Westlaw password. To do so, go to: <http://lawschool.westlaw.com>. At the top of the page, there should be a blue bar, with "TWEN" as one of the options you can click on; click on TWEN. There should be further directions that can guide you through registration process. **When you register, be sure to use whatever e-mail address you wish to be contacted at (you do not need to use your Southern Illinois University Law School account) because this is the address that I will use for any announcements.**

Reading Assignments

The first few weeks of assignments are posted on TWEN. I will post the reading schedule for each two to four week period well in advance to provide time for you to prepare for class. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule.

Class Preparation Assignments

To assist you in your class preparation and to enhance your learning, I will use several teaching tools throughout the semester. As a result, you will have additional tasks to complete for some classes in addition to reading the assigned casebook materials. First, I will be posting supplemental online videos to a few of our assignments on my YouTube Channel. These videos are created by me and designed to provide you with some additional assistance on either the substance in the reading assignment or on law school study skills. A link to my YouTube Channel is available on our TWEN page. Second, I will be assigning some quizzes on TWEN for you to use to gauge your

progress in the course. You must demonstrate minimum professional competency to receive credit for this portion of the course grade. Finally, I will have additional exercises to assist you learn the material from class or review the material and prepare for the examination. Each assignment will have instructions on how to complete it, whether it needs to be turned in to me (and in what manner) and a due date for completion. (See GRADING section of the syllabus for more information about assessment on class preparation and participation).

Class Participation

You are also required to actively participate in class. When called on, be prepared to share your thoughts with the class. Additionally, there will be online polling and quiz questions that you will be asked to answer either individually or in a group. You are not expected to know every answer, but you are expected to demonstrate that you have sufficiently prepared the assigned materials. For most of our classes, we will work in groups. These groups will provide you with an opportunity to collaborate with your peers and to think through the course material. You should contribute to your group discussion and be prepared to share your thoughts with the class. **If a student is not prepared to discuss the assigned materials when called upon, fails to actively participate during the in-class group discussion, or fails to complete an assigned class exercise or writing assignment, the student will be marked as absent for that class and the student's grade may be lowered.** (See CLASS ATTENDANCE and GRADING sections of the syllabus for more information about attendance and assessment on class preparation and participation).

COURSE WORKLOAD:

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, you **should expect to spend a minimum of 12 hours (4 in class and 8 preparing for class) per week on course-related work.**

PROFESSOR AND STUDENT EXPECTATIONS:

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 48 hours on weekends.
- To be available during my posted office hours (and to provide alternative office hours should any require rescheduling).
- To assign out of class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 4 credit course.
- To give exams that accurately reflect the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.

- To refrain from using laptops, cell phones and other electronic devices during class for anything other than class work.
- To spend an adequate amount of time on the assigned readings for each week, making an effort to understand the legal principles covered, and carefully completing the assignments.
- To seek help when appropriate.

GRADING:

The course will be graded as follows:

A. Final Examination (75%) The final examination will be a **comprehensive closed book examination**. The examination will include both multiple-choice and essay elements. I will provide more details about the final exam later in the semester. The final exam in this course will be administered on **Tuesday, December 10th at 8:15am**.

B. Midterm Examination (20%) The midterm examination will be a **closed book examination**, administered on **Tuesday, October 8th according to the midterm week schedule posted on the SIU Law School webpage**. I will provide more details about the midterm exam later in the semester.

C. Preparation and Class Participation (5%)

Careful preparation and active class participation is fundamental to success in law school. To receive full credit, a student must complete the following tasks:

1. Carefully read all assignments prior to attending class. This includes looking up any new terms in Black's Law Dictionary or an equivalent dictionary. If a student is not prepared to discuss the reading material when called upon, the student's preparation and class participation grade may be lowered.
2. Complete all class preparation assignments in a timely **and** professional manner, demonstrating minimum professional competency.
3. Actively participate in class.

D. Writing Across the Curriculum Assignments

During the semester you will complete several CiRAC writing exercises which are designed to help you develop the skill of legal analysis and to assist you in preparing for the final exam.

While these assignments are ungraded, you must complete each assignment in a timely and professional manner to receive credit for this course. You will be required to re-write any assignment that does not meet a minimum level of competency. Further details regarding the writing exercises will be provided later in the semester. Failure to turn in the Writing Across the Curriculum Assignment will count as an absence for the class on which it is due.

BAN ON COLLABORATION ON WRITTEN ASSIGNMENTS:

You are not allowed to obtain help from any other person (including any other student) on any written assignment in this course **unless expressly stated otherwise in the instructions to the assignment**. This ban includes all class preparation assignments, the Writing Across the Curriculum Assignments and any additional make-up class writing assignments. This ban on collaboration includes obtaining written materials from any other person or other source and/or communicating with any other person about an assignment. This ban on collaboration applies to both graded and ungraded exercises. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An

Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

PLAGIARISM:

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

OFFICE HOURS:

My scheduled office hours are on Fridays from 2:00 – 3:00pm (unless there is a scheduling conflict). Feel free to stop by my office at any time; however, the hour before class is generally not the best time to reach me. I am also available by email, phone and for meeting by appointment. Also, you should always feel free to post any question you might have on TWEN.

DISABILITY ACCOMMODATION POLICY:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

SALUKI CARES:

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

NOTICE OF RECORDING POLICIES:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate learning objectives, class sessions will be audio recorded by Professor Upchurch and made available through

a link on the class TWEN page. Because of the possibility of a technical malfunction, Professor Upchurch cannot guarantee the successful recording of every class. Students are free to make audio (not video) recording of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

EMERGENCY PROCEDURES:

Southern Illinois University-Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

ATTACHMENTS:

This Syllabus incorporates by reference the Law School Syllabus Attachment and the Provost Syllabus Attachment posted on the course TWEN page.