

**SOUTHERN ILLINOIS UNIVERSITY
LAW SCHOOL
TORTS
FALL 2020**

**Professor Angela Upchurch
Office: 246
Email: aupchurch@siu.edu
Phone: (618) 536-8314**

**Room: Auditorium/Zoom
M, W 11:00 -12:15
F 11:00 – 11:50am**

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:

This semester there are two ways to participate in class: a face-to-face option at the law school and a remote option via Zoom. If plan to attend this class via Zoom, you must read and abide by the Online Class Policies posted on TWEN.

Due to the challenges related to COVID-19, you may elect to attend via Zoom **at any point this semester**. If you suspect you might be ill or that you have been exposed to COVID-19, please attend via Zoom. **Please email me as soon as practicable if you plan to attend any part of this class via Zoom**. You do not need to explain your reason for attending via Zoom, simply inform me of your plan so that I can appropriately account for your attendance.

Regardless of how you plan to attend our class, **active class participation is essential to your success**. You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict, such as illness. As such, attendance is mandatory (including any make-up classes related to recognized school holidays) and you may miss no more than six (6) classes during the semester. In extraordinary situations, a student may make-up a missed class, so that the absence will not be counted against the total absences permitted; this determination will be addressed at my sole discretion on a case-by-case basis. 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).

If you become ill, or need to care for someone who is ill, or do not have childcare because of COVID-19, please contact Assistant Dean Judi Ray for assistance with appropriate accommodations.

To be marked present for class, you must (1) complete the assigned readings, quizzes and exercises; (2) attend in person or on Zoom as specified in the Online Class Policies posted on TWEN; (3) participate in the class discussion, break-out rooms or live discussion boards, **and** (3) participate in any in-class polls. **If you miss more than five minutes of class for any reason (other than an approved accommodation), 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.

POSSIBLE CHANGE IN DELIVERY OF IN-CLASS SESSIONS:

Due to the changing circumstances related to COVID-19, we may need to move to an entirely online format this semester (either temporarily or permanently). If my personal circumstances necessitate a change in our class, I will email you through TWEN and will post updates on the TWEN page. Please regularly check your email, the course TWEN page, and the law school and University COVID-19 informational webpages.

CLASS PREPARATION, PARTICIPATION & ASSIGNMENTS:

Reading Assignments

Reading assignments will be 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 provide you with additional assignments to guide you as you work through the reading assignments. This will

include videos with embedded quizzes, guided notes and other activities. You must complete these class preparation assignments by the start of class. Each assignment will have detailed instructions regarding submission. Please don't hesitate to reach out to me if you have any questions.

In-Class Participation (in-person and via Zoom)

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 individually. You are not expected to know every answer, but you are expected to demonstrate that you have sufficiently prepared the assigned materials. Finally, we will engage in some group activities, including break-out rooms on Zoom and Live Discussion boards via TWEN. **If a student is not prepared to discuss the assigned materials when called upon, or fails to actively participate during the in-class activities, 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).

Out-of-Class Assignments

To reinforce your learning, we will be completing several out-of-class assignments. These will include (among other activities) review quizzes on TWEN, exam writing exercises and rule drafting.

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**. Our class preparation assignments and out-of-class activities account for much of this time. The remaining time will be spent reviewing and preparing for exams.

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 (in-person or on Zoom) 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 (60%) The final examination will be a **comprehensive examination** at the end of the semester. More details will be provided in class.

B. Midterm Examination (20%) The midterm examination will be on **Friday, October 9th**. More details will be provided in class.

C. Class Preparation & 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 (including handouts and quizzes) in a timely **and** professional manner, demonstrating minimum professional competency.
3. Watch any assigned videos (completing the embedded quizzes).
4. Actively participate in class.

D. Out-of-Class Assignments (15%)

Information regarding the assignment requirements and grading will be distributed with each assignment.

BAN ON COLLABORATION ON CLASS PREPARATION AND OUT-OF-CLASS ASSIGNMENTS:

You are not allowed to obtain help from any other person (including any other student) on any class preparation or out-of-class assignment in this course **unless expressly stated otherwise in the instructions to the assignment**. 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.

REQUIRED CLASS TECHNOLOGY:

TWEN

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 and collect assignments. In addition to these posted materials, there is a 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. Finally, **we will be accessing TWEN to assist in group discussions for BOTH the face-to-face and Zoom participants, so you will need to be able to log on to TWEN during class when instructed to do so.**

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.

Socrative

We will be using online polling during our class via www.socrative.com. **You should make sure that you are able to log on to socrative from a computer or other smart device during class for BOTH the face-to-face and Zoom participants.**

Ed Puzzle

I will be posting some videos for you during the semester on EdPuzzle. This tool allows me to integrate quizzes into the video itself and provide you with instant feedback. Log on to EdPuzzle at www.edpuzzle.com. Sign in with the "I'm a Student Option" and use the Class Code: mapagee.

OFFICE HOURS:

I will be available throughout the semester via email or by appointment via Zoom or phone. If you would like to schedule a Zoom or phone appointment with me, please email me with some proposed dates and times.

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 recorded via Zoom 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) recordings of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

ATTACHMENTS:

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