

Torts (Section 2)
Fall 2021

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Syllabus & Course Outline

Course Overview:

This course is designed to expose you to the world of personal injury law, better known as “Torts.” Torts involves the compensation for harms that one party may do to another and, as a part of our class, we will also explore the structure of the American court system, the hierarchy of trial and appellate courts, legal precedent, and the relationship between statutes and court decisions. Torts is a six-credit offering, delivered in two, three-credit courses. This fall, we will focus on common intentional torts, negligence as well as defenses and sharing responsibility among wrongdoers. By the end of the semester, you should know about the elements of a tort, different duties, causation, defenses, and the historic background of tort liability without fault as well as the emergence of what constitutes fault in the concept of negligence.

Learning Objectives:

Students who successfully complete this course should be able to complete the following tasks:

- Understanding the sources and policy objectives of tort law;
- Identifying and analyzing the elements of various substantive torts and related privileges/defenses;
- Understanding the logistics of bringing and resolving torts cases including the role of judge and jury, burden of proof issues, and the difference between bright-line rules and factor-based tests; and
- Gaining a new and unique perspective of the world around you by being able to spot tort issues in everyday conduct.

Required Text:

Best, Barnes, & Kahn-Fogel, Basic Tort Law (5th ed. 2018)

Attendance:

Our class meets twice a week on Tuesday and Thursday afternoons. As specified in the Rules of the Southern Illinois University School of Law, “regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties”

It is your responsibility to ensure that you sign the attendance sheet during class. You should also note that the School of Law Honor Code states that it is academic misconduct to sign another student’s name to an attendance sheet for a class that the other student did not attend. Students may have no more than a maximum of six absences (partial or total) for any reason (other than jury duty, the student’s hospitalization, birth or adoption of the student’s child, or a death in the student’s immediate family – any of which shall be proven by documentation). Students with more than six absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

Office Hours:

My door is always open to you and I am available to meet with you anytime I am in the building; however, I have set aside Wednesdays from 3:00-5:00pm just for the purpose of meeting with 1L students. I will also be available to meet on Fridays when I am not helping with Admissions recruiting, and I’m available to meet with students by appointment. We can meet in person or via Zoom. Please arrange to meet with me during my office hours or suggest another time if my office hours are not convenient for you.

Class Participation:

As a law student, I expect that you will come to class having read the material for the day and ready to participate in class discussion. Students will be called on in class, often without advance notice, so be prepared to be principally responsible for helping me explain tort concepts and cases. Everyone is expected to participate in class discussion and you are always free to raise your hand and volunteer an answer, offer a helpful observation, or ask a question. Law school is a learning laboratory and we can all learn from each other.

Class Recording:

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 comprehension of the learning objectives, class sessions will be recorded and made available for viewing.

Grading/Scoring of Assignments:

To successfully complete this course, you will have to complete six quizzes, a midterm, and a final exam. The quizzes will each consist of 5 multiple-choice questions, similar to the questions asked on the Uniform Bar Exam, and they are collectively worth 25% of your final grade. I will drop the lowest quiz score when totaling your quiz points so that only five of the six quiz grades will count. The midterm is worth 25% of your final grade and it will take the form of multiple-choice questions and one essay question in the format that one might see on the bar exam. The final exam is worth 50% of your final grade and it will have a format similar to the midterm. All assessments in this course are closed-book, closed-note exercises. More information will be provided in class as each assessment approaches.

Assignments:

Week #1 – Introduction to Torts and Battery

August 17: Please read pp. 1-23

August 19: Please read pp. 23-36 and be prepared to turn in a copy of your brief for *White v. Muniz* (p. 32)

Week #2 – Damages for Intentional Torts, Assault, and Defenses

August 24: Please read pp. 36-49

August 26: Please read pp. 49-59 and prepare the Problem on p. 58

Week #3 – Defenses

August 31: Please read pp. 59-66

September 2: Please read pp. 66-72 (Quiz #1)

Week #4 – False Imprisonment and IIED

September 7: Please read pp. 73-88 and prepare the Problem on p. 81

September 9: Please read pp. 88-102

Week #5 – IIED, Review of Intentional Torts, and Negligence

September 14: Please read pp. 102-105 (Quiz #2)

September 16: Please read pp. 107-125

Week #6 – Negligence

September 21: Please read pp. 125-137

September 23: Please read pp. 137-146

Week #7 – Negligence

September 28: Please read pp. 146-152 (Quiz #3)

September 30: Please read pp. 153-170

Week #8 – Negligence

October 5: Please read pp. 170-191

October 7: Midterm Exam

Week #9 – Negligence

October 12: Please read pp. 193-222

October 14: We will start with the Problem on p. 222, then read pp. 223-242

Week #10 – Negligence

October 19: Please read pp. 243-255 and prepare the Problem on p. 264

October 21: Please read pp. 255-264 (Quiz #4)

Week #11 – Negligence

October 26: Please read pp. 264-277

October 28: Please read pp. 277-291

Week #12 – Negligence

November 2: Please read pp. 291-300 and prepare the Problem on p. 299 (Quiz #5)

November 4: Please read pp. 300-320

Week #13 – Negligence Defenses

November 9: Please read 321-337

November 11: Please read pp. 337-355

Week #14 – Negligence Defenses

November 16: Please read pp. 355-370 (Quiz #6)

November 18: Please read pp. 370-384; 388-396

Final Exam: Friday, December 10, 8:15am

SYLLABUS ATTACHMENT SIU SCHOOL OF LAW – FALL 2021

EMERGENCY PROCEDURES: *We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.*

DISABILITY POLICY. *SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here:*

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) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. 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.*

COVID-19. *SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.*