

**Torts (Section 2)
Spring 2022**

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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 religious holidays, 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 1:00-3:00pm just for the purpose of meeting with students. I am also 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 because of an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, my hope is that 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 either 5 multiple-choice questions, similar to the questions asked on the Uniform Bar Exam, or a short-essay question. The quizzes 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 – Damages

January 12: Please read pp. 397-417

January 14: Please read pp. 417-430

Week #2 – Vicarious Liability and Torts involving Professionals

January 19: Please read pp. 430-446

January 21: Please read pp. 447-461 and prepare the Problem on p. 451

Week #3 – Torts involving Professionals

January 26: Please read pp. 461-480

January 28: Please read pp. 480-494

Week #4 – Owners and Occupiers of Land

February 2: Please read pp. 495-513 (Quiz #1)

February 4: Please read pp. 513-531

Week #5 – Owners and Occupiers of Land and Special Duties

February 9: Please read pp. 531-545

February 11: Please read pp. 547-570

Week #6 – Special Duties

February 16: Please read pp. 570-587 (Quiz #2)

February 18: Please read pp. 587-603

Week #7 – Primary Assumption of the Risk and Damages

February 23: Please read pp. 603-617

February 25: Please read pp. 619-642

Week #8 – Damages – Midterm Week (these classes will be recorded)

March 2: Please read pp. 642-654

March 4: Please read pp. 654-679

March 9 and March 11 **Spring Break** **(no classes)**

Week #9 – Trespass

March 16: Please read pp. 789-803 (Quiz #3)

March 18: Please read pp. 803-812

Week #10 – Nuisance, Remedies, and Strict Liability

March 23: Please read pp. 812-832

March 25: Please read pp. 681-708

Week #11 – Strict Liability

March 30: Please read pp. 709-725 (Quiz #4)

April 1: Please read pp. 725-755

Week #12 – Strict Liability

November 2: Please read pp. 755-765

November 4: Please read pp. 765-788

Week #13 – Defamation

November 9: Please read 833-846

November 11: Please read pp. 846-854 (Quiz #5)

Week #14 – Privileges and Proof of Fault

November 16: Please read pp. 854-874

November 18: Please read pp. 874-890 (Quiz #6)

Final Exam: TBD