

As of August 7, 2024

**SOUTHERN ILLINOIS UNIVERSITY SIMMONS LAW SCHOOL**

# **Torts I**

Fall 2024

Professor Jennifer E. Spreng

Contact:

jennifer.spreng@siu.edu

Lesar Law Building Room 212

Class Logistics:

Mondays and Wednesdays from 11:00 – 12:15 p.m.

Room 202

Office hours:

For now, Tuesdays and Thursdays from noon to 1:00 p.m. – subject to change  
I am also happy to see students by appointment at other times.

## **What You Will Do in This Course:**

Tort law concerns how society solves legal disputes and provides redress for victims of physical injury or property damage and other wrongs. Tort law is about things that happen to you and me, and luckily, the best lawyers, like those you should learn to be, are often available to help, regardless of immediate ability to pay. Car crashes, slip-and-falls, medical malpractice, defective products, assault and battery and many others; these make up the world of the tort lawyer. You will learn both the law and the deeper reasons behind the law that you need to solve these problems and then, do so, appropriately and often elegantly. Welcome to this exciting area of law! It all awaits in Torts I!

**Treat this syllabus like a court's scheduling order.  
You are responsible for knowing and complying with this syllabus,  
especially assignment deadlines!**

## CLASS INFORMATION AND POLICIES

1. Course Objectives. You will have the opportunity to learn to:
  - Identify legal issues related to the various tort claims and defenses covered in this course.
  - Understand legal principles covered in the course that help lawyers and judges resolve tort problems.
  - Apply these legal principles to facts to solve tort problems.
  - Express those solutions to tort problems effectively, orally and in writing.
  - Study effectively in Torts.
  - Recognize existing and potential approaches to tort law standards that diverse backgrounds and experiences challenge and influence.
  
2. Books and materials. We will use the following books in this class:
  - Required: Vincent R. Johnson & Chenglin Liu, *Studies in American Tort Law* (7th ed. 2022).
  
  - Recommended: Vincent R. Johnson, *Mastering Torts* (7th ed. 2022).
  
3. Attendance. Our class meets twice a week on Mondays and Wednesdays from 11:00 p.m. to 12:15 p.m. 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 four absences (partial or total) for any reason. The attendance requirement is not subject to modification by a professor, nor may a professor excuse an absence. If the absences allowed under this provision have been exhausted, the Associate

Dean for Academic Affairs may grant leave and relief from the regular attendance requirement in extraordinary circumstances, including but not limited to: (1) military service; (2) representing the law school at a moot court, mock trial, law review, or official function; (3) jury duty; (4) religious observances; (5) the birth of a child; (6) the death of an immediate family member to include grandparents; (7) major non-elective surgery or a prolonged hospital stay; or (8) to comply with federal or state antidiscrimination laws, other applicable laws, or SIU policies.

**Important attendance note – REQUIRED MAKE UP CLASSES:** Because our class meets on Mondays, we will have to make up both Labor Day and Veteran’s Day this year. These classes are required as all other classes are. These classes are subject to change but tentatively set for:

- **September 5 at 1:30 p.m.**
- **November 14 at 1:30 p.m.**

4. Grades. You will receive a letter grade in Torts I. There are one hundred (100) points available in the class.

The allocation of points is as follows, with an explanation below of each category:

<b>ACTIVITY</b>	<b>POINTS</b>
Class Preparation Quizzes	10
Admit Slips	10
Final Examination Preparation Assignment	5
Mid-term Examination	10
Final Examination	60
Participation and Professionalism	5
<b>TOTAL</b>	<b>100</b>

For more details, including specific assignment dates, see the quizzes, admit slips, and other assignments and materials posted on our Desire2Learn course management site as well as the information below.

a. Composition and conduct of examinations (mid-term - 10 points; final - 60 points). The examinations in this class will occur on the dates and times and in the rooms posted with the Semester Information on the school's website. You will have ninety (90) minutes to complete the mid-term examination and three (3) hours to complete the final examination. Both examinations will be entirely closed book, timed, and anonymously graded. I will give you more information about the content and form of each examination closer to the date but assume both will include primarily or even wholly essay questions.

b. Class Preparation Quizzes ("prepare") (10 points). Class Preparation Quizzes are a series of multiple choice and other questions based on or applying readings for each class **due before each class**. You will find them posted on D2L with readings for each class.

Consider Class Preparation Quizzes to be part of your complete "preparation" for class, which also includes:

- Reading assignments posted on D2L carefully;
- Briefing every case, including "note cases";
- Consulting outside sources as indicated or needed to understand our readings; and
- Other activities needed to help you explore deeper analysis and apply the law in hypotheticals and other activities in class.

Class Preparation Quizzes will help you test your knowledge and make you aware of things you have not yet seen in the reading. You must complete each Class Preparation Quiz by the time class begins. You will receive percentage scores on individual Class Preparation Quizzes as indicated in the chart below:

<b>Percent of points earned</b>	<b>Percent score you will receive</b>
More than 60 percent	100 percent
40-60 percent	50 percent
Fewer than 40 percent	0

At the end of the term, I will average your percentage scores as indicated in the chart on each Quiz and convert that average to a score out of ten (10).

c. Admit Slips (“improve”) (10 points). Admit slips are brief problems or writing assignments that will allow you to practice applying the law you are learning to solve legal problems and communicate the solutions in writing from the very beginning of the course. Consider these assignments to be part of your “improvement” efforts and further learning. They will assist you:

- To improve your understanding and synthesis of the law and how to state the applicable law correctly and succinctly;
- To apply the law to solve different legal problems than just those we cover in class;
- To hone your capacity to express solutions to legal problems in writing;
- To outline the law to prepare for examinations; and
- To study in other ways, if you rewrite them and discuss them after you turn them in with other students.

You may expect approximately ten (10) admit slips during the semester. **With some exceptions, admit slips are due at 11:59 p.m. on Tuesdays in weeks where they are due.** You will receive one (1) point for each slip/module you turn in on time that demonstrates **a good, conscientious effort to solve the problem and express the solution in writing.** You will receive feedback and other indications of progress from my teaching assistants and other sources through sample answers and other forms of feedback. You are welcome to discuss any concepts or analytical moves with any of us.

d. Final Examination Preparation Assignment (“improve”) (5 points). The final examination preparation assignment will provide you with instruction, feedback, and indications of your progress toward sufficient final examination skills preparation. The final examination preparation assignment will occur soon after the mid-term examination. Consider this assignment to be among your efforts:

- To learn to solve tort problems;
- To learn to express your solutions in a final examination format that will also serve you well on the bar examination; and
- To enhance your awareness of the standards you must meet to enter the legal profession.

You will draft the assignment for points, receive feedback, and have an opportunity to re-write the assignment for your final score, which will eliminate the prior score.

e. Professionalism (5 points). Professionalism, including professional participation in class, constitutes a portion of your final grade for the fall semester. Professionalism's roots are the lawyer's understanding that this profession holds itself to the highest ethical and professional standards. For this grade category, "professionalism" is "student professionalism," defined as follows:

Conduct whereby lawyers, in the ethical service of others, take personal responsibility to: (1) ensure they are competent in their understanding of the law; (2) pay close attention to detail in their work product and use of language; (3) simultaneously handle multiple tasks when necessary in a timely manner so as to meet obligations; (4) dress and groom in a manner consistent with their workplace culture; (5) treat others with respect, even in disagreement; (6) put the interests of clients before their own; and (7) protect the rule of law.

To maximize this portion of your final grade, do the following: actively read and prepare for each class session as indicated above; arrive to every class on time and ready to participate; be respectful and courteous to everyone in the classroom; do not talk, text, or use cell phones or other electronic devices during lecture except as such use may be directly related to the class; make every effort to improve your understanding of the law and legal reasoning capacities; and thoughtfully engage in discussion if called upon in the class. **Remember that professionalism goes beyond in-class activities and communication with professors and is also necessary in your interactions with peers and Teaching Assistants.**

Because I assume all law students arrive at law school with a sense of professionalism, all students will begin each semester with the full portion of their grade devoted to professionalism. I will then deduct points appropriately, solely and entirely in my discretion.

**Assume that you will lose professionalism points if you are not prepared when called upon in class.**

f. Other. I retain the discretion to add or deduct points related to professionalism, participation, preparedness, attendance, quizzes, extra credit and activities not otherwise indicated on this syllabus.

5. Class Preparation. **Every few weeks, I will post upcoming reading assignments, Class Preparation Quizzes, Admit Slips, and other messages and materials on our course management system, Desire2Learn (D2L).** You will find a module for each class period in the content section that contains a list of all readings, the Class Preparation Quiz and the Admit Slip, as applicable. Posting periodically will allow us to take a little more or a little less time on appropriate topics without changing the syllabus or D2L site. I will try to keep up with a sufficiently timely schedule so that you can stay approximately a class period ahead in your reading in case we are especially efficient in covering some materials. Just make sure that you review the materials for each class you are attending ahead of time and take note of indications on D2L that we may spend a little more or a little less than one class period on any given set of class materials.

The topics this course will include but not be limited to the following, in approximately this order:

- Introductory matters
- Intentional torts
  - Intent
  - Assault
  - Battery
  - False imprisonment
  - Intentional infliction of emotional distress
  - Trespass to land and chattels
  - Conversion
  - Defenses and privileges
- Negligence torts
  - Negligence
    - Negligence balancing test
    - Reasonable person standard

- Proving negligence
    - Custom and circumstantial evidence
    - Res ipsa loquitur
- Cause in fact:
  - But for causation
  - Independently sufficient causes
  - Loss of chance
  - Other causation theories
- Proximate Causation
  - Foreseeability
  - Scope of the Risk
  - Intervening and Superseding Causes
  - Shifting responsibility

You will learn some additional topics throughout the term.

6. Statement on the Socratic method. I will use many teaching methods in this course, but the primary teaching method will be a “modified” Socratic method. I will ask you questions, and you will respond. Sometimes we will discuss material more informally.

The Socratic method is different from other forms of teaching/learning. Individual learning can be self-study and independent reading. Sometimes classes are solely one-on-one teacher-student interaction. A Socratic course is different, because the student teaches him- or herself by studying; the professor teaches the student through various interactions, such as Socratic questioning; and each student teaches others because all learn from other students’ interactions with the professor. Full participation and appropriate humility are necessary to take advantage of the richness of this methodology. I will take appropriate steps if some students take advantage of the system without giving back in return.

**I RESERVE FULL RIGHTS TO TAKE STEPS TO MAXIMIZE  
THE POTENTIAL OF THE SOCRATIC METHOD PROCESS IN THIS CLASS.**



7. Assignment deadlines. See the appropriate assignment or quiz in D2L and the Assignments Chart for assignment due dates. Each of the assignment sheets also lists the items you must post in the D2L assignment drobox by the deadline to receive full credit.

a. Late submission. Do not turn in admit slips, quizzes, the bar examination assignment or any others late. You will receive no credit for assignments turned in after the due date. The only exceptions to this policy require that you file a Motion for Extension of Time as explained in subsections (b) and (c) below.

b. Motions for Extension of Time. In rare circumstances, I might extend your time to turn in a response to an in-class activity or out-of-class assignment/quiz or to attend a class or meeting with or without a penalty but only if you file a Motion for Extension of Time with grounds showing good cause for the exception with a proposed Order, both clearly stating relief requested.

I am most likely to grant your motion if you anticipate a life event that will interfere with your complying with a due date or activity and file the Motion for Extension of Time prior to the assignment due date or in-class activity. Otherwise, assume I will only rarely grant Motions for Extension of Time and probably never if the proposed due date is on or after the next assignment due date unless COVID-19 has interfered with your ability to meet the deadline. I will almost never extend time to take a Class Preparation Quiz, because the Quizzes lack meaning after the class period they cover is over.

c. Process for moving for an extension of time. Forms for making a Motion for Extension of Time and the additional required proposed Order are available on D2L in the Syllabus and Supporting Materials Module. To move for an extension of time, you must file both documents by emailing them to me. **You must state grounds that show good cause to extend time and/or for any other relief you request.** The forms apply primarily to late submission of written work, but you may modify them to make related requests. You have the responsibility of bringing your motion to my attention and including in the proposed order the provisions you wish me to sign. I am not responsible for responding to motions I overlooked, did not receive, or inadvertently lost.

8. Course Management System. Our course materials, class reading, other assignments, and assignment submission dropboxes will appear on our Desire2Learn course management site (D2L). **I will not accept submissions via email except in unusual situations.**

9. Teaching Assistants and Wednesday Review and Feedback Sessions. Teaching Assistants are upper-class students who assist professors with a range of teaching preparation, learning activities, and student support that enrich first-year courses. In this class, teaching assistants will hold weekly sessions to provide direct feedback on admit slips, help you with outlining for the class, and answer your questions.

Our teaching assistants for Torts I are:

- Jessica Visage, senior teaching assistant (jessica.visage@siu.edu)
- Elijah Phillips (elijah.phillips@siu.edu)
- Kyle Pinter (kyle.pinter@siu.edu)
- Kylor Smith (kylor.smith@siu.edu)
- Stevie Wright (stevie.wright@siu.edu)

**Our teaching assistants will hold regular, voluntary sessions during the lunch periods on Wednesdays. Make plans to attend as many as you can!** In these sessions, they will support our classwork, give feedback on our admit slips, and help you learn to use the admit slips and other course materials to study effectively for examinations and improve your performance overall. These sessions will complement our classes well.

In general, please feel free to reach out to our teaching assistants for help and both our D2L page and other communications from them will provide availability information after the semester begins.

10. American Bar Association (ABA) Standard 310. Under the ABA Standards for accrediting law schools, a credit hour is, “an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.”

For a three (3) credit course such as Torts I, the Standard means a student must attend at least **one hundred fifty (150) minutes** of class each week (one classroom hour = fifty (50) minutes). The ABA also requires that students in a three (3) credit course spend **at least six hours** on out-of-class work. Note that these are minimum requirements. They do not take into account additional time for examination preparation, which for most students begins within a week or so of the beginning of the semester.

11. Law School Honor Code, University Code of Conduct and assistance from other persons or artificial intelligence tools on class assignments. Both the Honor Code and the Code of Conduct apply and are in effect in this class. Read both documents carefully and make sure you comply with both at all times. **Submitting plagiarized work or any other form of work not your own, including work produced in whole or in part with artificial intelligence, regardless of a student's purpose or intent, is potentially subject to serious sanctions as are other academic, honor code, and conduct code offenses.** Do not consult others or obtain written materials from any other person on any work product you turn in, including other lawyers, other students, or any artificial intelligence tool such as ChatGPT, unless I give you permission. **This policy applies to Class Preparation Quizzes and Admit Slips, until you turn them in. It always applies to Final Examination Assignments, Bar Preparation Modules, and graded assignments.** You may always consult our course teaching assistants or I for help on assignments, though we may sometimes have to limit our assistance.

If you violate the policy stated above, you will receive a failing grade on that assignment. You also may 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 for any state where you apply for membership, even if you are cleared of any violation, **which may put your eventual bar membership in jeopardy.**

If you have any questions about the Honor Code, Code of Conduct or either's application to any of your activities in this class or anything related to this policy, consult me.

**THIS SYLLABUS IS A LIVING DOCUMENT AND IS  
SUBJECT TO CHANGE AT MY  
SOLE DISCRETION**

**SYLLABUS ATTACHMENT**  
**SIU SIMMONS SCHOOL OF LAW – Fall 2024**

**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](http://disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to ensure 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. Please send approved accommodations to your faculty through the DSS online portal.

**SALUKI CARES and COUNSELING & PSYCHOLOGICAL SERVICES (CAPS).** 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](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. Associate Dean Sheila Simon [ssimon@siu.edu](mailto:ssimon@siu.edu) or (618) 536-8321 is available at the Simmons Law School to help students access university resources. Additionally, counseling services are available through CAPS ([Counseling and Psychological Services \(CAPS\) | Student Health Services | SIU](#)). A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

**SAFETY AWARENESS FACTS AND EDUCATION** Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support

applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>.

# Syllabus Attachment

Fall 2024



MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

## IMPORTANT DATES:

Semester Classes Begin: .....08/19/2024  
Last day to add full-term course (without Dean's signature): .....08/25/2024  
Last day to withdraw from the University with a full refund: .....08/30/2024  
Last day to drop a full-term course for a credit/refund: .....09/01/2024  
Last day to drop a full-term course (W grade, no refund):.....10/27/2024  
Final examinations: .....12/09/2024–12/13/2024

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

## FALL SEMESTER HOLIDAYS:

Labor Day 09/02/2024  
Fall Break 10/18/2024  
Veterans Day 11/11/2024  
Thanksgiving Break 11/23/2024—12/01/2024

**DIVERSITY:** Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

**OFFICE FOR ACCESS AND ACCOMMODATIONS:** SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Office for Access and Accommodations 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 <https://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.

**MILITARY COMMUNITY:** There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

**STUDENT MULTICULTURAL RESOURCE CENTER:** The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

**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, SIUC 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: Call (618) 453-2461, email [siucares@siu.edu](mailto:siucares@siu.edu), or <http://salukicare.siu.edu/>.

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**SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS):** Mental health counseling services are available by calling [CAPS](tel:6184535371) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

**WITHDRAWAL POLICY (Undergraduate Only):** Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <https://registrar.siu.edu/students/withdraw.php>.

**SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP):** Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

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

## CATALOGS:

[catalog.siu.edu](http://catalog.siu.edu)  
[gradcatalog.siu.edu](http://gradcatalog.siu.edu) - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

## CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>  
Math Labs: <http://math.siu.edu/courses/course-help.php>

**WRITING CENTER:** <http://write.siu.edu/>

**PLAGIARISM:** See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

**INCOMPLETE POLICY (Undergraduate Only):** <http://registrar.siu.edu/grades/incomplete.php>

**REPEAT POLICY:** <http://registrar.siu.edu/students/repeatclasses.php>

**MORRIS LIBRARY HOURS:** <https://libcal.lib.siu.edu/hours/>

**ADVISEMENT:** <http://advisement.siu.edu/>

**SIU ONLINE:** <https://online.siu.edu/>