

**ADVANCED TORTS  
SPRING 2021  
Professor Anderson**

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**Office Hours:** Suspended for spring 2021 but available by appointment

Welcome! This course covers torts topics that are not addressed in your first year Torts class or addressed only briefly. The course is also a skills-building course designed to promote your readiness to take a bar exam as well as practice tort law. The required texts are:

Vincent R. Johnson, *Advanced Tort Law: A Problem Approach* (3d ed.)  
Weaver, et al., *Torts: Cases, Problems and Exercises* (5th ed.) Chapter 16 (Products Liability), excerpt available at <https://redshelf.com/book/1667848/>

We may supplement the required reading as we go through the semester.

**LEARNING OBJECTIVES**

- To gain understanding of tort theories of liability beyond personal injury and property damage, including economic harms arising from fraud and misrepresentation, dignitary harms such as defamation and invasion of privacy, and as time permits, business-related harms arising out of tortious interference and injurious falsehood.
- To gain understanding of the primary tort theories of liability for defective products, including design defects, manufacturing defects, and failure to warn.
- To be able to place common law concepts into context of twenty-first century law practice by thoughtful analysis of practical applications.
- To gain further understanding of the system(s) of compensation for tort injuries and the policies that underly that system.
- To improve multiple choice test taking skills regarding the type of torts questions that may be expected on the Multistate Bar Exam.

**READING ASSIGNMENTS**

I will post specific class assignments on a weekly basis on TWEN. You are expected to sign up for TWEN by the start of the first class. The assignment for the first week of class are posted there. Generally, you can anticipate that each week's assignments will be posted on Friday afternoons.

**PROBLEMS FOR CLASS DISCUSSION**

Each reading assignment will include between one and four problems that will be a major part of our class discussions. I will post on TWEN a set of study questions for you to use to prepare those problems. Prior to the start of class, you must submit your answers to the study questions to the designated dropbox on TWEN. As described below, this will count for part of your semester grade. It is also required in order for you to meet the workload expectations set by

ABA Standard 310(b)(1).<sup>1</sup> We will discuss the answers to the study questions during class in large or small groups.

## **EVALUATION**

The grade in the course will be based on the following:

1. 12 points: Answers to the study questions assigned for each class. These answers must be submitted to the TWEN dropbox no later than 3:00 p.m. central on the day of the class for which the questions were first assigned unless you have obtained my permission in advance for a late submission. You will earn one point a week (up to twelve) if: 1) your answers are submitted on time; 2) you have answered every question with a concise explanation; and 3) your answers reflect sufficient thoughtfulness to show that you prepared the material and made an adequate effort to respond.
2. 40 points: Quizzes. There will be two in-class, closed book quizzes consisting of ten bar-style multiple choice questions worth two points each. These quizzes will be used to meet the bar assessment requirement, which means that in order to receive credit, you must demonstrate proficiency. Students who do not reach proficiency on a quiz will be permitted to retake that quiz one time within a set period of time. Students who fail to reach proficiency after the retake will be given the option to take a zero for the quiz or withdraw from the course. Other than the mandatory retakes, these quizzes cannot be made up except for extraordinary circumstances.
3. 70 points: Final exam. The final exam will be a closed-book exam scheduled during the semester exam period and have a multiple choice question section worth forty points and an essay section worth thirty points.
4. Pass/fail: There will be some in-class assigned writing projects related to the discussion problems, which may be assigned individually or as a small group collaboration. These will be used to satisfy the Writing Across the Curriculum requirement. All pass/fail assignments must be passed in order to receive course credit.

## **PLAGIARISM AND COLLABORATION POLICY**

Unless the instructions for an assignment or exercise permit collaboration, all work submitted in this course must be your own original work. You may not work together, for example, with another student or any other person to produce the answers to the study questions. You may study for the quizzes and final with other classmates, but you may not communicate with any person other than the professor and designated administrative assistants during the quizzes or exam. Any violation of this policy will be referred to the Ethics Examiner under the

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<sup>1</sup> The workload expectations for the course are based on ABA Standard 310(b)(1) for a three credit hour class. Under those standards, “a ‘credit hour’ is an amount of work that reasonably approximates: (1) 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.” You should expect to spend 75 minutes in class two times a week and three hours preparing for each class (six hours total for two classes).

School of Law Honor Code.

## **ATTENDANCE AND CLASS RECORDING POLICY:**

Attendance will be kept and administered according to the SIU School of Law Academic Regulations, as amended through the current semester. **Students may miss or note out a maximum of six (6) total class meetings.** Each student is required to submit an attendance verification form for each class meeting, which is how you will “sign” the attendance sheet. The link to the form is posted on TWEN along with the Zoom meeting link. No one shall submit the attendance form after the professor calls the class to order without permission of the professor. Please note that submitting a form on behalf of someone else is prohibited by the Honor Code violations and will be treated accordingly.

Also note that attendance includes preparation. I define “prepared” to mean you have carefully read the materials to be discussed in class and are ready to engage in discussion about them. Of course, you may not be able to answer every question you are asked, but you will be expected to be able to make a good faith, reasonable effort. You may read ahead, but be aware that I consider the response, “I read it but I don’t really remember it” to be the equivalent of not having prepared it at all. If you read ahead, you should review the materials shortly before class to refresh yourself on them. **Signing the attendance sheet is your representation that you are prepared.**

I come from a litigation background and expect upper level law students to be able to meet the same expectations that litigation attorneys operate under. That includes being on time and not absenting oneself during a court session or other proceeding without permission. For that reason, you are expected to be in your seat (real or virtual) at the time of the official start of class. In addition, once class has started, you are expected to remain in the classroom unless there is an emergency or unless you have received an accommodation approved through SIU DSS. Leaving class in-session without permission will be counted as an absence unless it is for an emergency, in which case you must inform me of the reason for the emergency as soon as possible after it occurs and request a waiver of the deduction, which will be determined in my sole discretion. Taking a restroom break is not an emergency unless you are ill. This rule applies equally to both students attending in-person and online.

Online students are expected to keep their video on. I will presume any online student who shuts off their video without permission is no longer attending class and will mark that student absent. You must contact me as soon as possible if there is another reason why your video was turned off. Whether to grant you attendance credit will be in my sole discretion.

It is your responsibility to keep track of your absences; you will not receive reminders concerning the number of absences you have incurred, and you should not expect my assistant to remind you of your attendance record. Attendance records will be kept until the end of the semester for purposes of verifying any discrepancy in your absence record, and you may ask my assistant to allow you to look at them. If my assistant informs you of an issue with your attendance, you bear the burden of establishing there is an error in her calculation.

Our class sessions may be recorded; however, the recordings will be made available with my permission only. I will grant permission to view the recording in only limited circumstances, such as an ADA accommodation approved by SIU DSS; a Legal Clinic, Moot Court, or Trial

team conflict that is beyond your control; or a medical emergency. Absences for those reasons may potentially be made up upon fulfilling additional requirements that I will set. Otherwise, no absences will be excused; the expectation is you will use your allowed absences for commonly occurring reasons. All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

## **COMPUTER AND CELL PHONE POLICY**

Computers in whatever form are permitted in class for participation through Zoom, note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the Employment Law TWEN pages, and when you are explicitly instructed that you may use your laptop for a class activity. You may **not** use your computer for any other activity, including but not limited to surfing the web, using social networking, checking or sending email, and reading or sending instant or text messages. Any student using a computer for an impermissible purpose during a class will be marked absent for each occurrence. Repeated occurrences may result in suspension of computer privileges altogether.

Cell phones not being used to connect via Zoom or for in-class activities should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer. You may be asked to check your phone at the podium if you violate this rule.

## **ONLINE STUDENT CONDUCT**

Students who are attending the class online due to the pandemic should anticipate being held to the same standards as students in the physical classroom, who are seated at desks and within my constant view. This includes the same expectations regarding attendance, preparation, participation, and attire. You should be seated at a desk or table while in class and your attire should be something you would wear if you were in a physical classroom. Minimize distractions in your environment to the extent possible. Notify me if you have technology issues that prevent you from joining the class. I may give permission to attend by audio only.

## **FINAL CAVEAT**

If you have any questions about what is permissible and what is not, ask in advance and do not assume.

# Syllabus Attachment

Spring 2021

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:	01/19/2021
Last day to add full-term course (without Dean's signature):	01/24/2021
Last day to withdraw from the University with a full refund:	01/29/2021
Last day to drop a full-term course for a credit/refund:	01/31/2021
Last day to drop a full-term course (W grade, no refund):	03/28/2021
Final examinations:	05/03-05/07/2021

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>

## SPRING SEMESTER HOLIDAYS

Spring Break - not offered this semester

## 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>

## DISABILITY SUPPORT SERVICES

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

## 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>

MORRIS LIBRARY HOURS: <http://libguides.lib.siu.edu/hours>

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

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

## COVID-19

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).

Masks for residential students will be furnished upon move-in to their residence hall rooms. Off-campus students can pick up a mask at the Student Center ID Office, the Student Services Building main desk, the check-in desk at the Student Health Center, the equipment desk at the Student Recreation Center, the Dean of Students Office and at the circulation desk of Morris Library. Students will need to show their student IDs to claim their masks. A limited number of masks will be available in the academic deans' offices. All questions can be directed to the Dean of Students Office. Email: [deanofstudents@siu.edu](mailto:deanofstudents@siu.edu) Phone #: (618) 453-2461

## 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 SIU visit: <http://registrar.siu.edu/students/withdrawal.php>

## SIU's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIU's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum's Overview webpage: <http://corecurriculum.siu.edu/program-overview/>

## 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/>

## 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 : <http://tutoring.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>