

**SOUTHERN ILLINOIS UNIVERSITY
LAW SCHOOL
TORTS II
SPRING 2023**

**Professor Angela Upchurch
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**Room: 204
W, F 9:00 -10:15am**

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 defenses to negligence; damages; joint and vicarious liability; strict liability; trespass to land and chattel; products liability; privacy torts and defamation. In this course, you will receive an introduction to the legal method, the tort litigation process and the social policy considerations underlying tort law.

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 negligence, reckless conduct, and strict liability.
- Students will be able to critique tort law as a system for providing equitable redress for personal injuries and for promoting social justice.
- Students will be able to identify instances of inequity in the valuation of damages and make persuasive arguments that promote equity.
- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.

REQUIRED TEXT:

GOLDBERG (Et. Al.), TORT LAW: RESPONSIBILITIES AND REDRESS (5th Ed. 2021) (ISBN 978-1-5438-0680-9)

RECOMMENDED TEXT:

GLANNON, THE LAW OF TORTS, EXAMPLES AND EXPLANATIONS (6th edition, Aspen).

CLASS ATTENDANCE:

Active class participation is essential to success in this course. You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict. As such, attendance is mandatory (including in our make-up class) and you may miss no more than four (4) classes during the semester. An absence may be excused (or made up through a separate assignment) only in extraordinary situations, which will be addressed at my sole discretion on a case-by-case basis. I would advise that you not use up all of your absences early in the semester. 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).

This semester, there will be a make-up class session due to Midterm Week. Failure to attend make-up classes or to complete a make-up class assignment will count as an absence.

An attendance sheet will be distributed at the beginning of each class. Please sign the attendance sheet acknowledging that you (1) are present, (2) are prepared to participate in the class discussion, **and** (3) have completed any assignment. You may not sign for anyone but yourself. **If you miss more than five minutes of class for any unexcused reason, you may not sign the attendance sheet and 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.

CLASS PREPARATION, PARTICIPATION & ASSIGNMENTS:

Reading Assignments

Reading assignments will be posted on D2L. 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. **The first reading assignment is available on D2L.**

Class Preparation Assignments

The class preparation assignments will change a little bit this semester as you transition from first to second semester. More information about these assignments are posted on D2L.

In-Class Participation

You are 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. **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).

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 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.** 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 3 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 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:

- Final Examination** (80%) The final examination will be a **comprehensive closed book examination** at the end of the semester. More details will be provided in class.
- Midterm Examination** (15%) The midterm examination will be a **closed book exam** during law school Midterm Week. The date will be posted on the Law School webpage. 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, quizzes and any written assignment) in a timely **and** professional manner, demonstrating minimum professional competency.
3. Watch any assigned videos (completing the embedded EdPuzzle quizzes).
4. Actively participate in class.

D. You must also satisfactorily complete any required retake of the midterm and the writing across the curriculum assignment to receive a passing grade in this class.

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:

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.**

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: davuspo. Here is a direct link: <https://edpuzzle.com/join/davuspo>

OFFICE HOURS:

- Prof. Upchurch – Thursdays 10am-11am. Also, I am available by appointment. Please email me and we will set up a time to meet.
- Maggie Doane, TA – office hours, Wednesdays 12:30-1:30pm

NOTICE OF RECORDING POLICIES:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance or who would like to review a class session, class sessions will be recorded by Professor Upchurch and made available upon request. 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 and the Provost Syllabus Attachment available on the law school webpage.