

Torts (Section 2)
Spring 2023

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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.
- Students will be able to critique structures of power and institutions from the standpoint of embedded privilege and social norms.
- Students will be able to identify and critically reflect upon the various aspects of one’s identity.

- Students will be able to apply one's self-awareness of their biases to enact strategies to respond to unconscious and conscious biases.
- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.
- Students will be able to critically reflect on their professional identity, recognizing the impact of internal and external factors on their identity.

Required Text:

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

Attendance:

Our class meets twice a week on Wednesday and Friday mornings. 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 3:00-4:00pm 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 due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, it is my hope that class sessions will be recorded and made available for viewing. I will post the class PowerPoint slides each week to TWEN.

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/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.

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.

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 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. 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.

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>

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/>.

Covid-19 Information:

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.

Assignments:

Week #1 – Damages

January 18: Please read pp. 397-417

January 20: Please read pp. 417-430

Week #2 – Vicarious Liability and Torts involving Professionals

January 25: Please read pp. 430-446

January 27: Please read pp. 447-461 and prepare the Problem on p. 451

Week #3 – Torts involving Professionals

February 1: Please read pp. 461-480

February 3: Please read pp. 480-494

Week #4 – Owners and Occupiers of Land

February 8: Please read pp. 495-513 (Quiz #1)

February 10: Please read pp. 513-531 **(This class will be recorded.)**

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

February 15: Please read pp. 531-545

February 17: Please read pp. 547-570

Week #6 – Special Duties

February 22: Please read pp. 570-587 (Quiz #2)

February 24: Please read pp. 587-603

Week #7 – Primary Assumption of the Risk and Damages

March 1: Please read pp. 603-617 (**This class will be recorded.**)

March 3: Please read pp. 619-642

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

March 8: Please read pp. 642-654

March 10: Please read pp. 654-679

March 15 and March 17 **Spring Break** **(no classes)**

Week #9 – Trespass

March 22: Please read pp. 789-803 (Quiz #3)

March 24: Please read pp. 803-812

Week #10 – Nuisance, Remedies, and Strict Liability

March 29: Please read pp. 812-832

March 31: Please read pp. 681-708

Week #11 – Strict Liability and Products Liability

April 5: Please read pp. 709-725 (Quiz #4)

April 7: Please read pp. 725-755

Week #12 – Products Liability

April 12: Please read pp. 755-765

April 14: Please read pp. 765-788

Week #13 – Defamation

April 19: Please read 833-846

April 22: Please read pp. 846-854 (Quiz #5)

Week #14 – Privileges and Proof of Fault

April 26: Please read pp. 854-874

April 28: Please read pp. 874-890 (Quiz #6)