About this Class
Torts is a foundational class in the American J.D. curriculum. While only a few attorneys will go on to focus on tort law as a practice, a thorough grasp of tort doctrines is critical to understanding much of U.S. corporate law. And of course, litigators frequently encounter tort-based causes of action.

This class will cover both the intentional torts and the tort of negligence. At the end of the class, we will discuss alternatives to the tort system and the emerging use of tort liability to respond to two critical current issues: climate change, and international human rights abuses.

About the Case Method
This class will use the case method, which is the traditional approach to teaching foundational subjects in the U.S. J.D. curriculum. Each week, you will be assigned a number of cases to read. In our weekly meetings, members of the class will be asked to summarize the facts and holding of the case aloud. We will then discuss together the important points of law illustrated by the case. You should come to every class prepare to discuss every case assigned for that week. The weekly reading for this course will be substantial and you should expect that it may take you a significant amount of time to complete.

Course Materials
Casebook: Prosser, Wade & Schwartz, Torts (12 ed.). Available at the bookstore.

We will also use cases not contained in the casebook and sections of the Restatement of the Law of Torts (Second) and the Restatement of the Law of Torts (Third). The additional cases and Restatements are available on Westlaw and LexisNexis. Please contact your Westlaw/ Lexis representative or a librarian if you need assistance in locating these materials.

Attendance
Class attendance is required and roll will be taken. Attendance is not part of your grade. However, please note that law school policy requires that a student may not receive credit for a course unless he or she attends 80% of the class sessions. This class meets ten times, which means that a student may not miss more than two classes. I do not have the ability to excuse or waive this requirement. You must contact the Academic Services Office if you will miss more than two classes.

All classes will be recorded and recordings will be made available on the course website.

Grading
Your grade will be based on class participation (25%) and a final examination (75%).

Class Participation
Each student will sign up for on one-call day. The sign-up sheet will be circulated on the first day of class. On your on-call day, you will be expected to discuss the day’s reading in depth. Your class participation grade will be based primarily on your performance during your on-call day. However, I do also call on students in class, and reserve the right to raise or lower the class participation grade based upon your participation on days other than your on-call day.

Final Examination
The final examination will be a three-hour limited open-book exam. The final will be in essay format and will cover all material covered in the course. You will be allowed to use your textbooks, class notes, and language (not legal) dictionaries during the exam. Students may use electronic dictionaries, but will not have access to the internet via computers or other devices (such as smartphones).

Language and Disability Accommodations
Please note that the Law School offers some accommodations in testing to foreign language students. If you require such accommodations, you must contact the Office of Academic Services as soon as possible. This is your responsibility and not the responsibility of your professor.

If you require disability accommodations, please contact the Office of Academic Services and please advise me as to how I may help you to most fully participate in and learn from this course.

Technology
If you choose to use a laptop to take your final or mid-term examinations, you will be required to download special exam software. It is your responsibility to ensure that you have the appropriate software and know how to use it.

March 30th, 2012
I. Introduction to Torts
• What is a tort?
• Tort law in the United States.
• The U.S. legal system; the common law

April 6th, 2012
GOOD FRIDAY - CLASS CANCELLED
II. **Intentional Torts**

- Framing an intentional tort cause of action
- Intent
  - Reading: 17-22
- Intentional Injuries to the Person
  - Battery, assault, false imprisonment
  - Intentional infliction of emotional distress
  - Reading: 37-38, 58-65
- Intentional Injuries to Property
  - Trespass to land, trespass to chattels, conversion
- Intentional Injury to the Privacy and Reputational Interests
  - Defamation, libel, slander, publication in a false light, publication of private facts

April 20th, 2012

- Defenses to Intentional Torts
  - Consent, self-defense, defense of others, defense of land, recapture of chattels, necessity, justification
  - Reading: CB 93-95, 104-11, 123-25

III. **Negligence**

- Elements of a Negligence Cause of Action
- Duty: Foreseeable Victims & Foreseeable Injuries
  - Vicarious liability: respondeat superior, co-venturers
  - Premises liability: trespassers, licensees and invitees
  - Duty to rescue
  - The reasonableness standard of foreseeability

April 27th, 2012

- Breach: the Standard of Care
  - The objective standard of reasonable care
  - Children and the mentally ill
  - Custom
  - Medical and legal malpractice
  - Negligence per se
  - Res ipso loquitur

Causation: Proximate Cause & Cause in Fact
- Cause in fact: the “but-for” test,
- Proximate cause: foreseeability, intervening cause, superseding cause
- Multiple tortfeasors
- Reading: CB 279-81, 292-302, 335-38, 350-53, 368

May 4th, 2012

Damages
- What damages are recoverable? Mental suffering, pure economic loss
- How are damages measured? Direct damages, incidental damages, consequential damages
- Reading: 556-558; 561-63; 567-70; 578-82

Defenses to Negligence
- Contributory negligence
- Comparative negligence
- Immunities
- Reading: 609-610; 616-621; 625-29; 647-55; 671-74

May 8, 2012

IV. Strict Liability
- Torts and the allocation of responsibility
- Abnormally dangerous activities: the six factor test
- Animals
- Statutory strict liability
- Reading: CB 713-19, 726-28

V. Nuisance
- Historical development
- Current applications

May 11th, 2012

VI. Interference with Advantageous Relationship
- Reading: 1131-1142; 1173-1174

VII. Owners and Occupiers of Land
- Reading: 500-501; 503-508; 529-532

VIII. Wrongful Death & Survival
- Reading: 586-590; 595-597; 600-6ay 18th, 201203

May 18, 2012
IX. The Best of All Possible Worlds? Questioning the Tort System

- The Alien Tort Claims Act

- Tort Reform