TORTS
SYLLABUS

PURPOSE OF THE SYLLABUS

The purpose of this syllabus is to give you some information about the course and my approach. Because no syllabus can answer all the questions that might arise, you are encouraged to take advantage of office hours, email, and informal contacts with me to ask questions about the content of the course, teaching style, learning methods, etc. that will arise during the semester.

REQUIRED TEXT

Schwartz, Kelly and Partlett, PROSSER, WADE & SCHWARTZ'S TORTS (Foundation Press 12th ed. 2010).

RECOMMENDED TEXT


OFFICE HOURS

My office hours for this semester are listed on the home page of the course web page. You may sign up ahead of time with the Receptionist on the 4th floor for an appointment or you may just drop by during that time. When you arrive, please stop at the Receptionist Desk first so that the Receptionist can call me to let me know that you are here. You also may set up an appointment outside of my regular office hours by e-mailing me.

MY BACKGROUND

If you would like to read some about my background, specialty areas, and other classes, see http://law.cua.edu/fac_staff/lawfaculty.cfm.

LAPTOP USE

I do not permit the use of laptops in class. If you have one with you for use in another class or between classes, please make sure that it is put away before this class begins.

CLASS ATTENDANCE

Class attendance is mandatory. I will circulate a roll sheet to record attendance. If you are not in attendance when the roll sheet is passed, you are absent for that day. You do
not need to notify me in advance that you will be absent and you do not need to tell me why—there are no “excused” absences. Attendance does not figure into the computation of the final grade, which is based exclusively on the final examination (see Examinations and Grading, infra); however, the law school’s attendance policy provides if a “student misses more than two hours of course work for each credit hour assigned to the course” that student may be excluded from the course. (See the Academic Rules V.1. in the Announcements.) It is a mark of professionalism and it is your responsibility to contact me during the semester if you run into difficulties complying with this standard.

**TAPING OF CLASS**

I do not permit my class to be taped on a routine basis. If you know that you will miss class due to illness or other unavoidable reason, you may ask a classmate to tape the class for you; please send an e-mail to me advising me that the class will be taped for you. If you face serious illness or family emergency and need to have more than one class taped, you should contact the Academic Dean’s Office for assistance per the Policy on Recording Classes.

**CLASS PREPARATION AND ASSIGNMENTS**

Although we will proceed through the assigned materials roughly as indicated in the schedule of daily reading assignments (see Reading Assignments posting), you soon will see that the pace varies. **You always should be prepared to discuss the material assigned for the date, even if we have not covered all material assigned from the previous class.** Not every case, note, problem, or question in the casebook will be discussed in class; there is not enough time. Class time will be devoted to highlight the most important cases and materials, to consider some topics in more detail, and to give you an opportunity to raise questions regarding issues about which you are confused or concerned. It is good practice to review your case briefs and notes on the answers to problems materials immediately before class, since you may have written them several days before.

**HINTS ON PREPARING FOR CLASS**

In order to profit from the class sessions, you must prepare adequately for class.

1. You should take note of the chapter and section headings and subheadings in the casebook to orient yourself to the concepts that will be discussed in class. These will tell you the topic to which the assigned cases relate, and where this topic fits in the course overall.

2. Learn a little about the topic before you start reading the assigned cases. This can be done by reading in the Nutshell, the recommended Examples and Explanations book, or a Hornbook the sections that correspond to the topics covered by the assigned cases. There is no single best text or approach that I can recommend. For each topic, you will need to become familiar with the resources available and decide for yourself which best serves your needs. (See additional information on the TWEN page at the Course Materials tab under Resources.)

3. Each assigned case in the casebook should be read carefully and briefed. You should be able to recite the facts of the case and its procedural history with, at most, a quick reference to
your notes. Reading from the casebook is not appropriate. Although our primary focus will be on the substantive Tort law, I also expect you to understand and appreciate the Civil Procedure that will be displayed in each case. You can expect questions about and should be prepared to discuss the procedural history of the case and litigation and proof issues as well as Torts.

4. Read and think about the questions in the notes after each case. The questions posed by the authors not only will assist in your understanding of the assigned cases but also will serve to elaborate the doctrine and processes under study. Attempting to apply the material you have just read to answer the questions also will assist you in figuring out whether you understand the material you have just read. Many of the fact patterns in the notes are taken from actual cases. The citation to the case is provided in the note so that you can look it up if you would like and read how a particular trial court judge or appellate bench resolved the issue posed. These cases do not necessarily determine the solution that every jurisdiction would choose. Their purpose is to give you an opportunity to practice applying the principles you are learning. The Glannon book is also a good resource for this type of practice.

5. You will be encountering many words and phrases for the first time or of which you have only a vague understanding. **Look up every word you do not know.** It is tedious and slows down your reading, but it is essential to a full understanding of the reading and an important habit to develop. This instruction applies to legal jargon, to Latin phrases, and to any other word you are not sure about. Surmising meaning from context is fine for reading novels— but law texts require a close reading and a full understanding.

**RESPONSIBILITY FOR CLASS RECITATION**

Occasionally, due to an emergency, you might be unprepared for class. Please come anyway to listen to the discussion, but tell me at the beginning of class so that I do not call on you and waste everybody’s time finding out that you are not prepared.

**ACCOMMODATIONS**

Any student who has a disability requiring accommodation under the Americans with Disability Act should contact Assistant Dean Georgia Niedzielko in the Academic Dean’s Office. Dean Niedzielko will coordinate accommodations with the University Office of Disability Support Services for Students (DSS.)

**EXAMINATIONS AND GRADING**

The grade in this course is based on one examination at the end of the semester. This final examination will be a combination of essay-answer questions and multiple-choice answer questions. It will be closed book examination. The date and time for the final examination (Tuesday, Friday, May 6th at 9:30 a.m.) is scheduled by the Registrar’s Office and is something over which I have no control. Any issues relating to scheduling or accommodations must be raised with the dean’s office rather than with me to preserve your anonymity.
Before mid-term, I will administer a practice examination. This examination will not count as part of your course grade, but is a requirement of the course. In other words, it is a prerequisite for sitting for the final examination. It is intended to give you some practice in taking a law school examination and to help you review and synthesize the material from the first part of the semester. I will provide written feedback on your answer.

**IN LIMINE**

We stand together at the threshold of a new semester. I am excited about this class and hope you are (or will be) too. Part of what makes it exciting is the exchange of ideas among us and the intense engagement with information and skills that you will be using the rest of your lives. To get us started in that exchange and engagement, I would like each of you to post at least one entry of a paragraph or so in the **TWEN Questions and Discussion forum sometime before the end of MLK Jr. weekend**. You can ask a question about the readings, answer a question asked by the casebook authors or by one of your classmates, make a connection between what we are learning in Torts and a news story, muse about alternative strategies that might have been used by the lawyers involved in a casebook case, seek clarification of something discussed in class, react to the outcome of one of the cases—fair vel non?, reflect, in honor of Dr. King, on how the tort law should be changed to make it more just, etc.