

TORTS
Fall 2010
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Welcome to Torts! Our text for the course is Vetri et.al., **Tort Law and Practice, 3rd Ed.** I will also provide a few handouts throughout the semester. If you miss a class, please check the table in front of class the next day or get handouts from a classmate. I will also post powerpoints, class notes, etc. on the class web, which is accessible from the Hastings homepage through Faculty websites->Roht-Arriaza->class webs->Torts.

We will start with an overview of types of torts. We will spend most of the semester on the core torts concept of negligence. From there we will move quickly over an introduction to products liability and a quick examination of intentional torts. Here's the breakdown:

Aug. 23-Sept. 22	negligence: breach of the standard of care (Ch.2)
Sept. 22-Oct. 6	negligence: duty (Ch. 3)
Oct. 6-13	causation (Ch. 4)
Oct. 18-20	scope of liability (Ch. 5)
Oct. 25	defenses to negligence (Ch. 7)
Oct. 27- Nov. 3	damages (Ch. 6)
Nov. 15-17	products liability (Ch. 10)
Nov. 22-24	intentional torts (Ch. 8)

Grading will be based on a final examination; I will also factor in class participation (quality, not quantity!) to raise or lower your grade up to one notch (i.e. B to B+) in close cases. We will also do a number of ungraded practice exercises. I will ask you to hand in five of these exercises. These should be in the form of a pseudo-exam answer (I will share a sample with you) and should not be more than 2 pages long. On most other weeks, we will do classroom work based in part on the listed problems. I will expect you to have read and outlined the listed problems before class on those weeks. Satisfactory completion of these assignment(s), while ungraded, is mandatory. It is also important practice for exam taking. I will also give, and review in class, a sample exam.

I expect you to come to class on time and to be prepared. I will call on people at random, although I also will call on volunteers. If you are occasionally not ready to talk, please leave me a note to that effect at the beginning of class. If you volunteer regularly, I may not call on you in order to allow other people to talk – don't take it personally. Chronic unexplained absence is grounds for dropping you from the class; chronic lack of preparation will affect your grade and, if extreme, may result in dropping you from the class. Please, cell phones off! Please **DO NOT SURF THE WEB**, check your mail, or otherwise disrupt your classmates, especially those seated near you. It is very disconcerting to hear the response "huh?" when I call on someone! If I notice excessive abuse of computers in the classroom, I reserve the right to ban them altogether. I will indicate certain times when you need to be listening and reacting rather than taking notes – at those times please do close your computers.

The following syllabus is tentative only. I will adjust the readings depending on how fast we go, so always check with classmates if you are absent. A good rule of thumb is to read two cases per hour ahead of where we were the day before. Also, please note that by the end of the course, we will be covering much more ground more quickly, and, it will seem, superficially. This is inevitable, and should not be cause for panic. I will let you know what you are responsible for in plenty of time.

TENTATIVE Syllabus

8/23 1-29, 51 bottom-59; 73-92 introduction: overview. Read 30-51 at some point in the next week or two

8/25 93-119 negligence: the standard of care; exceptions

8/30 119-139 defining breach; custom

9/1 139-155 further defining breach: custom

In-class exercise: Davis case (to be distributed in class and discussed)

9/6 LABOR DAY

9/8 156-178 and further defining breach: statutes

FIRST PROBLEM DUE: P. 235 THE GLASS PATIO DOOR

9/13 179-204 proof of breach; res ipsa

9/15 205-234 special breach rules for professional malpractice

In-class exercise: p. 227 medical malpractice problem

9/20 interviewing exercise

9/22 242-276 duty: general rule and exceptions for limited duties; nonfeasance

9/27 276-302 duty exceptions: landowners and occupiers

9/29 302-327; 347-354; duty exceptions: emotional distress

SECOND PROBLEM DUE: P. 301 THE SEASHELL MOTEL

10/4 366-394; duty exceptions: control over others

10/6 402-410; 437-467 finish duty; causation

THIRD PROBLEM DUE P. 410 THE WILD FRATERNITY PARTY

10/11 468-480, 519-526 causation: multiple defendants

10/13 526-545 market share liability; discuss problem

FOURTH PROBLEM DUE P. 544 THE NEWSPAPER WIRE

10/18 547-577 scope of liability

10/20 578-609 scope of liability

FIFTH PROBLEM DUE: P. 615 THE OIL SPILL TRAGEDY

10/25 NO CLASS: DO SAMPLE EXAM FOR 11/1

10/26 3:30-4:30 PM MAKE UP CLASS 620-634, review 46-51 + HANDOUTS
damages negotiation INTRO

10/27 damages and damages negotiation debriefing

11/1 689-714 SAMPLE EXAM REVIEW: defenses to negligence: comparative
fault/assumption of risk

11/3 714-729, 658-671 finish defenses: punitive damages

11/8 932-964

strict liability: intro and products liability

11/10 964-79, 991-97, 1002-1011

products liability cont'd

In-class exercise: p. 1051

The baby cushion problem

11/15 769-799

intentional torts

11/17 802-829

intentional torts cont'd

11/22 841-867

defenses to intentional torts

I will schedule a review session in late November/early December.