TORTS (JURI 4120)
COURSE REQUIREMENTS
University of Georgia School of Law
Section Y
Associate Dean Elizabeth Weeks
Fall 2018

Course Description: The bulk of the course is devoted to the tort of negligence, including the content of the duty of reasonable care, issues bearing on whether the defendant has breached that duty, the requirement that the plaintiff establish a causal connection between the breach and the plaintiff’s harm, and proximate cause limits on liability. Defenses to negligence, including assumption of the risk and contributory negligence, as well as damages are discussed. The course also covers intentional torts, including battery, assault, false imprisonment, and intentional infliction of emotional distress. Defenses to intentional torts, including consent, self-defense, and defense of property also are covered. (4 credits; no prerequisites)

Course Objectives: To familiarize students with basic torts doctrines, and legal analysis and reasoning. By the end of the course, students should be able to read legal opinions to identify the essential facts, reasoning, and holding of the cases. They should also be able to situate the materials within the overall body of topics covered and appreciate the role of tort law in shaping public policy objectives. Students should be able to apply rules and reasoning to novel fact-patterns and explain their answers both orally and in writing.

Class Time:
Mon. – Thurs., 10 a.m. – 10:50 a.m.

Classroom: Rm. B

Course Materials:

1. FRANKLIN & RABIN, TORT LAW AND ALTERNATIVES (10th ed. 2016)

2. All assignments on the syllabus refer to the FRANKLIN & RABIN casebook.

3. The reading assignments for the entire semester are attached. I anticipate that we will stay on this schedule, subject to changes that I announce during class. If you miss class, you should check with a classmate to ensure that you prepare the correct assignment for the next class.

Attendance and Class Preparation:

1. Regular class attendance and thorough preparation of the assignments are fundamental parts of legal education. You should carefully complete the assigned reading and be prepared to participate in class each day.
2. I intentionally assign relatively few pages per class with the expectation that you will carefully read and brief all of the materials. The case notes that follow the principal case, in many cases, may be more central to our class discussion than the case itself. You should read and brief (if necessary) those materials as closely as the main cases.

3. The primary objective of the first year of law school is to learn to understand, explain, and analyze the law, not simply to recite legal rules. You should prepare for class with that objective in mind.

4. In a common law course like Torts, you should also be prepared to embrace the ambiguity. You will find that often there is not one clear rule or answer. There may be different rules in different jurisdictions or different circumstances. One of your tasks as a student (and lawyer) is to learn to make well-reasoned legal arguments within the bounds of the law.

5. Being called on in one class does not immunize you from being called on in the very next or future classes. I will assume that you are fully prepared each day unless you inform me otherwise in advance. I reserve the right to ask you to leave class if you are unprepared when called on.

6. Law school classes are necessarily cumulative, and sometimes discussion of one assignment may continue over into the next day or future classes. I expect you to remain familiar with and prepared to discuss previous assignments. Regular review of previous readings and discussion will help you prepare for class and the final exam.

7. Laptop use is prohibited in class.

8. Tardiness will not be tolerated. If you arrive to the classroom after I have begun class, please do not enter or else I may ask you to leave.

9. Leaving class early or packing your belongings before the end of class is disruptive and disrespectful to me and your classmates. If you must leave early, please inform me before class and make every effort to do so quietly.

10. I reserve the right to adjust your final grade if you are chronically absent, unprepared, or disruptive. If you anticipate a problem with class attendance or preparation, please discuss your situation with me outside of class.

11. I also reserve the right to raise your grade for exceptional classroom performance.

12. In accordance with the Law School Attendance Policy, I reserve the right to not allow you to sit for the final exam if your absences for the semester exceed eight (8) classes.
Examination and Grading:

1. Grades for this course will be based on the final exam, with possible upward and downward adjustments as indicated above. The final exam will be given on Thursday, December 6, 2018, at 9:00 a.m.

2. The exam will be a three-hour, closed book, in-class examination. The questions will likely be a combination of multiple choice and essay questions based on hypothetical fact patterns.

3. You may take the exam on your laptop, using the required exam software, or in bluebooks.

4. The exam questions will be based entirely on the reading assignments and classroom discussion. I do not require or expect you to use any outside materials and will not give credit for exam answers based on materials or topics not covered in class, including topics covered in previous years of my or other professors’ courses.

5. My Teaching Assistant will administer an in-class practice essay exam near the middle of the semester. I will not individually review or grade your practice answer but will discuss approaches to answering the problem and other exam tips with you as a group during a later class.

Honor Code and Accommodations:

1. All work done in this course is subject to the University of Georgia Law School Honor Code and Plagiarism Policy, and the University of Georgia Academic Honesty Policy, and the University of Georgia Non-Discrimination and Anti-Harassment Policy.

2. All requests for accommodations under the Americans with Disabilities Act must be submitted to the Associate Director of Student Affairs, Casey Graham, at casey.graham@uga.edu.

Office Hours:

1. Mondays, 2:30 – 3:30 p.m. and Thursdays, 11 a.m. – noon. If you cannot meet during office hours, you may stop by, call, or email to schedule a different time to meet.

2. Hirsch #219A. My office phone is (706) 542-4309, and my email is weeksleo@uga.edu.
3. I will make every effort to reply promptly to email but cannot guarantee that I will reply in the evenings, weekends, or when traveling.
INTRODUCTION

T: Unintentional Harm, pp. 1 – 9 (Hammontree)

The Litigation Process, pp. 9 – 18 [Read for background and reference; we will discuss some points in class this week and refer back throughout the semester]

W: The Parties and Vicarious Liability, pp. 19 – 27 (Christensen)

NEGLIGENCE

Th: Historical Development of Fault Liability, pp. 35 – 43 (Brown v. Kendall)

Week 2: Aug. 20 – 23

M: Standard of Care, pp. 44 – 52 (Adams, Carroll Towing)

Tu: The Reasonable Person, pp. 53 – 62 (Bethel)

W: The Roles of Judge and Jury, pp. 62 – 71 (Goodman, Pokora, Andrews)

Th: Role of Custom, pp. 72 – 76 (Trimarco)

Week 3: Aug. 27 – 30

M: Role of Statutes, pp. 76 – 87 (Martin, Tedla)

Tu: Proof of Negligence, pp. 101 – 108 (Ybarra)

W: Proof of Negligence, pp. 91 – 99 (Byrne, McDougald)

Th: The Special Case of Medical Malpractice, pp. 108 – 117 (Sheeley)
Week 4:  Sept. 3 – 6

DUTY: PHYSICAL INJURIES

M: Labor Day, No class

Tu: Affirmative Obligations to Act, pp. 127 – 34 (Harper)

W: Affirmative Obligations to Act, pp. 135 – 41 (Farwell)

Th: Affirmative Obligations to Act, pp. 150 – 59 (Tarasoff)

Week 5:  Sept. 10 – 13

M: Affirmative Obligations to Act, pp. 159 – 65 (Uhr)

Tu: Policy Bases for Invoking No Duty, pp. 166 – 75 (Strauss, Moch)

W: Policy Bases for Invoking No Duty, pp. 175 – 81 (Reynolds)

Th: The Duty of Landowners and Occupiers, pp. 186 – 92 (Carter)

Week 6:  Sept. 17 – 20

M: The Duty of Landowners and Occupiers, pp. 192 – 202 (Heins)

Tu: The Duty of Landowners and Occupiers, pp. 202 – 09 (Posecai)

DUTY: NONPHYSICAL HARM

W: Directly Inflicted Emotional Harm, pp. 261 – 68 (Falzone)

Th: Directly Inflicted Emotional Harm, pp. 268 – 76 (Buckley)

Week 7:  Sept. 24 – 27

M: Directly Inflicted Emotional Harm, pp. 276 – 85 (Gammon, Johnson)

Tu: Bystanders’ Emotional Harm, pp. 285 – 94 (Portee)

W: Wrongful Birth and Wrongful Life, pp. 326 – 36 (Emerson)

CAUSATION
Th:  Cause in Fact, pp. 337 – 47 (Stubbs)

Week 8:  Oct. 1 – 4

M:  Factual Causation, pp. 347 – 57 (Zuchowicz)

Tu:  Loss of a Chance, pp. 360 – 70 (Birnbaum)

W:  Joint and Several Liability, pp. 370 – 74 (Summers)

Th:  Joint and Several Liability, pp. 375 – 86 (Hymowitz)

* PRACTICE EXAM, in-class practice exam this week – date, time, and location T/B/A

Week 9:  Oct. 8 – 11

M:  Proximate Cause – Unexpected Harm, pp. 395 – 400 (Benn)

Tu:  Proximate Cause – Unexpected Harm, pp. 400 – 409 (Polemis, Wagon Mound)

W:  Proximate Cause – Superseding Causes, pp. 409 – 21 (Doe)

Th:  Proximate Cause – Unexpected Victim, pp. 421 – 33 (Palsgraf)

Week 10:  Oct. 15 – 18

DEFENSES

M:  Contributory Negligence, pp. 435 – 58

Tu:  Contributory Negligence, pp. 435 – 58 [continued]

W:  Contributory Negligence, pp. 458 – 64 (Fritts)

Th:  Express Assumption of the Risk, pp. 464 – 75 (Hanks)

Week 11:  Oct. 22 – 25

M:  Implied Assumption of the Risk, pp. 475 – 80 (Murphy)

Tu:  Implied Assumption of the Risk, pp. 480 – 87 (Davenport)

INTENTIONAL HARM

W:  Basic Doctrine, 899 – 907 (Garratt)
Th: Assault and Battery, pp. 907 – 15 (Picard, Wishnatsky)

Week 12: Oct. 29 – Nov. 1

M: False Imprisonment, pp. 915 – 22 (Lopez)

Tu: Intentional Infliction of Emotional Distress, pp. 922 – 29 (Womack, Notes 1 – 6)

W: Constitutional Defense, pp. 931 – 37 (Falwell)

Th: Defenses and Privileges, pp. 955 – 63 (Hart, Courvoisier)

Week 13: Nov. 5 – 8

M: Defenses and Privileges, pp. 963 – 69 (Katko)

Tu: Defenses and Privileges, pp. 969 – 75 (Vincent)

DAMAGES

W: Compensatory Damages, pp. 715 – 31 (Seffert)

Th: Compensatory Damages, pp. 715 – 31 (Seffert) [continued]

Week 14: Nov. 12 – 15

M: Compensatory Damages, pp. 732 – 42 (McDougald)


W: Punitive Damages, pp. 747 – 57 (Mathias)

Th: Punitive Damages, pp. 757 – 71 (State Farm)

END-OF-SEMESTER REVIEW SESSION T/B/A