

## LAW 7103-03: TORTS I

### SYLLABUS

Prof. Bell  
Fall 2009

#### **COURSE DESCRIPTION AND OBJECTIVES**

Tort law surrounds us, providing a fundamental framework for our social world. Through tort law, a person who has suffered a wrong caused by another person can use civil litigation to exact legal remedies—most notably, compensation—from that wrongdoer. This semester, in Torts I, we will focus on intentional torts, defenses to intentional torts, and four of negligence's five elements: carelessness; duty; causation in fact; and proximate causation (with damages representing the fifth element). Next semester, in Torts II, we will turn to strict liability, products liability, measuring damages, defenses to unintentional torts, and three particular types of torts: defamation; invasion of privacy; and nuisance.

Together with Torts II, Torts I should prepare you to analyze a wide variety of tort law issues at a general level. Dealing with particular types of torts, such as medical malpractice, may require additional, specialized study. This class will also give you the opportunity to polish your legal reasoning skills and introduce you to some of the practical and ethical concerns of a working attorney. Tort law provides a fundamental framework for all of us, but for some of you it will also provide a good job.

#### **GRADING**

**Exams count for a total of 90% of your course grade.** A final exam of essay and multiple-choice questions will count for 75% of your grade for the course. The essay portion will predominate. It will be partially closed-book; the multiple-choice part will be closed-book. A similarly formatted mid-term exam will count for 15% of your course grade.

**Participation counts for 10% of your course grade.** You can earn one participation point per class by signing a sheet indicating that you have prepared to discuss the assignment. You may lose some or all of the points allowed for classroom discussion if you sign up to speak but demonstrate lack of preparation. You may also earn participation points for various ungraded quizzes or projects.

**Focus teams give you the opportunity to earn 8 participation points.** At the beginning of the semester, I will randomly assign you to a focus team and will assign each

focus team a class session. Each team will submit a question and answer ("Q&A") designed to help illustrate some aspect of the readings for its class. During that class, the team will lead a brief discussion based on its Q&A. Each qualifying team member will receive 4 points for that exercise. Each focus team will also write a review of its assigned class, which it will present at the start of the following class session. Each qualifying team member will receive 4 points for that exercise. For details about both the Q&A exercise, please see the separate handout.

## HOW TO CONTACT ME

I encourage you to contact me if you have questions or comments about what we discuss in class or about law school in general. Look for me at my office, room 438, each Monday and Wednesday, from 10 a.m. until 12:30 p.m., and each Wednesday from 2:30 p.m. until 4:00 p.m. I welcome you to drop by and chat at those times or at other times, by appointment or chance. You also can call me, at 714/628-2503, or email me at <[tbell@chapman.edu](mailto:tbell@chapman.edu)>. At <<http://www.tomwbell.com/teaching.html>> you can find course materials, such as a copy of this syllabus.

## READING ASSIGNMENTS

This syllabus sets forth the readings assigned from the course's primary text, TORTS: CASES AND QUESTIONS (Farnsworth & Grady, eds., 2nd ed., 2009). Note: You should read all of these citations inclusively; "1-5," for instance, means "1, 2, 3, 4, and 5."

<u>class #</u>	<u>assignment</u>	<u>(# pages)</u>
<b>Introduction</b>		
Class 1:	pp. ix, xxxv-xlviii, 1, 85, 121, 217, 307	(16)
<b>Ch. 1. Intentional Torts: The Prima Facie Case</b>		
Class 2:	pp. 1-15	(14)
Class 3:	pp. 16-29	(13)
Class 4:	pp. 29-40	(12)
Class 5:	pp. 40-54	(14)
Class 6:	pp. 55-70	(15)
Class 7:	pp. 70-84	(14)
<b>Ch. 2. Intentional Torts: Privileges</b>		
Class 8:	pp. 85-97	(12)
Class 9:	pp. 97-111	(14)

### **Ch. 3. The Negligence Standard**

Class 10:	pp. 121-126, 132 (n. 8)-140	(14)
Class 11:	pp. 140-158	(18)
Class 12:	pp. 158-160, 162 (n. 3)-166, 169-179	(16)
Class 13:	pp. 179-189, 192-196	(14)
Class 14:	pp. 198 (n. 8)-201, 206-216	(13)

### **Midterm Exam**

Class 15:	(administered in-class on Wednesday, Oct. 14)	
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### **Ch. 4. Duties and Limitations (cont. below)**

Class 16:	pp. 217-229	(12)
Class 17:	pp. 229-245	(15)
Class 18:	pp. 246-261	(16)
Class 19:	pp. 261-271 (n. 7), 272-279	(16)
Class 20:	pp. 279-294	(15)
Class 21:	pp. 294-305	(12)

### **Ch. 5. Cause in Fact**

Class 22:	pp. 307-321	(14)
Class 23:	pp. 321-336	(15)
Class 24:	pp. 336-350	(15)

### **Ch. 6. Proximate Causation**

Class 25:	pp. 351-368	(17)
Class 26:	pp. 368-378	(10)
Class 27:	pp. 378-393	(15)

### **Review**

Class 28:	(review)	(0)
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