

Torts
TTH, 5:40-7:20
Professor Smith
Fall 2009

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Office Hours:
By Appointment

Required Text

Franklin and Rabin, Tort Law and Alternatives (8th ed. 2006)

Suggested Reading

W. Page Keeton et. al., Prosser and Keeton on Torts (5th ed. 1984)

Reading Assignments

The syllabus is a guide for class coverage of the fundamental principles of tort law. You should stay twenty pages or four cases ahead. Some days we may finish the assigned reading and move on to the next assignment; on other days we may not. Class attendance is essential to understanding the book and the course.

I. Week One

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|----|-------------|----------------------|--------------------|
| A. | T, Aug. 18 | Liability
The SOC | p. 1-9
p. 39-50 |
| B. | Th, Aug. 20 | Reasonable Person | p. 50-60 |

II. Week Two

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|----|-------------|-----------------|----------|
| A. | T, Aug. 25 | Judge and Jury | p. 60-69 |
| B. | Th, Aug. 27 | Custom/Statutes | p. 69-86 |

III. Week Three

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|----|-------------|---------------------|-----------|
| A. | T, Sept. 1 | Proof of Negligence | p. 86-110 |
| B. | Th, Sept. 3 | Catch-up/Review | |

IV. Week Four

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|----|--------------|---------------------|------------|
| A. | T, Sept. 8 | Vic. Liability | p. 17-30 |
| B. | Th, Sept. 10 | Medical Malpractice | p. 110-131 |

V. Week Five

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|----|--------------|---|------------|
| A. | T, Sept. 15 | Duty: Obligation to Others | p. 132-157 |
| B. | Th, Sept. 17 | Oblig. to Protect 3 rd Party | p. 157-195 |

VI. Week Six

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|----|--------------|--------------------------|------------|
| A. | T, Sept. 22 | Landowners and Occupiers | p. 195-211 |
| B. | Th, Sept. 24 | Government Entities | p. 229-246 |

VII. Week Seven

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|----|-------------|----------------|------------|
| A. | T, Sept. 29 | Emotional Harm | p. 264-286 |
| B. | Th, Oct. 1 | No Class | |

VIII. Week Eight

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|----|------------|-----------------|------------|
| A. | T, Oct. 6 | Emotional Harm | p. 286-305 |
| B. | Th, Oct. 8 | Catch-up/Review | |

IX. Week Nine

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|----|-------------|--------------------------|------------|
| A. | T, Oct. 13 | Cause-in-Fact/Jt. & Sev. | P. 339-375 |
| B. | Th, Oct. 15 | Multiple Defendants | p. 375-400 |

X. Week Ten

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|----|-------------|-------------------------------------|------------|
| A. | T, Oct. 20 | Proximate Cause:
Unexpected Harm | p. 401-416 |
| B. | Th, Oct. 22 | Superseding Causes | p. 416-425 |

XI. Week Eleven

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|----|-------------|--------------------------------------|------------|
| A. | T, Oct. 27 | Unexpected Victim | p. 425-439 |
| B. | Th, Oct. 29 | Defenses:
Contributory Negligence | p. 440-445 |
| | | Comparative Negligence | p. 445-466 |

XII. Week Twelve

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|----|------------|-----------------|--|
| A. | T, Nov. 3 | Catch-up/Review | |
| B. | Th, Nov. 5 | No Class | |

XIII. Week Thirteen

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|----|-------------|---------------------------------------|------------|
| A. | T, Nov. 10 | Assumption of Risk | p. 466-490 |
| B. | Th, Nov. 12 | Catch-up Review or
Assault/Battery | p. 884-897 |

XIV. Week Fourteen

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|----|-------------|---------|------------|
| A. | T, Nov. 17 | Damages | p. 698-739 |
| B. | Th, Nov. 19 | Damages | p. 739-748 |

XV. Week Fifteen

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|----|------------|-----------------|--|
| A. | M, Nov. 23 | Catch-up/Review | |
| B. | Nov. 26-27 | Thanksgiving | |

XVI. Week Sixteen

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| A. | Nov. 24-Dec. 2 | Reading Period | |
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XVII. Week Seventeen/ Eighteen

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| A. | Dec. 3-Dec. 17 | Exam Period | |
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