Torts Fall 2017 Section 2

S. Lyons

TEXT: Franklin, Rabin & Green, Tort Law and Alternatives, 10th ed. (2016).

OBJECTIVES: To learn the basic rules and principles of tort law; to consider and debate the policies and justifications underlying those rules and principles; and to develop skills in critical analysis and problem-solving.

CLASS: Class attendance is mandatory. Students who miss class may be precluded from sitting for the examination; please refer to general law school policy. Please sign the roll each day that you are present.

I typically call on multiple students in each class to discuss the assigned reading materials and related questions and problems. Please be prepared for each class. Preparation will involve more than simply reading the materials. Please pay attention to the notes and materials following each case and think carefully about the questions included in the notes; you may find that re-reading is helpful. If you do not wish to be called on in a particular class, please see me or leave an explanatory note in advance of class. If you are unprepared without prior excuse, your course grade may be lowered by one-third grade (0.33).

Accessing this course through the West Education Network is also mandatory. Please check this site regularly. Notices, supplemental materials, and "virtual" class discussion will be posted on the site.

Your course grade may be raised by one-third grade (0.33) for excellent participation (consistent, valuable contributions) in class or on this site.

EXERCISES: The outline and practice examination indicated below on the assignments are required exercises. These exercises will not be graded. However, if you fail to submit these exercises, or if you submit them late, your course grade may be lowered by one-third grade (0.33). There may be additional required exercises.

EXAMINATION: There will be a four hour, limited open-book essay examination. You may bring only the following materials with you to the examination: your text book; your class notes; any outlines or summaries of the course prepared by you; any materials I distributed in class or on the class website.

You may handwrite or use a computer to take the examination. If you use a computer, it must be equipped with ExamSoft. You will receive further information about ExamSoft from the registrar's office and the Law School's technical support professionals before the examination period. Please direct any questions about ExamSoft to these
individuals. I will provide additional instructions and information about the examination when we take the practice examination.

**GRADES:** Your performance on the examination (plus any one-third grade subtractions or additions described above) will determine your course grade.

**CONTACTING ME:** I encourage you to see me outside of class. My office is Room 319. I am available to discuss your questions and concerns during office hours (Wednesday 1-2:30 p.m.), by appointment, or by email at slyons@law.ua.edu. I will also be available on Wednesday morning immediately after class for coffee and informal discussion at the law school cafe'.

**COMPUTER USE, RECORDING DEVICES, INTERNET POSTINGS.** In accordance with University of Alabama School of Law Policy, computer usage is permitted for note-taking and display of notes and briefs but not for any other purposes. Use of any type of electronic recording equipment in class is strictly prohibited. You may not directly or indirectly copy or circulate any materials distributed in class or posted on the class website or any material from or copies or summaries of class sessions, including class notes, summaries, or outlines.

**SPECIAL ACCOMMODATIONS:** The Law School provides appropriate accommodations to students with disabilities. Students with disabilities are encouraged to contact Grace Lee, Associate Dean for Students/Academic Services, at (205) 348-7190 or glee@law.ua.edu.

**MISCELLANEOUS:** Law School policy prohibits food in the classrooms and requires that drinks be in spill-proof containers. I expect you to adhere to this and all other Law School policies.

**ASSIGNMENTS:** We will cover the assigned materials in the order indicated in the Class Assignments. The dates are approximate only; we may move more slowly or quickly through the materials.

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<th>Week</th>
<th>Topic</th>
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<tr>
<td>Week 1</td>
<td>Chapter 1. Introduction to Tort Liability</td>
<td>pp. 1-18</td>
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<td>8/11</td>
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<td>Week 2</td>
<td>Vicarious Liability</td>
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<td>8/14-8/18</td>
<td>Chapter 2. The Negligence Principle</td>
<td>pp. 44-52</td>
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<td>The Standard of Care</td>
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The Reasonable Person

Week 3

8/21  CLASS CANCELLED MONDAY August 21

8/23-8/25  Roles of Judge of Jury
The Role of Custom
The Role of Statutes

Week 4  Proof

8/28-9/1  Chapter 3. The Duty Requirement (Physical Injury)

  Affirmative Obligations to Act
  Affirmative Obligations, continued

Week 5  No Duty: Policy Bases

9/6-9/8  Duties of Landowner and Occupiers

Week 6  Duties of Landowners and Occupiers continued; A Reprise

9/11-9/15  Intrafamily Duties

REVIEW and Discussion of Outlining

Week 7  Government Entities: Municipalities and States

9/18-9/22  Government Entities: The Federal Tort Claims Act
Chapter 4. The Duty Requirement (Non-Physical Injury)

Emotional Harm (Direct)  
pp. 261-268, 276-285

Week 8  OUTLINES DUE IN CLASS MONDAY September 25  
9/25-9/29  
Emotional Harm (Bystanders)  
pp. 285-299  
Economic Harm  
pp. 299-325

Week 9  Chapter 5. Factual Causation  
10/2-10/6  
Basic Doctrine  
pp. 337-360  
Joint Several Liability and Multiple Defendan  
pp. 370-386

FRIDAY OCTOBER 6 IN-CLASS PRACTICE EXAMINATION. CLASS WILL MEET FROM 9:25 TO NOON

Week 10  Chapter 6. Proximate Cause (Scope of Liability)  
10/9-10/13  
Unexpected Harm  
pp. 395-409  
Superseding Causes  
pp. 409-421

Discussion of Practice Exam
Week 11  Unexpected Victim
10/16-
10/20
**Chapter 7. Defenses**

Plaintiff’s Fault

Express Assumption of Risk

Week 12  Implied Assumption of Risk; Statutes of Limitations
10/23-
10/25
**Chapter 8. Strict Liability**

Modern Application

**Chapter 9. Products Liability**

Manufacturing Defects; Design Defects; Information Defects

Week 13  **Chapter 11. Damages**
10/30-
11/3
Compensatory Damages

Punitive Damages

Collateral Source Rule; Subrogation; Liability Insurance
Week 14  Chapter 13. Intentional Harm

11/6-11/10
Intent; Assault and Battery  pp. 899-915
False Imprisonment  pp. 915-922
Intentional Infliction of Emotional Distress  pp. 922-931
Trespass to Land and Personal Property  pp. 940-947

Week 15  Defenses and Privileges: Consent; Self-Defense  pp. 955-963
11/13-11/17
Defenses and Privileges: Protection of Property; Private Necessity  pp. 963-975

Review; Q&A
Week 16  Review; Q&A

11/20