

TORTS
Professor Weber
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Fall 2017

SYLLABUS

Text: Dan B. Dobbs, Paul T. Hayden & Ellen M. Bublick, *Torts and Compensation* (West Concise 8th ed. 2017) (ISBN 978-1-63460-818-3).

Description: This course provides an introduction to the basic theories underlying the American common law system of compensation for injuries to person and property. Major topics covered include negligence, strict liability, damages, and intentional torts.

Requirements: Preparation for class and regular and punctual class attendance are mandatory. Email the instructor if you will not be present for class. Students are strongly encouraged to brief cases and to make extensive written notes of all non-case material before class. Frequently, the material in the book's notes will be as important as the major case excerpts, so be certain to give this material close attention and be ready to discuss it in class. We will focus on current controversies in the law, so it is important to read all assignments critically. *In class, be sure that all cell phones are turned off and put away, and that computers are used only for taking notes. All computers must be on mute.*

Learning Objectives: At the end of the course, students should be able to: (i) analyze real-life situations, applying the elements of various torts and defenses; (ii) formulate legal arguments based on torts policy and precedent; (iii) explain important issues in bringing and resolving torts cases, including the role of judge and jury, burdens of proof, and settlement considerations.

Grading: There will be a written mid-term exercise that will count for one-quarter of the points for the preliminary grade. At the end of the semester, there will be a three-hour, closed-book final examination, which will count for three-quarters of the preliminary grade. The preliminary grade will be adjusted for class attendance, preparation, and performance. The instructor reserves the right to diminish the grade substantially, disenroll the student, or fail the student if the student is a source of disruption in class due to lateness, improper computer or cell phone use, or any other cause. Failure to attend will also be a ground for reducing the grade, disenrollment, or failing the course.

D2L: Students must use the university's D2L system for this course, and must check the course site regularly. Required supplemental materials will be posted on this site, as will updated information regarding assignments.

Office Hours: Office hours will be announced in class. Appointments are available outside of regular hours by calling (312) 362-8808. Calling generally works better than email for making appointments. Visiting during office hours works much better than email for answering questions about material covered in class. Come to 711 Lewis.

Statement on Plagiarism: DePaul University is a learning community that fosters the pursuit of knowledge and the transmission of ideas within a context that emphasizes a sense of responsibility for oneself, for others and for society at large. Violations of academic integrity, in any of their forms, are, therefore, detrimental to the values of DePaul, to the students' own development as responsible members of society, and to the pursuit of knowledge and the transmission of ideas. Violations include but are not

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Disability Accommodations: Students seeking disability-related accommodations are required to register with DePaul's Center for Students with Disabilities (CSD) enabling you to access accommodations and support services to assist your success. There are two office locations:

- Loop Campus – Lewis Center #1420 – (312) 362-8002
- Lincoln Park Campus – Student Center #370 – (773) 325-1677

Preliminary Assignment Schedule: The preliminary assignment schedule follows. The schedule is very likely to be adjusted during the course of the semester, and supplementary materials will be added. These materials or the directions to obtain them will be posted on D2L. A few classes will be rescheduled from the regular Monday-Wednesday slots in coordination with rescheduling of other classes, as indicated in the assignment schedule below.

First Assignment: For the first class, read pp. v-vi and 1-24, and take a look at the book's table of contents.

Classes	Topics	Pages
1. Aug. 21 & 23	Introduction; Intentional Torts: Battery	v-vi; 1-44
2. Aug. 28 & Aug. 30	Assault, False Imprisonment; Property Torts; Intentional Tort Defenses	44-88
3. Sep. 6 (Sep. 5 for day class)	Negligence: Duty of Due Care	89-120
4. Sep. 11 & 13	Breach of Duty; Apportionment Basics; Establishing Breach	121-65
5. Sep. 18 & 20 (Sep. 21 for evening class)	Res Ipsa Loquitor; Damage and Factual Causation	165-204
6. Sep. 25 & 27 (Sep. 26 for evening class)	Proximate Causation; Mid-Term Review	205-40
7. Oct. 2 & 5	Negligence Defenses	241-56; 273-92; 304-08
8. Oct. 9 & 11	Specialized Duty Rules: Carriers, Landowners	310-340
9. Oct. 16 & 18	Professional Liability and Medical Malpractice; Immunities	329-76; 390-99
10. Oct. 23 & 25	Action and Inaction; Contracts and Undertakings; Duty to Protect	407-56
11. Oct. 30 & Nov. 1	Duty to Protect; Intentional Infliction of Emotional Distress; Negligent Infliction of Emotional Distress	456-501
12. Nov. 6 & 8	Wrongful Birth and Wrongful Life; Wrongful Death and Survival; Vicarious Liability	503-546
13. Nov. 13 & 15	Strict Liability; Product Liability	553-601
14. Nov. 20	Warning Defects; Product Liability Defenses	601-622
15. Nov. 27 & 29	Settlement and Apportionment; Market-Share Liability; Final Review	623-48