

TORTS

Day Division Section 103; Evening Section 201

Professor Weber

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Fall, 2009

SYLLABUS

Text: Marc A. Franklin, Robert L. Rabin, & Michael D. Green, *Tort Law and Alternatives* (Foundation Press 8th ed. 2006) (ISBN 1-599410354).

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 are negligence, strict liability, damages, and intentional torts.

Requirements and Grading: Preparation for class and regular and punctual class attendance are mandatory. Students are strongly encouraged to brief cases and to make written notes of non-case material. ***Be sure that all cell phones are turned off and that computers are used only for taking notes. All computers must be on mute.*** At the end of the semester, there will be a three-hour, closed-book final examination, which will result in a preliminary grade. The preliminary grade will be adjusted for class attendance, preparation, and performance; the adjustment may cause the grade to rise or fall one-half grade if the student is at the margin based on the exam. 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 improper computer or cell phone use or any other cause.

Blackboard Enrollment: Students must enroll in the University's Blackboard website system for this course, and check the course site regularly.

Office Hours: Regular office hours will be announced the first week of class; appointments are available outside of regular hours by calling (312) 362-8808. Calling generally works better than email for setting appointments. Coming in during office hours works much better than email for resolving questions about material covered in class. Come to 634 O'Malley, diagonally across from the law school courtroom, during scheduled hours.

Preliminary Assignment Schedule: The 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 Blackboard. For the first class, read pp. 1-17 in Franklin, Rabin & Green, *Tort Law and Alternatives* (Foundation Press 8th ed. 2006).

Classes	Topics	Pages
1. Aug. 24 & 26	Intro; Litigation Process; Vicarious Liability; History of Negligence Doctrine	1-39
2. Aug. 31 & Sep. 2	Standards of Care; Judge-Jury Roles; Custom	39-75
3. Sep. 9 & 14	Statutes; Proving Negligence & Use of Inference	75-110
4. Sep. 16 & 21	Medical Malpractice; Duty Requirement: Physical Injuries	110-157
5. Sep. 23 & 28	Duty Requirement; Land Obligations	157-68, 172-73 n.4, 175-218
6. Sep. 30 & Oct. 5	Family Duties; Nonphysical Injuries: Emotional Harm; Consortium	218-229, 264-305
7. Oct. 7 & 12	Economic Harm; Wrongful Life; Mid-Term Review	305-338
8. Oct. 14 & 19	Cause in Fact	339-392
9. Oct. 21 & 26	Cause in Fact in Mass Torts; Proximate Cause	392-439
10. Oct. 28 & Nov. 2	Intro to Defenses; Contributory Fault; Assumption of Risk	440-496
11. Nov. 4 & 9	Strict Liability; Product Liability	506-566
12. Nov. 11 & 16	Product Liability	567-612, 620-628
13. Nov. 18 & 23	Intentional Harm	884-898, 902-931
14. Nov. 30 & Dec. 2	Intentional Harm Defenses; Review	931-949

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