

**Professor Moll**  
**Business Torts**  
**Fall 2014**

I.     Course Description

In most first-year courses on torts, the class focuses upon torts that primarily cause personal injury and/or property damage. Tort law, however, extends well beyond these contexts. Indeed, this course will cover torts that typically cause pure economic harm -- i.e., harms to the pocketbook, rather than harms to the person or property. The course will emphasize the operation of various business torts and will examine the torts' applicability to particular business or economic settings.

II.    Office Hours

My office hours are by appointment. Please feel free to call me or e-mail me to make an appointment. My office is located at TUII 226, my telephone number is 743-2172, and my e-mail address is [dmoll@central.uh.edu](mailto:dmoll@central.uh.edu). My assistant can be reached at 743-2226.

III.   Course Materials

The following materials are required for this class:

- (1)     Materials packet available at the copy center.

IV.    Class Preparation

I will distribute or announce specific reading assignments in class. Such assignments will generally cover the next few weeks of the course. Please be advised that these assignments may be altered based upon the amount of material that we get through in class. If any alterations do occur, I will announce them as soon as possible.

## V. Class Participation

To facilitate our discussion and analysis of the assigned materials, I will question students in panels of 3-4 students per class. I will pass around a sign-up sheet periodically throughout the course and each student will be required to sign up for a designated number of panels.

If for some reason you are unable to be present or prepared on your panel day, it is ***your responsibility*** to switch days with someone else and to inform me of the switch ***before the class begins***. If a class is cancelled for some reason, the panel for that day will be rescheduled. All other panels will keep their previously-assigned days.

In general, panel members will be questioned on the materials that were assigned for that particular day. As mentioned, however, reading assignments may be altered based upon the amount of material that we get through in class. To this extent, you are on notice that your panel may be responsible for material that was not initially designated for discussion on your particular panel date.

Participation by non-panel members is welcomed and encouraged. Pursuant to Law Center guidelines, I reserve the right to lower your final grade by one notch (e.g., from a B to a B-) if you are absent or unprepared on any of your assigned panel days. Any student who is absent or unprepared on two panel days will be dropped from the course.

## VI. Class Attendance

The Law Center requires students to attend at least 80% of the scheduled classes. Any student who attends fewer than the minimum percentage of classes is to be automatically dropped from the course. I will take attendance by passing around a roll sheet at the beginning of each class. Each student should initial by his or her name. Not surprisingly, initialing for another student is unacceptable. It is your responsibility to insure that you have initialed the roll sheet before I leave the classroom each day. This is particularly important if you arrive after class has begun. PLEASE NOTE: You can only sign the attendance sheet for a particular day if you were present for at least half of that day's class.

## VII. Examination and Grading

The examination in this course will be entirely "open book." You may use any material that you wish, whether prepared by you or by someone else. Your grade in this course will be derived from your examination score less any adjustment for unacceptable panel performance (see above). The examination itself will be discussed as the semester progresses.

### VIII. Instructor Evaluations

I welcome any comments or suggestions that you may have regarding my teaching style, class presentation, or any other subject. Please feel free to provide me with such comments during the course of the semester as they will help me to improve my teaching. I will carefully consider all of the comments and suggestions that I receive.

## **COURSE OUTLINE**

*Please note that modifications to this course outline may be required during the semester.*

- I. Negligent Conduct Causing Pure Economic Loss
- II. Fraud and Negligent Misrepresentation
- III. Interference with Existing and Prospective Contractual Relations
- IV. Insurance Torts
- V. Fiduciary Duty and Shareholder Oppression
- VI. The Boundary between Tort and Contract