

Tort Law

Fall 2017 – Section B
Professor Meredith J. Duncan
MWTh 2:30 to 3:50 pm
213 BLB

I. Required Course Materials

The required text for this course is TORTS: A CONTEMPORARY APPROACH, MEREDITH J. DUNCAN AND RONALD TURNER, 2d edition (West 2012).

II. Instructor Information

- A. Office Location – 230 BLB
- B. Office Phone Number – 713-743-2019
- C. Email Address – mduncan@uh.edu
- D. Homepage – www.law.uh.edu/faculty/mduncan
- E. Twitter – @ProfMDuncan
- F. Office Hours – TBD

III. Accommodating Students with Disabilities

The American with Disabilities Act (the “ADA”) requires that the University of Houston make reasonable accommodation to persons with disabilities as defined within the meaning of the ADA. Students who feel they need assistance under the ADA guidelines should contact me or Student Services to discuss such consideration.

IV. Teaching Objectives and Philosophy

My teaching objectives for this course are to teach tort law in a comprehensive and effective manner, to consider ethical and professional questions raised by the course materials, and to integrate the subject matter of this course with the analytical and practical skills necessary to practicing law successfully. Students will be introduced to the three general categories of tort actions – intentional, negligence, and strict liability. A more complete statement of my teaching philosophy is available on my webpage at <http://www.law.uh.edu/faculty/mduncan>.

V. Professionalism in the Classroom

A. Class Preparation and Participation

All students are to have read the entire assignment in preparation for each class meeting. I will call on students at random, although I will typically announce a three-student panel at the beginning of each class. If you are unprepared when I call on you, you will be marked absent for

the day. The second time you are unprepared, your final grade for the course will be lowered by 1/3 (e.g., a B becomes a B-). Any student who is unprepared more than two days will be dropped from the course.

B. Use of Computers and Electronics

The use of computers or other electronics during class time is prohibited. All cell phones and other devices that might make noise during class are to be in silent mode and put away during our class meetings.

C. Other Professionalism Issues – Tardiness and Baseball Caps

I respect your time and education by doing my best to start and end our class meetings promptly. Doing so requires that you be in your seat and ready to begin at the time that this class is scheduled to start. Please be prompt, as you will not be permitted to sign the attendance sheet if you are late. Additionally, please remove all baseball caps at the beginning of our class meetings; caps are to remain off until class is over.

VI. Grading

A. Final Course Grade

Your final course grade will be determined by:

- a midterm examination on Monday, October 2, 2017; and
- a final examination on Friday, December 1, 2017 from 1:00 to 5:00 pm.

Both the midterm exam and the final exam will be closed-book and will *likely* be comprised of a combination of essay and multiple-choice questions. The midterm will be worth 25% of your final course grade and the final will be worth 75% of your final course grade.

B. Extra Credit

You may earn extra credit in this course by keeping a Three Good Things Journal for six consecutive weeks throughout the semester. More details on this extra credit assignment will be provided to the class at the beginning of the semester.

VII. Class Tutor

The tutor for this course is Calvin McKnight. He can be reached via email at cfmcknig@central.uh.edu and by phone or text at 832-622-2457. He will hold office hours in the sub-basement of the Law Center near the Houston Journal of International Law's office on Wednesdays from 6:00 to 7:20 pm and at other times by appointment.

VIII. Attendance Requirements

Any student missing more than eight (8) classes will be dropped from the course. Use your absences wisely. I take attendance at the beginning of each class. Failure to sign in as present will be counted as an absence; you will not be allowed to argue at a later time that you were actually present on days when you failed to sign in.

IX. Counseling and Psychological Services

The University of Houston's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus.

http://www.uh.edu/caps/outreach/lets_talk.html.

X. Reading Assignments

The following chart contains the reading assignments for the semester. All page references are to the casebook. I may at times need to change class assignments and will do so by announcement in class, by emailing the entire class, or by posting changes on the course webpage. It is my expectation that we will cover one assignment per class period, and the dates provided below are merely estimates of when we should reach the indicated materials. At times we may cover less or more material, depending on the subject matter and class discussion. Unless otherwise instructed by me, you are expected to read the next day's assignment even if you believe that the previous day's assignment was not completely covered in class.

Assignment No.	Topic	Torts: A Contemporary Approach 2d ed.
1	Introduction and Overview	pp. 1-22
2	Intent	23-41
3	Battery; Assault	42-60

Assignment No.	Topic	Torts: A Contemporary Approach 2d ed.
4	False Imprisonment; Trespass to Land	60-69; 75-79; 82-91
5	Trespass to Chattels; Conversion; Intentional Infliction of Emotional Distress	91-112; 114-127
6	Consent; Defense of Self and Others; Defense of Real Property; Defense and Recovery of Property; Necessity; Justification	129-142; 146-148; 151-159; 165 (beginning w/note 1) -175
7	Negligence; The Reasonable Prudent Person	177-185; 187-188 (notes 1&2 only); 189-194
8	The Reasonable Prudent Person (con't)	196 (beginning w/note 1) -205
9	The Reasonable Prudent Person (con't); The Reasonable Prudent Professional	220-239
10	The Reasonable Prudent Professional (con't)	239-244; 250-256; 265-270
11	Rules of Law; Applying a Statute	271-286
12	Applying a Statute (con't); Proving Negligence	287-307
13	<i>Res Ipsa Loquitur</i>	308-320
14	Causation-In-Fact	321-342

Assignment No.	Topic	Torts: A Contemporary Approach 2d ed.
15	Problems in Proving Causation-In-Fact	342-367
16	Legal or Proximate Causation	368-393
17	Legal or Proximate Causation (con't)	394-422
18	Intervening Causes	423-438
19	Public Policy	438-452
20	Defenses (and Partial Defenses) to Negligence Actions	459-486
21	Assumption of the Risk; Statutes of Limitation and Repose	494-498; 503-517
22	Privity of Contract; Failure to Act	519-541
23	Failure to Act (con't); Pure Economic Loss	541-551; 557-570
24	Negligent Infliction of Emotional Distress	570-588
25	Wrongful Life and Wrongful Birth	591-606
26	Owners and Occupiers of Land	616-621; 624-628; 633-636; 648-657
27	Strict Liability	659-683
28	Compensatory Damages	685-707
29	Compensatory Damages (con't)	708-724

Assignment No.	Topic	Torts: A Contemporary Approach 2d ed.
30	Punitive Damages	724-756
31	Wrongful Death and Survival	768 (beginning w/note 3) -784
32	Joinder and Liability of Defendants; Satisfaction and Release	785-791; 799-804; 808-816
33	Immunities	839-863; 894-911
34	Vicarious Liability	921-929
35	Products Liability	999-1018
36	Products Liability	1019-1037
37	Products Liability	1069-1088
38	Reserved for catch-up, guest lecture, or review	
39	Reserved for catch-up, guest lecture, or review	
40	Reserved for catch-up, guest lecture, or review	