

SYLLABUS

Required Text:

Henderson, Pearson & Kysar, The Torts Process (9th ed. 2017)

Expectations:

Students are expected to be carefully read the assigned materials, brief all cases, and participate in classroom discussions. Voluntary class participation is encouraged. However, I want to make sure that everyone has the opportunity to participate in class discussions and will therefore call on students who have not raised their hands. You may “pass” if you are unprepared, but passing in excess of once per semester is an indication of poor class preparation and may result in a lowering of your grade.

Attendance:

Regular attendance is required by the ABA, and I recommend that you miss no classes. In the event of a lengthy illness or a single problem causing you to miss multiple classes, please come see me. Missing class in excess of four occasions per semester will affect your final grade.

Grading:

Grades in this course will be based primarily on your performance on the final exam and may be adjusted upward based on class participation or lowered based on frequent absences, inadequate preparation for class, or excessive “passing.”

Exam:

There will be a final exam at the end of the course. The exam will be a four-hour closed book essay exam. You will not be allowed to bring any outside materials (textbooks, notes, outlines, etc.) into the exam room – with the exception of one 8 ½ X 11 inch piece of paper with notes on both sides. You will be expected to be able to recite “the law” on the exam, but a significant part of your grade will be based upon your legal analysis: applying the law to the facts, arguing your points and supporting them in a logical, persuasive and organized fashion, anticipating arguments on the other side, and distinguishing predictable outcomes from less obvious issues requiring more analysis. Briefing cases and participating in class discussions will enable you to practice these skills.

Office Hours

My office hours are on Monday and Wednesday from 4:30-5:30 while classes are in session. If you would like to schedule an appointment at a different time, please contact me via E-mail. My office is located in Teaching Unit II, Office 216. My E-mail address is: cgonza61@Central.UH.EDU

Counseling and Psychological Services

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

Coverage and Reading Assignments:

I plan to cover the sections of the Henderson textbook identified below. However, I may adjust the course coverage as the semester progresses in order to incorporate role-playing and problem-solving exercises. The pages below are not assignments. Assignments for the coming week will be given out each Thursday.

- I. Introduction to the Torts Process: Pages 1-12
- II. Intentional Torts: Battery
 - A. The Prima Facie Case
 - 1. Intent: Pages 12-30
 - 2. Contact: Pages 30-41
 - B. Privileges and Defenses
 - 1. Consent: Pages 42-79
 - 2. Self-Defense and Defense of Others: Pages 79-93
 - 3. Defense of Property and Necessity: Pages 93-107

4. Miscellaneous Privileges: Pages 108-113

III. Actual Causation

- A. “Specific” Causation and “General” Causation: Did the Defendant Do It and Does the Defendant’s Activity Cause this Type of Injury?
Pages 115-129
- B. Alternative Liability: One of Several Defendants Did It, But Which One?
Pages 132-145
- C. Concurrent and Successive Causes
Pages 152-158
- D. Vicarious Liability
Pages 159-173

IV. Negligence

- A. The General Standard
Pages 175-209; Weirum v. RKO
- B. Violation of Statutes
Pages 209-222
- C. Custom
Pages 222-237
- D. Res Ipsa Loquitur
Pillars case; Pages 237-252

V. Limitations on Liability in Negligence

- A. Absence of Duty to Rescue
Pages 266-296
- B. Proximate Cause
Pages 297-299, 313-326, 339-341
- C. Contributory Fault
Pages 406-423, 427-430

VI. Strict Liability
Pages 486-512

- VII. Damages
Pages 621-657
- VIII. Global Dimensions of Torts Law (if time permits)
Pages 979-991, Abdullahi v. Pfizer