Course Requirements:

**Attendance:** You are expected to attend all class sessions, and to arrive on time and sign the attendance sheet. If you are unable to attend a class session, please notify me in advance. **Under the UHLC attendance policy, I reserve the right to drop any student who fails to attend 80% of class sessions.** At my discretion, final grades may be adjusted downward for poor attendance, habitual lateness, or lack of participation, even if the 80% requirement is satisfied.

**Class preparation and participation:** Class preparation and participation are expected. In this class, everyone is on call every day. At my discretion, your final grade may be adjusted upward in recognition of exceptional contributions in the classroom or downward for failure to participate.

**Use of computers:** You are permitted to use a computer to take notes in this class, and I encourage you to use the exam software to take the final examination. However, during class your computer is to be used only for note-taking purposes. **Use of e-mail and internet access is not permitted during class sessions.** I reserve the right to adjust final grades downward for unauthorized electronic access during class.

**Cell phones/pagers/tape recorders:** While it may be necessary to carry these devices, all pagers and cell phones (and any other devices that make noise) should be set to vibrate/silent mode during class. Sanctions for violation of this rule may be imposed at my discretion. You are not allowed to record class in any way without my written permission.
**Examination and grading:** The course grade will be based on a **closed-book** final examination, given on **May 11 from 6-10 p.m.** The examination will consist primarily of essays, and will be based on the assigned readings and materials discussed in class. This course is subject to the official UHLC grade curve.

**ADA Accommodations:** The Law Center is committed to meeting the needs of students with physical, learning and other disabilities and provides appropriate accommodations and services tailored to each person’s specific requirements. **Please do not inform me about your disability as it may compromise the integrity of anonymous grading.** Students with disabilities are encouraged to contact Dean Sondra Tennessee in the Office of Student Services so that the individual’s needs for support services can be evaluated and accommodated in a timely manner. You may also find advice at the UH-Center for Students with DisABILITIES, [http://www.uh.edu/csd/](http://www.uh.edu/csd/).

**READING ASSIGNMENTS**

All page numbers are for the Casebook except “S” indicates the photocopied Supplement. Be sure to check your Supplement before every class.

- **T, 1/19:** Introduction to Tort Liability  
  1-17
- **W, 1/20:** Vicarious Liability  
  17-30

**PART I. NEGLIGENCE**

- **M, 1/25:** Historical Background  
  31-43
- **T, 1/26:** Standard of Care, Reasonable Person  
  44-60
- **W, 1/27:** Judge & Jury, Custom  
  60-75
- **M, 2/1:** Statutes  
  75-86
- **T, 2/2:** Proof of Negligence; *Res Ipsa Loquitur*  
  87-110
- **W, 2/3:** Medical Malpractice; Informed Consent  
  110-131

**PART II. DUTY**

- **M, 2/8:** Affirmative Obligations to Act (1)  
  132-148
- **T, 2/9:** Affirmative Obligations to Act (2); No Duty Rules  
  157-168, 175-183
- **W, 2/10:** No Duty Rules, *Gipson*  
  183-195, S 5-11
- **M, 2/15:** Landowners and Occupiers  
  195-218
T, 2/16: Intrafamily Duties 218-229

W, 2/17: Governmental Entities 229-251

M, 2/22: Federal Torts Claims Act 251-263

PART III. INJURY

T, 2/23: Emotional Harm: Direct Victims 264-281

W, 2/24: Emotional Harm: Third Party Victims 281-305

M, 3/1: Economic Harm 305-326

T, 3/2: Wrongful Birth & Life 326-338

PART IV. FACTUAL CAUSATION

W, 3/3: Cause in Fact: Proof 339-359

M, 3/8: Cause in Fact: Joint & Several Liability, Multiple Defendants 369-392

PART V. PROXIMATE CAUSE

T, 3/9: Proximate Cause: Unexpected Harm and Manner 401-425

W, 3/10: Proximate Cause: Unexpected Victim 425-439

PART VI. DEFENSES

M, 3/22: Plaintiff's Negligence 440-466

T, 3/23: Assumption of Risk; Preemption 466-490, 496-505

You do not need to read Supplement preemption cases for this class.

PART VII. DAMAGES

W, 3/24: Compensatory, Pain and Suffering Damages 698-718

M, 3/29: Collateral Source Rule, Punitive Damages 732-762

PART VIII. STRICT LIABILITY

T, 3/30: Traditional Strict Liability 506-529
PART IX. LIABILITY FOR DEFECTIVE PRODUCTS

W, 3/31: Historical Background 550-567
M, 4/5: Manufacturing and Design Defects 567-584, N.10 593-595
T, 4/6: Instructions and Warnings 595-620
W, 4/7: Defenses
   1. Plaintiff’s Fault 620-633
M, 4/12: 2. Preemption, Wyeth S 33-52

Part X. INTENTIONAL HARM

T, 4/13: Intent, Assault and Battery 885-902
W, 4/14: False Imprisonment, IIED 902-925
M, 4/19: Defenses 931-949

Part XI. DEFAMATION AND PRIVACY

T, 4/20: Common Law Background (1) 972-986
W, 4/21: Common Law Background (2) 987-997
M, 4/26: Defenses 997-1016, 1021-1027
W, 4/28: Private Plaintiffs 1051-1070; 1100-1104
M, 5/3: Shulman 1188-1197, n. 4

The final exam is CLOSED BOOK and will be held on Thursday, May 6, from 6-10 p.m.