

5418 – 10684 Torts
Fall 2026
Mr. Sanders

Course Outline
Christie, et al., 6th ed.

Week 1 pp. 1-40 Introduction & Intentional Torts

Introduction

The Aims of Tort Law
Adaptability to New Situations
Robertson v. Rochester Box
The History of Tort Law
The Forms of Action: *Scott v. Shepard*
What does it mean to be responsible?
The Modern Landscape

Intentional Torts

Intention: *Beauchamp v. Dow Chem.*; *Wagner v. State*

Week 2 pp. 40-88; 114-142 Intentional Torts, Continued

Battery: *Leichtman v. WLW Jacor Comms., Inc*
Assault: *Dickens v. Puryear*
Transferred Intent & Participation Liability: *Singer v. Marx*; *Halberstam v. Welsh*
False Imprisonment: *McCann v. Wal-Mart Stores, Inc.*; *Fojtic v. Charter Medical Corp.*
Trespass to Land: *John Larkin, Inc. v. Marceau*
Trespass to Chattel & Conversion
NOTE: We are skipping the materials on Intentional Infliction of Emotional Distress.
Defenses
 Consent: *Hellriegel v. Tholl*; *Reavis v. Slominski*
 Self Defense: *Silas v. Bowen*

Week 3 pp. 142-206 Intentional Torts & Negligence (Breach)

Intentional Torts Continued

Defenses, Cont.
 Defense of Property: *Brown v. Martinez*
 Discipline
 Necessity: *Ploof v. Putnam*; *Vincent v. Lake Erie Transportation Co.*

Negligence

Historical Development: *Brown v. Kendall*
The Prima Facie Case of Negligence
The Standard of Care: *Vaughan v. Menlove*; *Delair v. McAdoo*;

Variations on the Standard of Care: *Goss v. Allen*; *Creasy v. Rusk*; *Haley v. London Elec.*
The Calculus of Risk: *Barker v. City of Philadelphia*

Week 4 pp. 206-277 Negligence (Breach)

The Calculus of Risk Continued: *U.S. v. Carroll Towing*; *Pitre v. Employers Liability Assurance Corp.*

Establishing the Standard of Care: the Function of Judge and Jury: *Baltimore & Ohio Railroad Co. v. Goodman*; *Pokora v. Wabash Railway Co.*

Establishing the Standard of Care by Deference to the Legislature – Negligence per se: *Martin v. Herzog*; *Tedla v. Ellman*; *Barnum v. Williams*; *Perry v. S.N.*

Proof of Negligence – Custom and Expert Testimony

Custom: *Dempsey v. Addison Crane*

Malpractice: *Shilkret v. Annapolis Emergency Hosp. Assn.*; *Helling v. Carey*

Week 5 pp. 278-349 Negligence (Breach) & Negligence (Duty)

Negligence (Breach)

Malpractice, continued: *Miller v. Kennedy*

Circumstantial Evidence – Res Ipsa Loquitur: *Byrne v. Boadle*; *Morejon v. Rais Construction Co.*; *Swiney v. Malone Freight Lines Inc.*; *Ybarra v. Spangard*

Negligence (Duty)

What is Duty and How Do Courts Decide?

Foundational Duty Rules: *Thompson v. Kaczinski*; *Brown v. Kerr*; *Palsgraf v. Long Island R.R. – Part 1*

Week 6 pp. 349-424 Negligence (Duty)

Affirmative Duties to Warn or Rescue: *Price v. E.I Dupont de Nemours & Co.*; *Grimes v. Kennedy Krieger Institute, Inc.*; *Farwell v. Keaton*; *Maldonado v. Southern Pacific*; *Thompson v. County of Alameda*; *Uhr v. East Greenbush Central School Dist.*

No Duty Based on Public Policy: *Strauss v. Belle Realty Co.*; *Graff v. Beard*

Week 7 pp. 424-463; 505-540; 560-577 Negligence (Duty)

Landowner Liability: *Cochran v. Burger King, Inc.*; *Nelson v. Freeland' Bennett v. Stanley*; *Posecai v. Wal-Mart*

Immunities (I will give a lecture on the various types of Immunities you should skim the material.) Special Duties Based on Type of Harm

Emotional Harm: *Falzone v. Busch*; *Portee v. Jaffee*; *Catsouras v. California Highway Patrol*; *Boyles v. Kerr*

Wrongful Life/Birth (We will skip over these materials. I will say a few words about these torts.)

Economic Harm: *Aiken v. Debow*

Week 8 pp. 579-653 Causation & Scope of Liability

Cause in Fact

General Principles

Establishing Causation -- Sufficiency of the Evidence: *Stubbs v. City of Rochester*, *Daly v. Bergstedt*; *General Electric v Joiner*; *Matsuyama v Birnbaum*

Multiple Causes and Defendants: *Kingston v. Chicago & Northwest Railway Co.*; *Summers v. Tice*; *Sindell v. Abbott Laboratories*

Scope of Liability

Introduction

Foundational Cases: *In Re Polemis*; *Palsgraf v. Long Island R.R. Part II*

Week 9 pp. 653-725 Scope of Liability & Plaintiff's Conduct

Scope of Liability Continued

Foundational Cases Continued: *Wagon Mound I*

Application in Newer Cases: *Hughes v. Lord Advocate*; *Doughty v. Turner Mfg.*; *In re Kinsman*; *Wagon Mound II*

Intervening Cause: *Latzel v. Bartek*; *Brauer v. N. Y. Central & Hutson River R.R.*

Plaintiff's Conduct

Contributory Negligence: *Butterfield v. Forrester*

Week 10 pp. 725-822 Plaintiffs Conduct, Apportionment & Strict Liability

Plaintiff's Conduct and Apportionment

Comparative Negligence: *Hoffman v. Jones*; *Bradley v. Appalachian Power Co.*

Assumption of the Risk: *La Frenz v. Lake County Fair Board*; *Jones v. Three Rivers Management Corp.*; *Herod v. Grant*; *Auckenthaler v. Grundmeyer*

Avoidable Consequences, Mitigation of Damages

Multiple Parties

Vicarious Liability: *Wong-Leong v. Hawaiian Independent Refinery, Inc.*; *Jones v. Healthsouth Treasure Valley Hospital*

Imputed Contributory Negligence

Apportionment, Joint & Several Liability and Contribution: *Walt Disney World Co. v. Wood*

Strict Liability

Animals: *Duren v. Kunkel*

Week 11 pp. 822-905 Strict Liability; Products Liability

Strict Liability Continued

Dangerous Activities (Origins): *Fletcher v. Rylands*; *Rylands v. Fletcher*

Abnormally Dangerous Activities: *Loose v. Buchannan*; *Klein v. Pyrodyne*; *Indiana Harbor Belt*

v. American Cyanamid; Foster v. Preston Mill
The Coase Theorem

Products Liability

Negligence – Destroying the Privity Barrier: *MacPherson v. Buick Motor Co.*
Breach of Warranty
Strict Liability in Torts: *Greenman v. Yuba Power Products, Inc.*

Week 12 pp. 905-995 Products Liability Continued

The Concept of Defect in Products Liability today
 Manufacturing Defects: *Smoot v. Mazda Motors*
 Design Defects: *Branham v. Ford Motor Co.*; *Riley v. Becton Dickson*
 Warning Defects: *Lewis v. Sea Ray Boats, Inc.*; *Burke v. Spartanics Ltd.*; *Feldman v. Lederle Labs.*
Defendants and Interests Covered by Products Liability
Defenses
Plaintiff's Behavior

Week 13 pp. 996-1058 Products Liability Continued and Nuisance

Products Liability Continued

Pre-Emption: *Bates v. Dow Agrosciences LLC*
Compliance with Regulations
Products Liability in Other Countries

Nuisance

NOTE: We will do as much of the nuisance chapter as time permits. If we run short of time, we will move on to the damages chapter.

Overview (also reread the *Larkin* case on page 79)
Private Nuisance: *Crosstex North Texas Pipeline v. Gardiner*; *Impellizzerri v. Jamesville Federated Church*
Remedies: *Boomer v. Atlantic Cement Co.*
Public Nuisance: *State v. Lead Industries Association*
Private Enforcement of a Public Nuisance: *Graceland Corp. v. Consolidated Laundries Corp.*

Week 14 pp. 1059-1149 Damages

Categories of Compensatory Damages: *Seffert v. Los Angeles Transit Lines*; *Wainwright v. Fontenot*; *McDougald v. Garber*
Indirect Non-fatal Injury to Others (spousal and parent-child consortium): *Roberts v. Williamson*
Damages in Death-Related Tort Claims: *Green v. Bittner*
Attorney Fees and Contingency Fee.

Attendance: The usual law school attendance rules apply. Students are expected to attend classes in person.

Exam: There will be one final examination at the end of the semester. The examination is open book. The examination will be part multiple choice and part essay weighted in favor of the essay.

There are two teaching assistants for this class: Stephanie Martinez and Akhil George

Objectives: The objectives of the course are to provide an overview and understanding of the law of torts, to help students develop their legal analytical skills, and to understand the role of tort law in society.

UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

The University and the Law Center have asked me to include the following information:

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

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or

not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Attendance Policy

As noted in the student handbook, the Law Center has a minimum 80% attendance policy for students. The ABA standards say that the Law Center must have a policy. The 80% threshold is that policy.

Artificial Intelligence Use

I will discuss the use of AI at the beginning of the semester. I am in favor of students learning about AI but one must be careful. It can become a crutch that gets one through courses without committing the effort needed to master the materials. AI use is not permitted on exams. Later in the semester an ad hoc AI committee may develop more specific guidelines about permitted and unpermitted uses.