

Torts
5418/26451
Fall 2026

M / W / Th 9 – 10:30 am – Room 211
Face-to-face instruction

Professor Ten Cate
Office: TBD
Email: TBD

SYLLABUS – SUBJECT TO CHANGE

1. Course Description

Torts are civil wrongs. In this course, we will study what types of wrongs give rise to legal liability and what defenses might be available to alleged wrongdoers. We will also examine policy considerations that come into play in assigning and allocating liability.

2. Learning Outcomes

This course has three main learning outcomes. First, you will gain foundational knowledge and understanding of rules that govern torts. We will identify liability standards in different contexts (including several intentional torts and negligence) and consider how the elements of specific torts to apply different factual situations.

Second, you will develop skills in legal analysis and reasoning. We will focus on analogy and distinction, which are key tools for lawyers especially in the American common law system. We will also work on how to effectively communicate legal analysis.

Lastly, we will engage in a critical examination of tort law. Are the rules what they should be? Do they make sense? To engage with these questions, we will critique the rules and their application and consider whether there might be better ways to organize liability from economic, administrative, or moral perspectives.

3. Sensitivity Caution

Wrongs—whether civil or criminal—result in harm, and the materials covered in this course include subjects that may be difficult for some students. I will do my best to be sensitive, and I ask that each of you do the same. Let me know if you have concerns about participating in discussion of a particular topic, or if you would like to discuss your classroom experience.

4. Course Materials

Required. The casebook we will use is PROSSER, WADE & SCHWARTZ’S TORTS: CASES & MATERIALS, by Victor E. Schwartz, David F. Partlett, W. Jonathan Cardi and Alexandra Lahav (West Academic 15th ed. 2024). Be sure to obtain the correct edition. Because the exam will be closed book, you are free to purchase the book in printed (new or used) or eBook format. If you decide to purchase a new book or eBook, **you can get 15% off the listed price of this book** (and any other books purchased from www.westacademic.com) by using the code WAHOUSTON upon checkout. I don’t know how this discounted price compares to what other sellers charge.

Recommended. Students often ask me to recommend supplemental study materials. For this course, I won’t strongly endorse any additional resources, but I understand that some students find it useful to consult Joseph Glannon’s Examples and Explanations for the Law of Torts.

5. Class Attendance and Participation

Class Meetings. Class meetings are on Mondays, Wednesdays, and Thursdays from 9 – 10:30 am in room 211.

Attendance. As a requirement for accreditation of law schools by the American Bar Association, regular and punctual class attendance is necessary. To fulfill this requirement and foster a uniform and fair standard, UHLC requires that students must be present for 80% of the regularly scheduled class meetings. UHLC professors have no discretion to waive this requirement. I will keep track of attendance. If you arrive more than ten minutes late or leave more than ten minutes early, I will mark you as absent.

Participation. I expect you to be prepared for every class. As a practical matter, this means that (1) you have read the assigned materials and are ready to discuss them; and (2) you have the materials available during class in case we refer to them. If, for any reason, you are not prepared for a class, please email me at least two hours before class (barring an emergency that prevents you from doing so) and I won’t call on you that day.

Engagement. During class, I will “cold call” on students and take volunteers. Each student’s participation is important. Class is a more enriching experience when all students are engaged, and you will learn more if you participate. For these reasons, I expect that everyone will speak multiple times throughout the course, and I also expect that students will take care not to dominate the discussion. Please treat each other with respect and assume that your classmates offer their views in good faith, even if you vigorously disagree with those views.

Chatham House Rule. To encourage robust discussion, the Chatham House Rule applies in my classroom. Under this rule, “participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.” This also means that you may not post online or otherwise share recordings, screenshots, classmates’ remarks, or any other class content.

6. Grades and Assessments

Final Exam. Your grade for this course will be based on a three-hour proctored exam, subject to potential adjustment as indicated below. The exam will be closed book, and it will consist of multiple-choice and essay questions. **All answers must be exclusively your own work.** You may not consult with others once the exam has started. You may also not use anything produced by Generative AI.

I will discuss the exam in class. To ensure that all students have access to the same information about the exam, I will not discuss it in nonpublic settings, including office hours. I am, however, happy to discuss substantive questions and practice questions in office hours.

Adjustments. I may raise or lower your grade by up to one-third of a letter grade (e.g., from B to B+) based on exceptionally strong or poor performance throughout the semester. In deciding whether to adjust grades, I consider professionalism, class participation, and timely completion and quality of any ungraded assignments.

Ungraded Assessments. I plan to incorporate one or more written assessments during the semester. While ungraded, I reserve the option to take satisfactory completion of any such assessments into account in determining final course grades.

7. Communications Outside the Classroom

Office Hours. I will hold office hours on Thursdays from 10:30 – noon. If you have questions about the materials we are studying, the best place and time to ask them are in class or during office hours.

Email. I don't intentionally ignore inquiries or requests from students, but I sometimes inadvertently miss them. If, during the teaching period, I don't reply within two business days to an email from you that requires a response, don't hesitate to send me a reminder. I generally don't respond to substantive questions by email; instead, I will invite you to visit office hours.

Social Media. Feel free (but not pressured!) to send me a request to connect on LinkedIn.

8. Honor Code

The 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.

9. AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include discussion posts, mid-terms, and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination unless specified as an exception below. The parts of the Honor Code that refer to unauthorized materials or aid are specifically prohibited from any use of AI Generated Text in this course.

10. Names and Pronouns

I go by Professor Ten Cate (or Professor ITC) and use she/her pronouns. I gladly honor requests to use alternate names or nicknames, and I want to ensure that I pronounce your name correctly and that I address you by your gender pronouns. Don’t hesitate to reach out if you have concerns about how I or your classmates address you.

11. Course Topics and Assignments

I will provide a list of course topics and reading assignments closer to the start of the semester.

12. Syllabus Changes

Please note that I may need to make modifications to the course syllabus. I will provide notice of such changes as early as possible via announcement in email or in class.

13. Additional Information and Resources

Mental Health and Wellness Resources: The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment. The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources>.

Reasonable Academic Adjustments/Auxiliary Aids: The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

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.

Resources for Online Learning: The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

Security Escorts and Cougar Ride: UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/afuniversity-services/parking/cougar-ride>.