

TORTS
SYLLABUS FOR FALL 2009, DAY DIVISION
Professor Ralph L. Brill

ASSIGNMENTS ARE IN PROSSER, WADE & SCHWARTZ, *et al.*
TORTS, CASES & MATERIALS (11TH ed. FOUNDATION PRESS 2005).

WEEK ONE:

MONDAY: Read and prepare to discuss: Chapter One,
8/24 DEVELOPMENT OF LIABILITY BASED ON FAULT. Read
"Purpose of the Law School" on the Course Website.

TUESDAY: DEVELOPMENT OF LIABILITY WITHOUT FAULT,
Cont'd.

THURSDAY: Read and prepare to discuss: pp. 17- 29, INTENT.

WEEK TWO:

MONDAY Read and prepare to discuss: pp. 29-37, BATTERY.
8/31

TUESDAY: Read and prepare to discuss: pp. 37-40, ASSAULT.

THURSDAY: Read and prepare to discuss: pp. 40-50, FALSE
IMPRISONMENT.

WEEK THREE:

MONDAY: LABOR DAY. NO CLASS.
9/7

TUESDAY: Read and prepare to discuss: pp. 91-103, CONSENT.

THURSDAY: Read and prepare to discuss: pp. 103-118, OTHER
PRIVILEGES. In-class review questions.
(outside assignment: TAKE TUTORIAL #1.)

WEEK FOUR:

MONDAY 9/14 Read and be prepared to discuss pp. 131-145,
NEGLIGENCE: A NEGLIGENCE FORMULA.

AND TUESDAY

Also, Read and prepare to discuss the McMahon case and the materials on the McDonald's Coffee Spill Case from the Website, Supplementary Reading.

THURSDAY

Read and prepare to discuss pp. 145-168,
NEGLIGENCE: THE STANDARD OF CARE.

WEEK FIVE:

MONDAY:
9/21

Read and prepare pp. 168-200, The STANDARD OF CARE, *continued*.

TUESDAY:

Read and prepare to discuss: pp. 200-229, RULES OF LAW AND VIOLATION OF STATUTE.

Outside assignment: Prepare Tutorial #2, from Website.

THURSDAY:

CATCH UP AND REVIEW.

WEEK SIX:

MONDAY:
9/28

YOM KIPPUR. NO CLASS.

TUESDAY:

Read and prepare to discuss: pp. 417-432, FAILURE TO ACT.

THURSDAY:

Read and prepare to discuss: Tarasoff v. Regents, Pp. 432-438.

WEEK SEVEN:

MONDAY: 10/5

Read and prepare to discuss: pp. 450-464, MENTAL DISTURBANCE AND RESULTING INJURY.

TUESDAY:

Read and prepare to discuss: pp. 464-479, UNBORN CHILDREN.

THURSDAY:

Read and prepare to discuss: pp. 485-507, LIABILITY TO TRESPASSERS, LICENSEES AND INVITEES.
Read and prepare to discuss: Lee v. C.T.A. and brief in that case from Website.

WEEK EIGHT:

MONDAY: 10/12

Read and prepare to discuss: pp. 229-258, PROOF OF NEGLIGENCE AND RES IPSA LOQUITUR.

TUESDAY

Read and prepare to discuss: Palsgraf v. Long Island R.R., pp. 308-319, with emphasis on the two judges' discussions of the concept of duty.

THURSDAY:

Read and prepare to discuss: pp. 258-275, CAUSATION IN FACT.

WEEK NINE:

MONDAY: 10/19

Read and prepare to discuss: pp. 275-292, CAUSATION IN FACT, *cont'd.*

TUESDAY:

Read and prepare to discuss: pp. 293-319, PROXIMATE CAUSE.

THURSDAY:

Read and prepare to discuss: pp. 319-360, PROXIMATE CAUSE, *cont'd.*

WEEK TEN:

MONDAY: 10/26

Read and prepare to discuss: pp. 319-360,
PROXIMATE CAUSE, *cont'd*.

**TUESDAY AND
THURSDAY:**

CATCH UP, AND REVIEW OF PROXIMATE
CAUSE. Read and prepare to discuss the Bartelli case
from the Website.

WEEK ELEVEN:

MONDAY: 11/2

Read and prepare to discuss: pp. 361-371,
383-388, JOINT TORTFEASORS.

TUESDAY AND THURSDAY:

Read and prepare to discuss: pp. 586-601,
DEFENSES: PLAINTIFF'S CONDUCT.

WEEK TWELVE:

MONDAY: 11/9

Read and prepare to discuss: pp. 601-614,
DEFENSES: ASSUMPTION OF RISK.

TUESDAY:

Read and prepare to discuss: Pp. 614-621,
DEFENSES: STATUTES OF LIMITATIONS AND
REPOSE.

THURSDAY:

Read and prepare to discuss: pp. 621-659,
DEFENSES, IMMUNITIES.

WEEK THIRTEEN: 11/16

MONDAY:

DEFENSES: IMMUNITIES, *cont'd*.

TUESDAY:

Read and prepare to discuss: pp. 686-710, STRICT
LIABILITY; ANIMALS; ABNORMALLY

DANGEROUS

ACTIVITIES.

THURSDAY: Read and prepare to discuss: pp. 718-738,
INTRODUCTION TO PRODUCTS LIABILITY.

WEEK FOURTEEN:

MONDAY AND CATCH UP AND REVIEW.
TUESDAY:

THURSDAY: THANKSGIVING. NO CLASS.

WEEK FIFTEEN:

MONDAY,

TUESDAY AND THURSDAY: MAKE UP DAYS, CATCH UP AND REVIEW.

FINAL EXAMINATION: THURSDAY, DECEMBER 10, 6 P.M.

My teaching philosophy emphasizes flexibility. That means I reserve the right to dwell on subjects that seem to be of special interest to a specific class, or which raise issues currently in the news. Therefore, there will be times when we fall behind the schedule above, and have to go over some assigned material in less depth in order to catch up. We will supplement most classes with Webpage discussions, questions and answers, and some reviews. Thus, this syllabus is not written in stone, but does give a fair idea of the amount of reading expected of you every week, and approximately where we will be at any point in the semester.
