

# TORTS

SYLLABUS FOR FALL 2009, EVENING DIVISION

Professor Ralph L. Brill

ASSIGNMENTS ARE IN PROSSER, WADE & SCHWARTZ, *et al.*

TORTS, CASES & MATERIALS (11<sup>TH</sup> ed. FOUNDATION PRESS 2005).

## WEEK ONE:

TUESDAY:                      Read and prepare to discuss: Chapter One,  
8/25                                      DEVELOPMENT OF LIABILITY BASED ON FAULT.

THURSDAY:                      DEVELOPMENT OF LIABILITY WITHOUT FAULT,  
*Cont'd.*  
*Also, Read "Purpose of the Law School" on the Course  
Website.*

## WEEK TWO:

TUESDAY:                      Read and prepare to discuss: pp. 17- 29, INTENT.  
9/1

THURSDAY: Read and prepare to discuss: pp. 29-37, BATTERY; and \_\_\_\_\_  
\_\_\_\_\_ Read and prepare to discuss: pp. 37-40, ASSAULT.

## WEEK THREE:

TUESDAY: 9/8                      Read and prepare to discuss: pp. 40-50, FALSE  
IMPRISONMENT.

THURSDAY: Read and prepare to discuss: pp. 91-103, CONSENT;  
and Read and prepare to discuss: pp. 103-118, \_\_\_\_\_  
\_\_\_\_\_ OTHER PRIVILEGES. In-class review questions.  
\_\_\_\_\_ ( outside assignment: TAKE TUTORIAL #1.)

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**WEEK FOUR:**

**TUESDAY:9/15** Read and be prepared to discuss pp. 131-145, NEGLIGENCE: A NEGLIGENCE FORMULA. Also, Read and prepare to discuss the McMahon case and the materials on the McDonald's Coffee Spill Case from the Website, Supplementary Reading.

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

**WEEK FIVE:**

**TUESDAY:** Read and prepare pp. 168-200, The STANDARD OF CARE, *continued*.  
9/22

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**THURSDAY:** Read and prepare to discuss: pp. 200-229, RULES OF LAW AND VIOLATION OF STATUTE.  
*Outside assignment:* Prepare Tutorial #2, from Website.

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**WEEK SIX:**

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**TUESDAY:** 9/29 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:**

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**TUESDAY:** 10/6 Read and prepare to discuss: pp. 450-464, MENTAL DISTURBANCE AND RESULTING INJURY; AND Read and prepare to discuss: pp. 464-479, UNBORN CHILDREN.

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**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:**

**TUESDAY: 10/13** Read and prepare to discuss: pp. 229-258, PROOF OF NEGLIGENCE AND RES IPSA LOQUITUR.

**THURSDAY:** 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.

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**WEEK NINE:**

**TUESDAY: 10/19** Read and prepare to discuss: pp. 275-292, CAUSATION IN FACT, *PP 275-*.

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

**WEEK TEN:**

**TUESDAY: 10/27** Read and prepare to discuss: pp. 319-360, PROXIMATE CAUSE.

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

**WEEK ELEVEN:**

**TUESDAY: 11/3** Read and prepare to discuss: pp. 361-371, 383-388, JOINT TORTFEASORS.

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

**WEEK TWELVE:**

TUESDAY, 11/10 Read and prepare to discuss: pp. 601-614,  
DEFENSES: ASSUMPTION OF RISK and Pp. 614-  
621, DEFENSES: STATUTES OF LIMITATIONS  
AND REPOSE.

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

**WEEK THIRTEEN:**

TUESDAY:11/17 Read and prepare to discuss: pp. 686-710, STRICT  
DANGEROUS LIABILITY; ANIMALS; ABNORMALLY  
ACTIVITIES.

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

**WEEK FOURTEEN:**

TUESDAY: CATCH UP AND REVIEW.

THURSDAY: THANKSGIVING. NO CLASS.

**WEEK FIFTEEN:**

THURSDAY: MAKE UP DAYS, CATCH UP AND REVIEW.

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

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**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.**

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