SYLLABUS

TORTS Fall 2016
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Required Course Materials:

The required course texts are:

**Dobbs, Hayden and Bublick, TORTS AND COMPENSATION, 7th ed., (West 2013).**


All of the required reading for this class is contained in one or more of the above sources. Although we may not discuss the “E&E” assignment in class, you should have completed the assigned reading for each class period. It is essential that you come to class fully prepared to participate in meaningful discussion. Failure to do so will result in grades being adjusted downward by one-half grade as discussed in the Student Handbook.

Course Objectives:

The primary objective of this course is for students to learn and develop a working understanding of the law of torts. In this course, we will study the legal rules and principles of intentional torts, negligence, defenses, special duties, immunities, imposed liability, and a variety of other tort causes of action. We will look in depth at the tort system and the actors within it as we understand and synthesize the course materials. I expect you to develop legal reasoning skills, make well-reasoned persuasive arguments, and evaluate social policies behind the law that will be required for success in this course and for future success as an attorney in the effective representation of clients.
PART 1: A FIRST LOOK AT TORTS

Chapter 1. Tort Law: Aims, Approaches, and Processes
A. Introduction to Tort law, pp. 3-17
   Van Camp v. McAfoos
   Dillon v. Frazer

Chapter 2. Reading Torts Cases: Trial Procedures, pp. 19-32

PART 2: INTENTIONAL TORTS

Chapter 3. Establishing a Claim for Intentional Tort to Person or Property
A. Establishing a claim for intentional tort; battery, pp. 35-40
   Snyder v. Turk
   Cohen v. Smith
   E&E: pp. 3-22
B. Defining intent, pp. 41-53
   Garratt v. Dailey
   White v. Muniz
   Baska v. Scherzer
C. Assault and other intentional torts, pp. 54-71
   Cullison v. Medley
   McCann v. Wal-Mart Stores, Inc.
   School of Visual Arts v. Kuprewicz
   E&E: pp. 23-90

Chapter 4. Defenses to Intentional Torts—Privileges
A. Defenses to intentional torts, pp. 73-88
   Touchet v. Hampton
   Katko v. Briney
   Brown v. Martinez
   Gortarez v. Smitty’s Super Valu, Inc.
   E&E: pp. 91-113
B. The special case of consent; other privileges, pp. 88-103
   Robins v. Harris
   Ashcraft v. King
   Kaplan v. Mamelak
   Doe v. Johnson
   Surocco v. Geary
   Ploof v. Putnam
   Vincent v. Lake Erie Transportation Co.
PART 3: THE PRIMA FACIE CASE FOR NEGLIGENCE

Chapter 5. Duty
A. Defining duty in negligence, pp. 105-126
   Stewart v. Motts
   Posas v. Horton
   Shepard v. Gardner Wholesale, Inc
   Creasy v. Rusk
   Hill v. Sparks
   Robinson v. Lindsay
   E&E: pp. 117-141
B. Determining the standard of conduct, pp. 126-140
   Chaffin v. Brame
   Martin v. Herzog
   O’Guin v. Bingham County
   Impson v. Structural Metals, Inc.
   E&E: pp. 143-162

Chapter 6. Breach of Duty
A. Breaching the duty to exercise reasonable care, pp. 141-157
   Pipher v. Parsell
   Indiana Consolidated Insurance Co. v. Mathew
   Stinnett v. Buchele
B. Breaching the duty to exercise reasonable care, pp. 158-177
   United States v. Carroll Towing Co.
   Santiago v. First Student, Inc.
   Upchurch v. Rotenberry
   Forsyth v. Joseph
C. Evaluating conduct, pp. 178-192
   Thoma v. Cracker Barrel Old Country Store, Inc.
   Wal-Mart Stores, Inc. v. Wright
   Duncan v. Corbetta
   The T.J. Hooper
   Miller v. Warren
   Byrne v. Boadle
   E&E: pp. 163-185
D. Establishing cause in fact, pp. 192-204
   Koch v. Norris Public Power District
   Cosgrove v. Commonwealth Edison Co.
   Warren v. Jeffries
   Giles v. City of New Haven
Chapter 7. Harm and Factual Cause

A. Determining harm and cause in fact, pp. 205-223
   - Right v. Breen
   - Hale v. Ostrow
   - Salinetro v. Nystrom
   - Landers v. East Texas Salt Water Disposal Company
   - Lasley v. Combined Transport, Inc.
   - E&E: pp. 189-209

B. Proving cause in fact, pp. 223-236
   - Summers v. Tice
   - Mohr v. Grantham
   - Dillon v. Evanston Hospital
   - E&E: pp. 211-235

Chapter 8. Scope of Liability (Proximate Cause)

   - Thompson v. Kaczinski
   - Abrams v. City of Chicago
   - Palsgraf v. Long Island Railroad Co.
   - E&E: 237-251

B. Proximate cause, pp. 253-268
   - Hughes v. Lord Advocate
   - Doughty v. Turner Manufacturing Co., Ltd.
   - Hammerstein v. Jean Development West
   - Marcus v. Staubs
   - Collins v. Scenic Homes, Inc.
   - Delaney v. Reynolds

C. Proximate cause, pp. 268-279
   - Derdiarian v. Felix Contracting Corp.
   - Ventricelli v. Kinney System Rent A Car, Inc.
   - Marshall v. Nugent
   - E&E: pp. 251-263

PART 4: DEFENSES TO THE NEGLIGENCE CASE

Chapter 9. Fault of the Plaintiff

A. Defenses to a negligence action, pp. 281-295
   - Butterfield v. Forrester
   - Pohl v. County of Furnas
   - E&E: 563-567

B. Defenses, pp. 295-312
Chapter 10. Assumption of the Risk
A. Assumption of the risk, pp. 313-328
   Stelluti v. Casapenn Enterprises, LLC.
   Tunkl. v. Regents of University of California
   Moore v. Hartley Motors
   Betts v. Crawford
   Sunday v. Stratton Corp.
   Avila v. Citrus Community College District
E&E: 539-562

Chapter 11. Defenses not on the Merits, pp. 329-345
   Crumpton v. Humana, Inc.
   Shearin v. Lloyd
   Lincoln Electric Co. v. McLemore
   McCollum v. D’arcy
   Doe v. Maskell
   Dasha v. Maine Medical Center

PART 5: LIMITING OR EXPANDING THE DUTY OF CARE ACCORDING TO CONTEXT OR RELATIONSHIP

Chapter 12. Carriers, Host-Drivers and Landowners
A. Limiting/Expanding the duty of care, pp. 351-373
   Doser v. Interstate Power Co.
   Gladon v. Greater Cleveland Regional Transit Authority
   Bennett v. Stanley
   Kentucky River Medical Center v. McIntosh
B. Refining the duty of care, pp. 373-392
   Rowland v. Christian
   Scurti v. City of New York
   Pagelsdorf v. Safeco Insurance Co.

Chapter 13. Duties of Medical and Other Professionals
A. Duty of a medical professional, pp. 393-410
   Walski v. Tiesenga
   Vergara v. Doan
   Hirpa v. IHC Hospitals, Inc.
   States v. Lourdes Hospital
B. Duty of medical professionals, pp. 410-428
   Ybarra v. Spangard
   Schloendorff v. Society of New York Hospital
   Harnish v. Children’s Hospital Medical Center
   Woolley v. Henderson
   Wlosinski v. Cohn
   Arato v. Avedon
   Truman v. Thomas
   Brown v. Dibbell
C. Malpractice, emergency treatment and nursing homes, pp. 429-436
   Lewellen v. Schneck Medical Center

Chapter 14. Family Members and Charities, pp. 445-456
   Neel v. Sewell
   Commerce Bank v. Augsburger
   Hoppe v. Hoppe
   Picher v. Roman Catholic Bishop of Portland

Chapter 15. Governmental Entities, Officers and Employees, pp. 457-472
   A. Federal Tort Claims Act, pp. 457-462
      United States v. Olson
   B. Feres Doctrine, pp. 462-465
      Purcell v. United States
   C. Discretionary or Basic Policy Immunity, pp. 465-472
      Whisnant v. United States

PART 7: SPECIAL TYPES OF HARM

Chapter 19. Emotional Harm
   A. Limiting duty to protect from a particular type of harm, pp. 579-595
      GTE Southwest, Inc. v. Bruce
      Homer v. Long
      Mitchell v. Rochester Railway Co.
      Catron v. Lewis
      Dillon v. Legg
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   B. Limiting duty to protect from a particular type of harm, pp. 606-613
      Camper v. Minor
      Potter v. Firestone Tire & Rubber Co.
      Norfolk & Western Railway v. Ayers
PART 8: THE EBB AND FLOW OF COMMON LAW STRICT LIABILITY FOR PHYSICAL HARMs

Chapter 22. Vicarious Liability, pp. 637-669
Riviello v. Waldron
Fruit v. Schreiner
Hinman v. Westinghouse Electric Co.
Edgewater Motels, Inc. v. Gatzke
Rodebush v. Oklahoma Nursing Homes, Ltd.
Farhrendorff v. North Homes, Inc.
Mavrikidis v. Petullo
Pusey v. Bator
O’Banner v. McDonald’s Corp.
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Chapter 23. Common Law Strict Liability, pp. 671-691
Rylands v. Fletcher
Dyer v. Maine Drilling & Blasting, Inc.
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Chapter 24. Tort Liability for Defective Products, pp. 693-700, 705-728
Lee v. Crookston Coca-Cola Bottling Co.
Mexicali Rose v. Superior Court (Clark v. Mexicali Rose)
Jackson v. Nestle-Beich, Inc.
Leichtamer v. American Motors Co.
Knitz v. Minster Machine Co.
Barker v. Lull Engineering Co.
McCarthy v. Olin Corp.
E&E: pp. 345-397

PART 11: ECONOMIC AND DIGNITARY TORTS

Chapter 32. Communication of Personally Harmful Impressions to Others
A. Defamation—Libel and Slander, pp. 965-985
Cassidy v. Daily Mirror Newspapers, Ltd.
Stanton v. Metro Corp.
New York Times Co. v. Sullivan
Gertz v. Robert Welch, Inc.
Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.