Syllabus for Torts

Law  110-004     Professor: T.J. Chiang
Fall 2012     Office: 311
4 Credits     Office Phone: (703) 993-9868
               E-mail: tchiang2@gmu.edu

I. COURSE MATERIALS


Supplemental cases and articles have been uploaded onto TWEN (The West Education Network). You should download the Word document (due to a technical glitch, the html version does not display properly in many cases).

II. OFFICE HOURS

Office hours are Thursday from 4-6pm; and you should be able to find me in my office at those times. Many students have work commitments during the day, and I am happy to meet outside of office hours at more convenient times such as evenings or weekends—simply email me for an appointment. You can also email me with questions. In general, it is easier to find me by email than by phone.

III. GRADES

Your grade will be based on a final exam, which is graded blindly. I will provide more information about the final exam towards the end of the semester.

I may adjust the final grade by one-third of a letter (e.g., a B+ would become an A- or B) for class participation. Quality and quantity are both considered in assessing class participation. In general, voluntary participation is given more credit than induced participation when making this assessment.

IV. ELECTRONIC DEVICES

Please remember to turn off your cell phone before class.

Those who wish to use their laptops to take notes may do so. If you choose to use a laptop, please refrain from surfing the internet, checking email, instant messaging, etc. during class.

V. ATTENDANCE

A sign-in sheet will be distributed at the start of class. Please initial the sign-in sheet during the class. If you forget to sign in during the class, you will be marked as absent for that class. You cannot sign in after the class has finished.
The ABA has a rule—over which I have no control—that a student who misses more than 20% of classes is ineligible to sit of the exam. Please make sure you do not violate this rule, as the penalty is severe.

VI. ASSIGNMENTS

Generally, we will cover one topic per class. These assignments are subject to change depending on our progress in class.

The assigned pages include both the excerpted cases and the casebook authors’ notes about them. I recommend reading the notes, but we will focus mainly on the cases in class. Where the notes are particularly important, I have noted this fact.

Please ensure that you read the supplemental materials on TWEN for class. These are as important as the casebook materials.

1. Nature of Tort
Casebook 1-6

Brown v. Kendall, 60 Mass. 292 (1850)

TWEN

The Case of the Thorns, YB 6 Edw. IV, 7a pl 18 (1466)

2. Assault and Battery I
Casebook 15-25

Garratt v. Dailey, 279 P.2d 1091 (Wash. 1955)
Vosburg v. Putney, 50 N.W. 403 (Wis. 1891)

3. Assault and Battery II
Casebook 30-37

Fisher v. Carrousel Motor Hotel, Inc., 424 S.W.2d 627 (Tex. 1967)
Lambertson v. United States, 528 F.2d 441 (2d Cir. 1976)

4. False Imprisonment; Trespass
Casebook 97-98, 42-44, 38-40, 57-58

Dupler v. Seubert, 230 N.W.2d 626 (Wis. 1975)
Dougherty v. Stepp, 18 N.C. 370 (1835)
You should also re-read The Case of the Thorns.

5. Defenses I: Consent; Self-Defense
Casebook 75-78, 82-86, 92-93
   - Mohr v. Williams, 104 N.W. 12 (Minn. 1905)
   - Marchetti v. Kalish, 559 N.E.2d 699 (Ohio 1990)
   - Teolis v. Moscatelli, 119 A. 161 (R.I. 1923)

6. Defenses II: Necessity
Casebook 113-121
   - Surocco v. Geary, 3 Cal. 69 (1853)

7. Negligence: The Duty of Care
   TWEN
   - Donoghue v. Stevenson [1932] AC 562 (U.K.)
Casebook 129-130

Recommended case on TWEN but which we will not discuss in class:

8. Exceptions to Duty: Duty to Rescue and Duty to Control Others
9. Negligence: Defining the Reasonable Person
Casebook 124-128, 134-138
   Yania v. Bigan, 155 A.2d 343 (Penn. 1959)
   Soldano v. O'Daniels, 190 Cal. Rptr. 310 (Cal. App. 1983)
   Tarasoff v. Regents of the University of California, 551 P.2d 334 (Cal. 1976)

10. Negligence: Assessing the Reasonableness of Conduct
    Casebook 188-191, 194-199, 204-207
    Roberts v. La., 396 So. 2d 566 (La. App. 1981)
    Robinson v. Lindsay, 598 P.2d 392 (Wash. 1979)

11. The Hand Formula
    Casebook 180-182
    United States v. Carroll Towing Co., 159 F.2d 169 (2d Cir. 1947)

12. Causation: Cause-in-Fact
    TWEN
Richardson v. Richardson-Merrell, Inc., 857 F.2d 823 (D.C. Cir. 1988)

Casebook 268-285,

Anderson v. Minneapolis, St. Paul & Saulte Ste Marie R’y Co., 179 N.W. 45 (Minn. 1920)

Summers v. Tice, 199 P.2d 1 (1948)
Falcon v. Memorial Hospital, 462 N.W.2d 44 (Mich. 1990)

13. Causation: Proximate Cause
Casebook 295-314, 342-345

In re Arbitration Between Polemis & Furness, Withy & Co., 3 K.B. 560 (1921)
Petitions of the Kinsman Transit Co., 338 F.2d 708 (2d Cir. 1964)

Please read the note regarding The Wagon Mound No 2, [1967] 1 AC 617.

14. Proximate Cause (cont.); Contributory Negligence
Casebook 316-322, 326-331, 627-629

Weirum v. RKO Gen., Inc., 539 P.2d 36 (Cal. 1975)
Watson v. Kentucky & Indiana Bridge & R.R. Co., 126 S.W. 146 (1910)
Davies v. Mann, 152 Eng. Rep. 588 (Ex. 1842)

15. Contributory Negligence and the Least Cost Avoider
Casebook 619-627

Li v. Yellow Cab Co., 532 P.2d 1226 (Cal. 1975)

TWEN

Davis v. Consolidated Rail Corp., 788 F.2d 1260 (7th Cir. 1986)

16. Strict Liability for Dangerous Activities
Casebook 517-529, 665-670

Fletcher v. Rylands, 4 H. & C. 263 (Ex. 1866), aff’d, [1868] UKHL 1
Turner v. Big Lake Oil Co., 96 S.W.2d 221 (Tex. 1936)
Marshall v. Ranne, 511 S.W.2d 255 (Tex. 1974)

TWEN
Filburn v. People’s Palace and Aquarium Co., (1890) L.R. 25 Q.B.D. 258

17. Res Ipsi Loquitur; Strict Products Liability
Casebook 251-259, 247-248, 557-573
Escola v. Coca-Cola Bottling Co., 150 P.2d 436 (Cal. 1944)
Greenman v. Yuba Power Prods., Inc., 377 P.2d 897 (Cal. 1963)

18. Strict Products Liability (cont.)
Casebook 574-588, 595-604
Barker v. Lull Eng’g Co., 573 P.2d 443 (Cal. 1978)

19. Contributory Negligence (again); Assumption of Risk
Casebook 670-673, 678-689, 631-642
Daly v. Gen. Motors Corp., 575 P.2d 1162 (Cal. 1978)
Goepfert v. Filler, 563 N.W.2d 140 (S.D. 1997)

20. Assumption of Risk (cont.); Statute of Limitations
Casebook 647-50, 662-665, 726-732
Blackburn v. Dorta, 348 So. 2d 287 (Fla. 1977)

21. Vicarious Liability; Joint Liability
TWEN
Estes v. Comstock Homebuilding Cos., Inc., 673 S.E.2d 399 (N.C. App. 2009)
22. Damages
Casebook 339-343, 453-462, 476-496

23. Occupier’s Liability
Casebook 393-408, 414-420
Rowland v. Christian, 443 P.2d 561 (Cal. 1968)
Gerchberg v. Loney, 576 P.2d 593 (Kan. 1978)
Crawford v. Pac. W. Mobile Estates, Inc., 548 S.W.2d 216 (Mo. App. 1977)

24. Defamation
Casebook 818-823, 826-828, 839-848, 832-836
Pring v. Penthouse Int’l, 695 F.2d 438 (10th Cir. 1983)
N.Y. Times v. Sullivan, 376 U.S. 254 (1964)

25. Infliction of Emotional Distress
Casebook 45-57, 142-145, 154-158
Harris v. Jones, 380 A.2d 611 (Md. 1977)
Quill v. Trans World Airlines, 361 N.W.2d 438 (Minn. 1985)
Boyles v. Kerr, 855 S.W.2d 593 (Tex. 1993)

Please read note 7 on pages 154-155.

26. Invasion of Privacy; Fraud
Casebook 910-919, 925-931, 939-941, 955-964
Haynes v. Alred A. Knopf, Inc., 8 F.3d 1222 (7th Cir. 1993)
Lake v. Wal-Mart Stores, Inc., 582 N.W.2d 231 (Minn. 1998)
Bortz v. Noon, 729 A.2d 555 (Penn. 1999)

27. Fraud (cont.); Tortious Interference with Contract
Casebook 977-987, 1073-1076, 1091-1098
    Pennzoil Co. v. Texaco, Inc., 729 S.W.2d 768 (Tex. App. 1987)
    Lumley v. Gye, 118 E.R. 749 (Q.B. 1853)

28. Catch-up and Revision
No new reading