Torts (110-002) – Autumn 2013 (4 credits)

Professor Ross E. Davies (rdavies@greenbag.org; 703-993-8049; Room 410)

Classes: Tuesdays and Thursdays, 10:00 to 11:55 a.m. in Room 120. Note: The course is scheduled for 10 to 11:50, but we will extend every class by 5 minutes to create a cushion in case I must cancel one. If there are no cancellations, then the November 22 “TBD” will be a cancellation announcement. Office hours: Thursdays from 12 noon to 1:45 p.m. in Room 120.


Assignments: The numbers next to each date refer to the pages in the Casebook that you should be prepared to discuss in class on that date. Also read the Supplements (“Supp.”) as they appear. They are or will be available at www.rossdavies.org. Supplements may be added or subtracted, and all assignments are subject to change based on the pace of the course and the whim of the instructor. In-class notice will be given of any additions, subtractions, and other changes.

Sept. 10: 85-120 Oct. 8: 307-332; Supp. 5 (chance) Nov. 5: 479-515

For each class session, please:

(a) Read the assigned material. You should stay a day or two ahead of schedule, just in case.

(b) Note and follow in-class instruction. That means, among other things, if you miss a class session you are responsible for acquiring from a classroommate notes about what happened and any handouts, etc. Make arrangements in advance as a precaution against unanticipated absences. There is a strong tradition in law of sharing notes with colleagues in need. Be a part of that tradition, but do not abuse it.

(c) Look up words you do not know. Use Black’s Law Dictionary (9th ed.) for legal terms and a good general dictionary – the OED (online or 2d ed.) or American Heritage (5th ed.) or some other reputable work – for everything else.

Before, during, and after each class session: Write things down. When exam-cram time comes you are going to want a useful catalog of all the large ideas and small details we cover in class and in the reading, and of all the doctrines and authorities and mnemonics and so on that might be good to know. By building your catalog before (commonly called “briefing”) and after (commonly called “outlining”) each assignment and class session you will be sharp for every class and have it when you need it later as well. Many—but not all—students find that collaboration on this work (commonly called “study group”) results in better performance in class and on the exam.

Purpose of the course: Like most first-year courses, this one is a combination of two things: (1) an introduction to a substantive area of law (here, torts) and (2) an introduction to the legal profession (what it means to think and act like a good lawyer). By the end of the course you should know enough tort law to recognize and make good arguments about the appropriate legal responses to and likely legal consequences of a wide range of unfortunate occurrences, and you should be able to do so in ways that reflect well on yourself, your clients (hypothetical for now), and the profession.

Grades: Your grade will be based on a 3-hour final exam and on participation. For the exam, you may bring any paper you desire (notes, books, study aids, tarot cards, etc.) into the room. You may not bring any electronics (no laptops, no cell phones, no pdas, etc.). About participation. First, it means showing up for class. You are responsible for complying with GMU’s regulations regarding attendance (they are available on the law school’s web site, and you should read them). In addition, if you are going to be absent from or unprepared for class you must notify me in advance by calling the telephone number on this syllabus before I leave my office for class (that is, no later than 10 minutes before class). Second, participation means good citizenship in the classroom and outside it. It is good, for example, to make occasional short, well-chosen, thoughtful comments in class, in office hours, and via email, and to treat classmates with dignity and respect. It is bad, for example, to be rude or obsequious or a gunner. Third, it means being prepared. Because each class session will be mostly a question-and-answer exercise (with me asking most of the questions), it will be hard to understand what is going on – and hard to respond intelligently if you are called on – unless you have done the reading and followed it with some serious thinking before class. In other words, the key to doing well in (and enjoying) our classes is to show up ready to participate constructively and follow along intelligently. Your grade in the course may be adjusted up or down one step from your exam grade (for example, from a B to a B+ or from a B to a B–) based on class participation. During our first class I will say more about exams and participation, and I will offer a load of mostly useful and soothing (I hope) information about the course we will be navigating together.

Intellectual property: I own all course content I create, regardless of form. You may share copies of that content with classmates during the course, but other than that you must keep all of it in any format to yourself forever. Recording of class sessions: Is permitted, but it is no substitute for in-class engagement.