

TORTS

Antonin Scalia Law School at George Mason University
Fall 2023

Professor Erin Meyers
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COURSE INFORMATION

Please read the syllabus carefully!

Note that it is subject to change throughout the semester.

Meeting Time: Tuesdays & Thursdays, 1:50–3:50 PM

Casebook: Dobbs, Hayden & Bublick, Torts and Compensation: Personal Accountability and Social Responsibility for Injury, **Concise Edition** (9th ed.)

Note: You can get a **15% discount** on the textbook if you purchase it from [West Academic's Website](#) and use the code WAGMU. You will receive a free 14-day digital access code with the purchase.

Total Classes: 26

OFFICE HOURS

Office: 450B, Hazel Hall (inside the Global Antitrust Institute suite)

Open, In-Person Office Hours: Wednesdays, 1:00 to 2:30 PM ET; feel free to email me questions for office hours in advance. I will also often linger after class to answer questions.

Virtual Office Hours: Email me to schedule a virtual meeting.

COURSE OVERVIEW

We will be exploring the law of torts, most often defined as some variation of: a wrongful act or an infringement of a right (other than under contract) leading to civil legal liability. Tort law helps to define each person's responsibilities for existing in society, tackling questions like:

- What can we expect from the people around us? What legal obligations do they have to avoid causing harm to us, either accidentally or intentionally?

- When are we required to compensate others for accidents we cause?
- How does society place monetary value on harm to persons and property?

There are three overarching types of torts that we will cover in the following order:

- (1) intentional torts
- (2) negligence, and
- (3) strict liability torts.

Within each, we generally will cover what a *prima facie* case entails (i.e., what a plaintiff needs to prove to establish a claim), what defenses exist, and a variety of special situations. The bulk of the course will be spent on negligence. Finally, at the end of the course, we will discuss what damages are available.

ASSESSMENTS

Grading: Your grade in the class will be determined as follows:

20%: Midterm (Multiple Choice, 20 questions)

80%: Final Exam (30% Multiple Choice, 70% Essay/Short Answer)

Dates:

Midterm: Wednesday, October 18 at [TBD].

Final Exam: Monday, December 4 at 12:00 PM ET.

CLASSROOM LOGISTICS AND RULES

Class Structure: I will use PowerPoint slides and will post them to the course website after each class. Classes will consist of a mix of lectures and class participation, including cold calling. Once per semester, each student may “phone-a-friend” if they don’t know an answer to a cold call (i.e., ask for volunteers to help).

Attendance: Per [school policy](#), you will be ineligible to receive credit for the course if you miss more than 20% of class sessions (in our case, more than 5 classes). You must be present for at least 75% of a class session to be counted as present. To the extent possible, please email me in advance regarding any absences.

Timeliness: Please do your best to be on time for class. If you are consistently late, I reserve the right to not allow you to enter the classroom after class has started.

Breaks: We will take a break during each class session.

Computers: You are welcome to use your computer in class for note-taking purposes or to access course materials, but not for anything else. During our break, you are free to check texts, email, news, sports scores, social media, etc. We will only be in class together for 4 hours each week, and it's important that you are able to focus for stretches of time without being distracted by the internet.

Respect: I expect everyone to contribute to a welcoming and respectful learning environment.

Class Flow: I encourage everyone to participate and ask questions. However, to stay on track, I may defer some questions for after class or office hours.

ADDITIONAL SCHOOL POLICIES AND RESOURCES

- The course learning objectives will generally track with the general learning outcomes listed on the law school's [curriculum page](#).
- I expect every student to adhere to the [Student Honor Code](#).
- Please be aware of the [Academic Regulations](#).
- University Life provides student support resources such as:
 - [Counseling and Psychological Services](#)
 - [Student Health Services](#)
 - [Student Support and Advocacy Center](#)
- For more information about University Life on the Arlington Campus, see: <https://ularlington.gmu.edu/>.

COURSE SCHEDULE

Notes: This is subject to change depending on our progress. The casebook provides some recommendations for additional reading (e.g., "Further Reading" on page 7). Anything outside the reading in the casebook is entirely optional, unless I instruct otherwise.

Topic	Class	Date	Sub-Topic	Reading
Intro	1	Aug. 22	Introduction	1-27; syllabus
Intentional Torts	2	Aug. 24	Intentional Torts (i)	31-49
	3	Aug. 29	Intentional Torts (ii) Defenses to Intentional Torts (i)	50-64 65-81

	4	Aug. 31	Defenses to Intentional Torts (ii) Brief Intro to Negligence	81-94 97-99	
Negligence	5	Sept. 5	Duty	99-131	
	6	Sept. 7	Breach of Duty (i)	133-163	
	7	Sept. 12	Breach of Duty (ii)	163-188	
	8	Sept. 14	Carriers, Host-Drivers, & Landowners	349-381	
	9	Sept. 19	Duties of Healthcare Providers	383-407	
	10	Sept. 21	Misfeasance and Nonfeasance Contract and Duty	463-484 485-500	
	11	Sept. 26	The Duty to Protect from 3rd Persons	501-535	
	12	Sept. 28	Actual Harm and Factual Cause	189-223	
	13	Oct. 3	Scope of Liability (i)	225-241	
	14	Oct. 5	Scope of Liability (ii)	241-258	
			Oct. 10	No class (observe Monday schedule)	
	15	Oct. 12	Defense: Fault of the Plaintiff	265-301	
	16	Oct. 17	Defense: Assumption of the Risk Defenses not on the Merits	303-321 No reading	
			Oct. 18, 3:30	Midterm (covers material through class 14)	
	17	Oct. 19	Governmental Immunity	421-460	
	18	Oct. 24	Emotional Harms	539-569	
	19	Oct. 26	Wrongful Death and Survival Actions	585-599	
20	Oct. 31	Vicarious Liability	601-626		
Strict Liability	21	Nov. 2	Common Law Strict Liability Defective Products (i)	627-649 651-658	
	22	Nov. 7	Defective Products (ii)	658-693	
	23	Nov. 9	Defective Products (iii)	693-704	
Damages	24	Nov. 14	Apportionment and Settlement	707-729	
	25	Nov. 16	Damages	731-760	
Review	26	Nov. 21	Misc. Review	761-780	
		Dec. 4, Noon	Final Exam		