

TORTS
Antonin Scalia Law School at George Mason University
Fall 2024
Professor Erin Meyers | emeyers6@gmu.edu

Please read the syllabus carefully.
Note that it is subject to change throughout the semester.

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COURSE INFORMATION

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.).

- Please make sure to buy a hard copy. The exams are open book, and you will not be able to access an eBook during the exam.
- 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. Please email me if this code does not work.

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: TBD
- Final Exam: Wednesday, December 11, at 12 PM

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).

Participation: To avoid any subjectivity in grading, I do not include a class participation component in your grade. However, I strongly encourage you to participate (in my class and all your classes), as references play a large role in the job application process.

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.

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 will likely 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

This is subject to change depending on our progress. I will cut some of the reading in the “Notes and Questions” sections of the book throughout the semester.

Topic	Class	Date	Sub-Topic	Reading
Intro	1	Aug. 22	Introduction	1-27; syllabus
Intentional Torts	2	Aug. 27	Intentional Torts (i)	31-49
	3	Aug. 29	Intentional Torts (ii) Defenses to Intentional Torts (i)	50-64 65-81
	4	Sept. 3	Defenses to Intentional Torts (ii)	81-94
Negligence	5	Sept. 5	Duty	97-131
	6	Sept. 10	Breach of Duty (i)	133-163
	7	Sept. 12	Breach of Duty (ii)	163-188
	8	Sept. 17	Landowners’ Duties	353-381
	9	Sept. 19	Duties of Healthcare Providers	383-407
	10	Sept. 24	Misfeasance and Nonfeasance Duty to Protect from 3rd Persons	463-465 501-535
	11	Sept. 26	Actual Harm and Factual Cause	189-223
	12	Oct. 1	Scope of Liability (i)	225-241
	13	Oct. 3	Scope of Liability (ii)	241-258
	14	Oct. 8	Defense: Fault of the Plaintiff	265-301
	15	Oct. 10	Defense: Assumption of the Risk	303-321
	16	Oct. 15	Defenses not on the Merits Governmental Immunity	323-345
	17	Oct. 17	Emotional Harms	539-569
	18	Oct. 22	Wrongful Death & Survival Actions	585-599
Strict Liability	19	Oct. 24	Vicarious Liability	601-626
	20	Oct. 29	Common Law Strict Liability Defective Products (i)	627-649 651-658
	21	Oct. 31	Defective Products (ii)	658-693
		Nov. 5	No Class – Election Day	
	22	Nov. 7	Defective Products (iii)	693-704
Damages	23	Nov. 12	Apportionment and Settlement	707-729
	24	Nov. 14	Damages	731-760

Topic	Class	Date	Sub-Topic	Reading
Miscellaneous	25	Nov. 19	Alternatives to Tort Law	761-775
		Nov. 21	No Class (Monday Schedule)	
	26	Nov. 22	Review	None
		Dec. 11	12 pm - Final Exam	