TORTS

Antonin Scalia Law School at George Mason University
Fall 2026
Professor Erin Meyers Matsick | ematsick@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 and Thursdays, 1:50–3:50 PM

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

OFFICE HOURS

Office: 440C, Hazel Hall (inside the Law & Economics Center suite)

Open, In-Person Office Hours: Wednesdays, 8:30 AM – 9:30 AM

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 harms 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 & products 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 (mix of multiple choice, essay, and short answer)

Dates:

- Midterm: Tuesday, October 6, at 2 PM
- Final Exam: Friday, December 11, at 12 PM

CLASSROOM LOGISTICS AND RULES

Class Structure: I will use PowerPoint slides and will post them to the course website shortly before 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 short 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 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.

Topic	Class	Date	Sub-Topic	Reading
Intro	1	Aug. 18	Introduction	1-27; syllabus
Intentional Torts	2	Aug. 20	Intentional Torts (i)	31-49
	3	Aug. 25	Intentional Torts (ii) Defenses to Intentional Torts (i)	50-60 65-74
	4	Aug. 27	Defenses to Intentional Torts (ii)	74-94
Negligence	5	Sept. 1	Duty	97-131
	6	Sept. 3	Breach of Duty (i)	133-63
	7	Sept. 8	Breach of Duty (ii)	163-88
	8	Sept. 10	Landowners' Duties	353-81
	9	Sept. 15	Duties of Healthcare Providers	383-407
	10	Sept. 17	Informed Consent Claims Actual Harm and Factual Cause	189-223
	11	Sept. 22	Scope of Liability (i)	225-41
	12	Sept. 24	Scope of Liability (ii)	241-58
	13	Sept. 29	Misfeasance and Nonfeasance Duty to Protect from 3rd Persons *Note: Cutoff for Midterm Materials*	463-65; 473-84 501-18; 528-33
	14	Oct. 1	Emotional Harms (NIED/IIED)	539-69
	15	Oct. 6	**Midterm Exam**	
		Oct. 8	**No Class – Fall Break**	
	16	Oct. 13	Defense: Fault of the Plaintiff	265-301
	17	Oct. 15	Defense: Assumption of the Risk	303-21
	18	Oct. 20	Defenses not on the Merits Governmental Immunity	323-45
Strict and Products Liability	19	Oct. 22	Vicarious Liability	601-26
	20	Oct. 27	Common Law Strict Liability Defective Products (i)	627-49 651-58
	21	Oct. 29	Defective Products (ii)	658-93
		Nov. 3	**No Class – Election Day**	
	22	Nov. 5	Defective Products (iii)	693-704

Topic	Class	Date	Sub-Topic	Reading
Damages	23	Nov. 10	Wrongful Death/Survival Actions	585-99
	24	Nov. 12	Apportionment and Settlement	707-29
	25	Nov. 17	Damages	731-60
Miscellaneous	26	Nov. 19	Alternatives to Tort Law Review	761-75
	Dec. 11		**12 pm - Final Exam**	