

**George Mason University
School of Law**

Products Liability

Professor David E. Bernstein

Syllabus

Readings, Organization of Classes, etc.

This class provides an overview of modern products liability law. Page numbers below refer to the casebook (Henderson, Twerski & Kysar, Products Liability, 9th edition). I can be contacted via email at dbernste@gmu.edu. If you would like to talk to me about class, you can feel free to drop by my office any time, or to make an appointment. If I don't have a conflict, I will be happy to meet with you any time. Students are required to comply with law school attendance policies.

<u>Week</u>	<u>Pages in Casebook</u>
1	1-25; <i>Pulley v. Pacific Coca-Cola Bottling Co</i> (supp.)
2	26-60
3	<i>Daubert v. Merrell Dow Pharmaceuticals</i> , 509 U.S. 579 (1993) and <i>General Electric Co. v. Joiner</i> , 522 U.S. 136 (1997) (internet or Westlaw). Then read <i>Federal Rule of Evidence 702</i> (revised version 2023), available from the same sources.
	Casebook, 99-110
4	<i>Kumho Tire v. Carmichael</i> , 526 U.S. 137; <i>Donaldson v. Central Illinois Public Service</i> , 199 Ill. 2d 63 (2002). Bernstein article, pages 128-36, available at SSRN ;

5	110-30 (skip problem 7)
6	167-98 (skip problem 15)
7	199-234
8	235-71
9	271-283, 289-300, 304-11 (including Problem 17)
10	339-360, 366-70
11	370-397
12	429-59
13	TBA

Course Overview

The purpose of this class is to learn the Federal Rules of Evidence, mostly via reading and discussing cases and problems.

Learning outcomes

Students who complete this course should be conversant in the substance and application of the rules of evidence, including relevance, hearsay and its exceptions, character evidence, expert evidence, and privileges.

Office hours

I am happy to meet with you in person or via Zoom at any mutually convenient time. Please email me for an appointment.

Basis of Evaluation & Assessments

Students' grades will be based on a final exam, consisting of multiple-choice questions and/or essays. There are no pluses or minuses for class participation in this class.

Instructor Expectations

This class deals with many controversial and sometimes sensitive issues. Students are expected to participate and listen respectfully, and express disagreement in a civil manner. Students (and even the professor) sometimes express their views awkwardly, which can happen when one is speaking extemporaneously rather than from a script. We should all be generous in assuming that other participants in the class are well-meaning and do not intend to express animus toward any individual or group.

Course rules

Students are expected to participate in class. The professor will announce class participation rules before the first day of class.

Email Communication

Students must use their MasonLive email account to receive important University information, including communications related to this class.

Attendance

Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs.

Class Recordings Prohibited

Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me, or arranged via the dean's office in case of a Covid-related exception.

Exam Conflicts

In accordance with AR 4-4.1, excuses and requests for permission not to sit for an examination when scheduled must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, such requests should be presented no later than two weeks before the date of the examination.

Academic Integrity

It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: [Academic Standards](#)

Classroom Accommodations: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit [Disability Services](#) for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

University Life

University Life provides student support resources such as **Counseling and Psychological Services (CAPS)**, **Student Health Services (SHS)**, and the **Student Support and Advocacy Center (SSAC)**. For more information about University Life on the Arlington Campus, please visit: [Mason Square](#)