

TORTS I: SYLLABUS

FALL 2020

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COURSE COVERAGE

Torts I is 3-credits, in the fall semester (Torts II is 2-credits in the spring)

In Torts I we will cover:

A. *Background Memo #1: Torts I: Course Overview-FALL 2020*

B. *Background Memo #2: What in the Heck is Torts?*

C. INTENTIONAL TORTS

1. *Background Memo #3: Introduction to Intentional Torts*

2. The Prima Facie Intentional Torts Case

a. Intent (Case Book ("CB") pp. 17-31)

b. Battery (including Transferred Intent) (CB 31-39)

c. Assault (CB 39-42)

d. False Imprisonment (CB 42-51)

e. Intentional Infliction of Emotional Distress (CB 53-72)

f. Trespass to Land/Nuisance/Trespass to Chattels/Conversion (CB 72-76; 79-82)

2. Defenses to Intentional Tort Claims

a. Consent (CB 97-110) + *Background Memo #4: Consent and Sex*

b. Self Defense/Defense of Others (CB 110-13)

c. Defense of Property (CB 114-20)

d. Necessity (CB 126-32)

3. Torts Remedies

a. *Background Memo # 5: Damages: Compensatory & Punitive*

b. *Background Memo #6: Converting Tort Liability into \$\$\$: An Introduction to Vicarious Liability*

D. THE NEGLIGENCE CAUSE OF ACTION

1. Why require proof of negligence for unintended injuries?
2. The basic Standard of Care (“SOC”) and exceptions:
 - i. People with mental disabilities
 - ii. People with physical disabilities
 - iii. Kids
 - iv. Professional negligence (aka “malpractice”)
 - v. Highly skilled but “non-professional” actors
3. Proving negligence (“fault” or “breach of duty”)
 - a. Cost/benefit balancing (the “BPL formula/”US v. Carroll Towing)
 - b. Untaken Safer Alternatives
 - c. Choosing between rules and standards
 - d. Evidence of custom/expert testimony
 - e. Violation of criminal statutes (Negligence Per Se)
 - f. Circumstantial evidence of negligence/*Res Ipsa Loquitor*
4. Duty
 - a. Risk creation and its variations
 - b. Special relationships that impose a duty w/out risk creation
 - i. Special relationships between P and D
 - ii. Special Relationships btw D and another for the benefit of P
 - c. No Duty or Limited Duty because of the type of injury P suffers
 - i. Negligent Infliction of Emotional Distress
 - ii. Negligent Infliction of “Pure Economic Harm”

- d. No Duty or Limited Duty because of Ds status (aka “immunities”)
 - i. Charitable Immunity
 - ii. Family Immunity
 - iii. Sovereign Immunity
 - iv. Employer Immunity (Workers’ Comp)
 - v. Limited Duties of landowners to Licensees and Trespassers on the land
 - vi. Special Duty problems associated with alcohol
 - vii. Lack of Privity (CB pp. 424-32)