

The Law of Torts in the United States

Syllabus and Course Schedule

Professor Information

Elizabeth Porter, James W. Mifflin Professor of Law
University of Washington School of Law
Email : egporter@uw.edu

Class Meetings

June 12-23, 2023
Monday – Friday, 9 a.m. – 12 p.m.

Course Materials

Course materials will be accessible via our xxx site [do we have an online site], including readings, class PowerPoints, and any supplementary materials.

Textbook

There is no required textbook for this course. All course materials will be provided in PDF format and posted on the xxx site.

Course Description

This course will give you a deep understanding of the basic doctrines of American tort law, as well as the central issues of proof and policy associated with torts. In law school, Torts is a foundation for a range of practical and interesting advanced courses, including environmental law, privacy law, labor law, and products liability. Beyond law school, sound knowledge of torts is essential to legal practice in any field.

An equally important aim of this course is to teach you the basic analytical and rhetorical tools of law practice in the American common law system. Using the case study method, you will learn to identify legal issues and to support your legal conclusions with clear, rigorous analysis. At bottom, my goal is for you to develop the essential quality of successful lawyers: good judgment.

This course will use a combination of lectures and traditional American Socratic questioning.

Learning Outcomes

In this course, students will :

- Learn to identify and analyze **prima facie cases** for intentional torts, negligence, and product liability.
- Learn to identify and analyze the primary tort **defenses**.
- Demonstrate understanding of the role of the common law in the U.S. adversarial legal system.

- Demonstrate understanding of the roles of the judge and the jury in the American legal system.
- Demonstrate understanding of how to analyze a common law tort case.
- Demonstrate an ability to apply tort law to analyze new legal problems.

Assignments

Students will have short reading assignments of classic American tort cases to be completed before some class sessions. Class discussion will be based on these readings, so read each case carefully. Some of the cases use unusual or antiquated language – please do not hesitate to reach out to me by email if there is a term or phrase that you do not understand. In addition, students will work on assignments during class, some of which may be turned in for feedback. There will be an **oral final exam** on the last day of class – **Friday, June 23**.

Grading/Evaluation

The course is worth **two units** and is graded on a **CR/NC basis**.

Course Policies

Class Participation

Active engagement during class is essential to your learning in this course. The purpose of class is not only to teach you the rules of the law, but also to give you practice thinking on your feet by identifying legal issues and applying legal rules in new contexts.

Please note: I expect you to exercise your best judgment during class. However, I do not expect perfection, and you should not expect it from yourself or your peers. This type of learning requires you to analyze multiple things simultaneously. In this context, errors are normal and expected. If pressure to give perfect answers prevents you from engaging in class, that will inhibit your learning.

PowerPoints

I will post PowerPoint slides on **xxx site** *after* each class. I do not make them available before class because I sometimes include answers to questions or in-class exercises in the PowerPoint slides. I encourage you to review information from the PowerPoint slides when you are preparing for your exam.

Attendance

The structure of tort law is cumulative: one day's learning provides a foundation for the following day's material. Therefore, daily attendance is vital. If you need to miss a portion of or all of one class, please obtain prior permission from me. Prior permission requires explicit approval. A simple notification that you will absent does not constitute permission. ***If you miss more than one day of class, you may not receive credit for the course. If you are not present at the start of class, you may be marked absent for that session.***

Accommodations

Student Services schedules all accommodations to final exams or papers for documented medical reasons (including disability) or for religious observance. Any student who seeks an accommodated or rescheduled paper for these reasons should contact ...

Course Schedule

Classes	Topics	Assignments and Readings
Class 1 June 12	Introduction: <ul style="list-style-type: none">• The British roots of American common law• Definition of tort law Intentional torts: <ul style="list-style-type: none">• Assault• Battery• Trespass to land	Read:
Class 2 June 13	Intentional torts: <ul style="list-style-type: none">• Trespass to chattels/conversion• False imprisonment• Intentional infliction of emotional distress	Read:
Class 3 June 14	Defenses (privileges) to intentional torts: <ul style="list-style-type: none">• Consent• Defense of self/defense of others• Defense of property• Private necessity• Public Necessity	Read:
Class 4 June 15	Introduction to Negligence: <ul style="list-style-type: none">• Duty of care• The reasonable	Read:

	<p>person standard of care</p> <ul style="list-style-type: none"> • The professional standard of care 	
<p>Class 5 June 16</p>	<p>Causation:</p> <ul style="list-style-type: none"> • Causation in fact (“but-for” causation) • Proximate causation 	
<p>Class 6 June 19</p>	<p>Defenses to Negligence:</p> <ul style="list-style-type: none"> • Comparative fault • Assumption of risk • Exculpatory clauses <p>Damages in Torts:</p> <ul style="list-style-type: none"> • Economic damages • Non-economic damages • Punitive damages 	
<p>Class 7 June 20</p>	<p>Strict Liability:</p> <ul style="list-style-type: none"> • Ultra-hazardous activities • Animals <p>Intro to Product Liability</p>	
<p>Class 8 June 21</p>	<p>Product Liability:</p> <ul style="list-style-type: none"> • The Restatements of Torts • Manufacturing defect • Design defect 	
<p>Class 9 June 22</p>	<p>Product Liability, cont.:</p> <ul style="list-style-type: none"> • Warning defect • Defenses to product liability 	
<p>Class 10 June 23</p>	<p>Review/Final exam</p>	

The professor reserves the right to make changes to the syllabus/schedule above.