

# **TORTS I**

**FALL 2016**

## **COURSE SYLLABUS**

**Professor Deleso A. Alford, J.D., LL.M.**

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**WELCOME TO TORTS I!**

### **CLASS SCHEDULE**

Mondays & Wednesdays 9:00 a.m. – 10:15 a.m.

### **REQUIRED MATERIALS**

1. Schwartz, Kelly and Partlett, *Prosser, Wade & Schwartz's Torts Cases and Materials*, 13th ed. (LEG, Inc., d/b/a West Academic 2015) **ISBN: 978-1-60930-407-2**
2. Title: A Concise Restatement of Torts, Third Edition, Publisher: American Law Institute (Edition: Year 2013) **ISBN: 978031461671**

### **COURSE DESCRIPTION**

A “tort” is described as a legal wrong for which the law provides a remedy. The purpose of Torts I is to introduce you to the process of legal analysis using the law of torts to facilitate discussion of case law, statutes and public policy. Memorization and regurgitation of facts or the “law” is not a goal of this class. Rather we will focus on the doctrine of tort law through problem solving. We will cover basic categories of tort law including intentional torts and negligence; and you will be provided experiential learning opportunities that promote collaboration, professionalism and cultural competency throughout the semester.

## **COURSE OBJECTIVES**

At the conclusion of the course, students should have acquired a comprehensive substantive knowledge of the law of torts, in general, in the United States, including the aims and approaches in tort law as well as substantive rules. Reading assignments for the first semester of the course will cover the following areas:

Introduction to Tort Law	Negligence Generally
Tort Law and Trial Procedure	Duty defined by context, status, and/or relationships
Evaluating and Proving Intent	Breach of Duty
Intentional Interference with the Person	Causation (direct and proximate)
Intentional Interference with Property	Harm
Development of Liability Based on Fault	

## **STUDENT LEARNING OUTCOMES**

By the end of this course, you should:

1. Be able to issue spot and articulate key tort issues based on recognition of key facts and applicable rules, policies and rationales;
2. Develop and construct arguments and opinions based on tort rules of law and principles;
3. Demonstrate an ability to reason by analogy, arrive at rational conclusions based on applicable legal principles, examine alternative solutions critically and recognize any pertinent non-legal and/or policy concerns;
4. Synthesize individual tort case holding to conceptualize broader legal principles.
5. Be able to critically examine how cultural competency acknowledges notions of gender, race, ethnicity, class and its influence on legal rulemaking in the area of Torts.

## **TWEN**

You must register on TWEN for this class. Course assignments, notices, schedule changes, etc. will be posted on the TWEN site. It is the responsibility of each student to regularly check the TWEN site for any changes/modifications to course specifics.

The address is <http://lawschool.westlaw.com/> then follow the link to TWEN. It is highly recommended that you use a valid famu.edu e-mail address to sign up on the TWEN site.

At the end of this syllabus you will find the reading assignments for the first two (2) weeks of class. All subsequent reading assignments will be posted on the TWEN site.

### **REQUIRED NOTECARD IDENTIFICATION**

On receipt of your official FAMU College of Law identification card, please make a copy of the card, redact any personal information, and affix to a 3' x 5' index/note card. (Simply need your picture, name and e-mail address) Please note your e-mail address on the base of the card below your name. I will use the cards for ease of identification and to ensure fairness in requesting your classroom participation. **The index cards are due no later than the start of the second week of class.**

### **CLASS ATTENDANCE REQUIREMENTS:**

You are enrolled in a professional institution. Class attendance, participation and punctuality are mandatory. You are required to attend all class meetings and are to record your attendance daily by signing the attendance roll. When I walk into the classroom the classroom is closed. Any student arriving after such time is late, will not be allowed to sign the attendance roll, and will be considered absent from class for that day. Questions of "excused" absences or reasons for tardiness will not be entertained. If you are absent, for whatever reason, you are absent. If you are not prepared for class on any given day, you are absent for that day. When making a determination regarding class participation, attendance will figure into the computation of the final grade. If you miss six or more classes you are not eligible to receive any class participation points, within my discretion. Please ensure that you read and adhere to the law school's attendance policy, located in the student handbook. Students who miss more than the allotted number of classes per the student handbook will receive an F and will be automatically dropped from the class. **It is your responsibility to contact me during the semester at the earliest time possible if you run into difficulties complying with these standards.**

### **ASSIGNED SEATING**

The seat you are sitting in at the start of the 2<sup>nd</sup> week of classes will be your assigned seat for the duration of the semester.

## CLASS PARTICIPATION

Each person enrolled in this section of Torts is expected to come to class prepared to participate in the discussion of the assigned cases and materials and any hypothetical scenarios posed by me. If you have a question or comment, first raise your hand and wait to be recognized. Once you are called upon you will stand and present your question or comment to the class. Class sessions benefit you by providing an opportunity for you to articulate your understanding of the concepts under study. Everyone's willingness to participate ensures a benefit to all. Your contributions can enhance the learning of your classmates and their participation can help you to comprehend better the materials under study. Your contributions may assist someone else who is struggling with the same questions as you; and you can help yourself to understand the material by articulating your understanding of same.

At all times you must conduct yourself in a respectful manner towards me and your classmates. There is zero tolerance for disrespectful behavior. If you fail to comply with this standard you will leave the classroom and will be considered absent for that day. No food or drinks are allowed during class.

## CLASS ASSIGNMENTS/READING REQUIREMENTS

Our pace will vary depending on the complexity of the material and on class discussion, but a tentative assignment sheet is attached. Please note that from time to time the scheduled reading assignment may be modified. Any modifications to the reading assignment will be announced during class time. All students are responsible for any modified readings announced, and material provided during class. **You should always be prepared to discuss the material assigned for the date, even if we have not covered all material assigned from the previous class.** Not every case, note, or question in the casebook will be discussed in class; there simply is not enough time. Class time will be devoted to highlight the most important cases and materials, to consider some topics in more detail, and to give you an opportunity to raise questions regarding issues about which you are confused or concerned.

## HINTS ON PREPARING FOR CLASS

In order to profit from the class sessions, you must prepare adequately for class.

1. You should take note of the chapter and section headings and subheadings in the casebook to orient yourself to the concepts that will be discussed in class. These will tell you the topic to which the assigned cases relate, and where this topic fits in the course overall.
2. Feel free to use supplemental material to assist you in understanding the case material such as the Nutshell, the Glannon text, or a Hornbook, etc. There is no single *best* text or approach that I can recommend. You will need to become familiar with the resources

available and decide for yourself what best serves your needs. I caution you to be careful of getting too many resources. You will have enough reading for class and you do not want to overwhelm yourself. Even though you are allowed to use these materials to aid you in your studies, they are not allowed in the classroom for any reason.

3. Each assigned case in the casebook should be read carefully and briefed. In the briefing you should include facts, holding and analysis of the case. Initially we will focus on facts and holding and later in the semester I will provide questions that will generate discussion in the class.

4. You will be encountering many words and phrases for the first time or of which you have only a vague understanding. **Look up every word you do not know.** The Black's Law Dictionary is available in the library and online. It is tedious and slows down your reading, but it is essential to a full understanding of the reading and an important habit to develop.

### **USE OF TECHNOLOGY IN THE CLASSROOM**

Use of technology is prohibited. I have found that use of laptops proves to be distracting to other students, and simply encourages robotic note-taking. As such, no electronic devices can be used during classroom lectures. This includes, but is not limited to, laptops, ipods, recording devices from cell phones, or any other electronic means. All cell phones and pagers must be turned off prior to entering the classroom.

### **EXAMINATIONS AND GRADING**

You will have one midterm examination and one final examination. Both examinations will be “closed book.”

The midterm examination will count for 20% of your grade for this course and may be all multiple-choice questions. The final examination given at the end of the semester will determine the other 80% of your grade for this course. The final examination will be three hours in length and may be a combination of essay-answer questions and multiple-choice answer questions. The date and time for the final examination will be set by the Dean's office and posted on the Dean's board later in the semester. **Any rescheduling due to conflicts or illness must be done through the Office of the Associate Dean for Academic Affairs and *not* mentioned to me in order to preserve your anonymity.**

### **HINTS ON STUDY METHODS**

There is probably no single best method that can be recommended for studying. Every individual has or will develop techniques that seem to work best for him or her. One caveat: Do not assume that the way you studied as an undergraduate will be sufficient for law school. You will soon discover that the volume of reading and the intellectual and physical demands that law school places on you will overwhelm most of the techniques that got you through your undergraduate studies. Law school will demand that you rethink your approach to studying.

While much of undergraduate study is concerned with the acquisition of knowledge that can be recalled, law school demands that you develop not only the skill of recall, but, in addition, be able to analyze and apply the knowledge that is recalled. To learn how to use and apply the cases, rules, and principles studied, you must develop the habit of systematic review throughout the semester. You cannot pull it all together at the end.

I strongly recommend that you consider forming a study group with approximately three to five classmates. Despite the myth of competition of unproportioned proportion in law school, a study group will hold you accountable to a systematic study review; provide you the opportunity to discuss and understand issues that may arise during classroom discussion; and enable you to “share the load” of preparing and keeping an outline for the class to better prepare you for the examinations.

### **POLICY STATEMENT ON NON-DISCRIMINATION**

It is the policy of Florida Agricultural and Mechanical University to assure that each member of the University community be permitted to work or attend classes in an environment free from any form of discrimination including race, religion, color, age, disability, sex, marital status, national origin, veteran status and sexual harassment as prohibited by state and federal statutes. This shall include applicants for admission to the University and employment.

### **ACADEMIC HONOR POLICY**

The University’s Academic Honor Policy is located in the FANG Student Handbook, under the Student Code of Conduct- Regulation 2.012 section, beginning on page 55-56.

### **ADA COMPLIANCE**

To comply with the provisions of the Americans with Disabilities Act (ADA), please advise the Office of Student Affairs of any accommodations required to insure participation in this course. Documentation of disability is required and should be submitted to the Learning Development and Evaluation Center (LDEC). For additional information please contact the LDEC at (850) 599-3180.

### **MISCELLANEOUS**

No syllabus can answer every question that might arise. You have been provided with my e-mail address and office phone number. Please note my office hours and take advantage of that time to discuss any additional questions/comments you may have.

I look forward to working with you as you enter the exciting world of Torts I.

## TORTS I – PROFESSOR ALFORD

### READING ASSIGNMENTS

Week 1

I. DEVELOPMENT OF LIABILITY BASED UPON  
FAULT (Background)

pps: 1 - 16

II. INTENTIONAL INTERFERENCE WITH PERSON OR  
PROPERTY

a) Intent

pps: 17 - 31

b) Battery

pps: 31 - 39

c) Assault

pps: 39 - 42

d) False Imprisonment

pps: 42 – 53

Week 2

**(Identification Note Cards are due!)**

INTENTIONAL INTERFERENCE WITH PERSON OR  
PROPERTY (CONT'D)

a) Intentional Infliction of Emotional Distress

pps: 53 - 72

b) Trespass to Land

pps: 72 - 79

c) Trespass to Chattels

pps: 79 - 86

d) Conversion

pps: 86 - 96