TORTS SYLLABUS

Professor Lande  Fall 2009  Course LAW 608/300D


The publisher promised that the new edition will be out in September 2009. We will work from the textbook’s galleys, available at http://law.ubalt.edu/template.cfm?page=589, until this occurs.

This course will have a TWEN page through Westlaw. The page will include this syllabus, required readings, and other materials. The site will also facilitate email communications, including messages about the substance of the course and, if necessary, announcements about class cancellations or make-up classes. Sign up for this as soon as possible.

Additional material will be distributed throughout the course.

The assigned reading is set forth below and should be read in order unless the instructor specifies a change in sequence. Please note that the following page numbers are tentative. They were taken from the draft textbook’s galleys, and the final pagination could differ.

Pages in Little & Lidsky

I. Introduction and Preliminary Concepts 1-16, plus handout Problem 1

II. Negligence

A. Duty


2. Emotional harm 106-08; 113-20

3. Owners and occupiers of land 121-40

4. Rescuers 168-75

5. Wrongful death & survival 184-85; 192-93

6. Harm to unborn children; Wrongful birth and wrongful life 175-84; 194-200

Handout: Negotiation Problem
### B. Breach

1. **General principles**  
   Problem B, p. 60; 61-63; 73-76; 211-14; 65-73

2. **Cost/Benefit analysis**  
   Handout; 76, 78-89, 48-50, 223-26, problem A, p. 207

3. **Breach of statute; Custom**  
   Problem B, p. 243; 244-52; 256 n. 5

4. **Res ipsa loquitur**  
   230-35; 266-72; 314-20

5. **Modified Standards**  
   257-60; 263-66; 273-77; 280-83

### C. Causation

322-26; 79-82; 293-313, 252

### D. Defenses

1. **General principles; Contributory negligence; Assumption of risk;**  
   349–63

2. **Comparative negligence**  
   365-82

3. **Immunities**  
   382-400

### E. Remedies

87-90; 401-15; 430-31; 687-89; 696-99; 704-08; 714-15

### III. Intentional Torts

A. **General Standards**  
   Problems, p. 487-88; 489-99; 518-26; 535-39

B. **Defenses**  
   539-54

### IV. Common Law Strict Liability

566-73; 588-90

### V. Product Liability

606-08; 626-31; 638-58, 565
**Attendance and Preparation**

Regular and punctual attendance is expected. As the catalog of the School of Law notes, a student whose unexcused absences exceed three classes or whose total absences, excused and unexcused, exceed five classes may be compelled to withdraw from the course. Tardiness, other absence from class for part of a period, talking to other students during class, and inattention may be included in the calculation.

On the average, approximately 2 to 3 hours of preparation is necessary for each hour of class, and additional time is required for a course's other assigned work, for review, and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Each student is expected to study the assigned material and to be prepared to discuss it in class. This means that the student has learned the material and is ready to refine his or her understanding of its nuances and overall place within the tort law framework. For students not prepared, the class may have little meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this very infrequently no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered by one level.

This system of notes to excuse a student from daily participation does not apply to the assigned negotiation exercise. Students must perform the assigned negotiation exercise by the applicable deadlines or their overall Torts grade will be lowered significantly.

**Grading Policy**

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-dominating can raise a student's grade as much as one level (i.e., from a B to a B+). Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered.

Students will be assigned problems, negotiation exercises, and other material to prepare, and will be called upon from time to time. These exercises are integral parts of the course and must be completed. Exceptionally good performance on these exercises, together with class participation, can raise a student's grade a maximum total of one level.

If a student often is unprepared for class discussions, or repeatedly is tardy or talks to neighbors during class, the instructor may lower his or her grade by one level. A student who is prepared but does not do well on the assigned problems, cases or negotiation will not be penalized.
Office Hours

Professor Lande will be available after class (but not before class). Subject to meetings of the faculty and its committees, Professor Lande's office hours in Room 301 of the Law Center (telephone: 410-837-4538; e-mail "rlande@ubalt.edu") will be:

Monday 2:30 - 4:00 p.m. (There will be a sign up sheet on the door of room 301).
Wednesday 2:30 - 4:00 p.m.
Other times by appointment or just stop by room 301.

Administrative Matters

Seating: Students should decide where they want to sit for the second class. Students should sit at the seat they picked their second day for the remainder of the course.

Cell phone: Turn off your cell phones and other personal electronic devices before class starts. You will be embarrassed if your cell phone goes off in class.

Laptop use: Students may not use their laptop, cell phones, iPods, or other electronic devices for anything that is not related to the Torts course. Prohibited activity includes reading or sending E Mails, playing games, surfing the Web, text messaging, twittering, blogging, and IMing.

Class rules: Students may not speak in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.

Students may not talk with each other or read outside material during class. This is distracting and discourteous and will not be tolerated. This policy will be strictly enforced.

Forms of address: Students will be addressed as Mr. or Ms.

Recording of: Students may record the class. There could be times when you are forced to miss class of class for religious or other non-discretionary reasons. If you give me at least ten days notice I should be able to have the class videotaped. After you view the videotape you will get full credit for being present in class that day, and you will get more out of the class than you would from just reading a classmate's notes. Alternatively, or as a backup, you could give a friend an audio recording device. This is not as good as a videotape, but your friend might be more reliable than the audiovisual department.

Additional Reference Material

Keeton, Dobbs, Keeton and Owen, “Prosser and Keeton on Torts”
Restatement (Second or Third) of Torts