

TORTS

Fall 2009

Professor Nicholas Kahn-Fogel
E-mail: kahnfogel@gmail.com
Office hours: Wednesday, 4:00-6:00PM

Text:

The text for this course is *Basic Tort Law: Cases, Statutes, and Problems*, by Best & Barnes (Aspen Publishers, 2nd ed., 2007) [BB].

Course Outline:

- I. Negligence
 - A. The Duty of Reasonable Care
 - B. Breach
 - C. Cause in Fact
 - D. Limits on Liability: Duty and Proximate Cause
 - E. Defenses
 - F. Apportionment of Blame/Damages
 - G. Professionals
 - H. Owners and Occupiers of Land
 - I. Special Duty Rules
 - J. Damages
- II. Traditional Strict Liability
- III. Products Liability
- IV. Trespass & Nuisance
- V. Intentional Torts
- VI. Defamation

Weekly Reading Assignments:

Week 1:

I. (A) The Duty of Reasonable Care
BB – pp. 457-460, 89-127

Week 2:

I. (A) The Duty of Reasonable Care; (B) Breach
BB – pp. 128-171

Week 3:

I. (C) Cause in Fact; (D) Limits on Liability
BB – pp. 173-188, 193-228

Week 4:

I. (D) Limits on Liability
BB – pp. 228-291

Week 5:

I. (E) Defenses
BB – pp. 293-341

Week 6:

I. (E) Defenses; (F) Apportionment of blame/damages
BB – pp. 341-399

Week 7:

I. (F) Apportionment of blame/damages; (G) Professionals
BB – pp. 399-456

Week 8:

I. (H) Owners & Occupiers of Land; (I) Special Duty Rules
BB – pp. 457-513

Week 9:

I. (I) Special Duty Rules
BB – pp. 514-572

Week 10:

I. (J) Damages; II. Traditional Strict Liability
BB – pp. 573-654

Week 11:

III. Products Liability
BB – pp. 655-727

Week 12:

IV. Trespass & Nuisance

BB – pp. 729-771

Week 13:

V. Intentional Torts

BB – pp. 15-88

Week 14:

VI. Defamation

BB – 773-829

Course Policies

Attendance:

You are permitted to miss a maximum of eight class hours, including makeup classes. If you miss more than eight class hours, I retain discretion to lower your grade for the course.

Reading Assignments/Class Participation:

Reading assignments are listed above. I anticipate some adjustments to the assignments during the semester. Unless I announce a modification, students are responsible for the assignment stated on the syllabus. Students are expected to be prepared for class and to participate in class discussions. I will call on volunteers and non-volunteers. If you would like to be excused from participating on any day, please leave a slip of paper with your name on it on the lectern at the start of class. You will not be required to give any explanation. I will excuse you from participation for up to four classes during the semester.

Grading:

Final grades for the course will be based primarily on a three-hour final exam, which will consist of multiple choice and essay questions. The exam will be closed book. Additionally, I may adjust grades on the basis of class participation.

Students with Disabilities:

It is the policy of UALR William H. Bowen School of Law to accommodate students with disabilities, pursuant to federal and state law. Any student with a disability who needs accommodation for classroom instruction or for exams should inform the instructor at the beginning of the course. The student must also notify the Associate Dean for Academic Affairs who will assist with the necessary accommodations. Students must also contact the Office of Disability Resource Center, which is located in the Donaghey Student Center, Room 103, 569-3143.