Course Description and Learning Outcomes: In this course students will examine the parameters of tort law, specifically how we assign social duties, assess legal consequences, and determine the distribution of burdens for the everyday risks of harm that exist in modern society. Through class discussions and writing assignments students will analyze the validity of court decisions and a variety of proposals for legal and social policies. Students will gain the knowledge to effectively evaluate the balancing of rights and responsibilities that exist within tort law jurisprudence. Students will apply this knowledge to formulate best practices for situations that present a variety of competing goals in our social culture. Students will develop the skills to organize and prioritize principles of common law and to integrate these concepts with statutory approaches to rights and obligations.

Textbook:
There are additional readings outside of the textbook. These will be posted to Blackboard, sent by email, or be available via online links.

<table>
<thead>
<tr>
<th>Course work</th>
<th>Semester Grade</th>
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</thead>
<tbody>
<tr>
<td>Quizzes – random dates</td>
<td>20%</td>
</tr>
<tr>
<td>Reading Responses</td>
<td>20%</td>
</tr>
<tr>
<td>Class Participation</td>
<td>20%</td>
</tr>
<tr>
<td>Paper – April 4</td>
<td>20%</td>
</tr>
<tr>
<td>Final Exam – May 9 10:30 a.m.</td>
<td>20%</td>
</tr>
</tbody>
</table>

| 94% and above: A             |
| 90-93.99%: A-                |
| 86-89.99%: B+                |
| 82-85.99%: B                 |
| 77-81.99%: C+                |
| 72-76.99%: C                 |
| 65-71.99%: D                 |
| 64.99 and below: F           |

Emails
When sending an email, designate “Govt 329” or “Tort Law” in the subject heading. If I do not respond to your email within 24 hours Monday through Thursday, please resend the email.
Writing Assignments and Testing Policies: All work must be completed at the designated time. In case of an extreme personal emergency, verified by complete written documentation, and at the sole discretion of the instructor, some work may be rescheduled, but any make-up work may be more difficult than the original and may be in a different format.

Submission of Writing Assignments and Grading Penalty
All writing assignments must be submitted both to Blackboard and in hardcopy paper format in class on the due date, by the designated time. A late dual submission of a paper without legitimate excuse, written documentation and instructor approval of the delay, can result in a reduction of fifteen grading points for each day either format submission is late. The day-late-penalty will be assessed in full immediately after the designated submission time and the penalty will reoccur and accumulate each subsequent day at the same designated time.

A Blackboard submitted paper is required but does not substitute for the hardcopy format, which must be submitted in class. If a student has a genuine emergency that makes on-time delivery of the paper version impossible, the student can (1) submit to Blackboard and email the paper by deadline, (2) assure that the emailed paper was received, (3) submit the hardcopy within 5 days, (4) attach documentation of the emergency to the hardcopy and (5) attach a copy of the email related to the original submission of the paper. Following all these steps may result in a waiver or diminution of the late penalty, otherwise the date of the late hardcopy submission will determine the extent of the penalty despite an on time online submission. A paper submitted subsequent to deadline should follow the same steps. In some cases the date/time of the electronic late submission can qualify as the cut off for the accrual of penalties if the remaining steps listed above are followed.

Work in progress should be saved in multiple formats on a regular basis well in advance of the actual due date. Last minute problems – technological or otherwise --do not usually qualify as valid reasons for a late paper.

*Use of notes during quizzes and final exam.
Students are encouraged to bring handwritten, personally prepared notes to the Final Exam (two sides of one standard size sheet of paper). Students are also encouraged to bring one page of notes (one side of sheet of paper) to each class. These notes on the daily reading assignment may be used if there is an unannounced quiz.

Notes can be prepared subsequent to a group study session but notes not written by the individual student cannot be used. Notes must be in paper format; computers cannot be accessed during a test. Using notes prepared by another student, whether from this semester or a prior semester, is a violation of the honor code.

*Make up Work or Delayed Assessments
Quizzes & Participation:
A written explanation/documentation in hard copy must be submitted within two class periods of the missed quiz or participation. Emailed explanations do not fulfill the requirement for documentation but the applicable email may be printed, signed and submitted as the written explanation. A request for a make-up quiz or participation must be based on a personal, unavoidable problem that made attendance exceedingly difficult. A substitute quiz will be more difficult than the original and may be in a different
format. Make up quizzes are given on the day of the final exam and can be based on the reading for any day of the semester and will not necessarily coincide with the day the student was absent from class. Make up participations will also be given on the day of the final exam. Unless there are severe extenuating circumstances, students may only make up one missed quiz and/or one participation.

Papers and Final Exam:
Contact the professor as soon as possible if you have an emergency that causes you (or will cause you) to miss a paper deadline or class session for the midterm or final exam. A request for an extension of time for an essay, or another date for a midterm or final is rarely granted; however any such request will be considered if the request is timely and the genuine, severe emergency is well documented.

Class Attendance, Participation, and In-Class Technology: Students are expected to attend classes on a regular basis and to be fully prepared to discuss that day’s reading assignment. Students should arrive on time and stay until class dismissal. Students will be called on randomly to discuss the day’s reading. Students who routinely arrive late, leave early, or leave temporarily in the middle of class will be asked to provide documentation for their reoccurring need.

To maintain a classroom environment that minimizes distractions, encourages student discussion, and maximizes learning, phones cannot be out and cannot be used during class time. The only exceptions are for students who notify the professor on a particular day at the beginning of the class period that they have a potential emergency requiring their attention on that day.

Students who wish to use computers for note taking during class time may do so. To maintain the classroom learning environment computers cannot be used to access anything other than course related material during each class period. When a student’s computer use causes a disruption to the classroom learning environment or diminishes that student’s ability to be fully engaged in classroom participation & dialogue or when a student violates the no cell phone rule, the teacher will deduct a point from the student’s final class participation grade.

Reading Responses:
Each student will be assigned two class periods in which they must submit a written response to the day’s reading and be available to discuss their views on the day’s topic during that day’s class time as well as the subsequent day’s class discussion. There is no make up for the written portion of this assignment. For the classroom discussion portion, students can be provided with one makeup participation activity only if there are extenuating circumstances that justify the student’s absence from the designated classes.¹

Summary of Course Work:

1. Homework – This course has required homework for nearly every class meeting date. Students are expected to spend two to four hours outside of the classroom each week committed to the completion of each week’s homework assignment.

¹ Extenuating circumstances consist of an extreme, unforeseen personal problem that makes it impossible for the student to attend the particular class session.
2. Quizzes - random, unannounced dates: On five random dates students will be given a quiz on that day’s assigned reading and recent class lecture material. The top four quizzes will be averaged for the grade in this category. Students may use one page (one side) of personally prepared handwritten notes for any quiz. Students who are late may not be able to take the quiz. **20% of final grade**

3. Class Participation – random, unannounced dates: On eight days there will be structured in-class participation activities. All participating, topic-engaged students will earn full grade value for each activity. Six or more participations = 100%, 5 = 85; 4 = 60; 3 = 50; 2 = 30; 1 = 15. *Note Unauthorized phone or computer use during class time will negatively impact the grade in this category. **20% of final grade**

4. Reading Responses: Each student will be assigned two class periods in which they must submit a written response (teacher directed) to the day’s reading and be available to discuss their views on the day’s topic during that day’s class time as well as the subsequent day’s class discussion. There is no make up for the written portion of this assignment. For the classroom discussion portion, students can be provided with one makeup opportunity only if there are extenuating circumstances that justify the student’s absence from the designated classes. **20% of final grade**

5. Paper – Due on April 4 – submitted by 10:30 to Blackboard, 10:40 in class: Each student must write a five to eight page paper. There will be a separate document that gives the instructions, including the topic, for this writing assignment. **20% of final grade**

Revision of Graded Paper
Students who received no late submission penalty because they submitted their paper on time (both in class and to Blackboard) may revise their graded paper for a chance to earn a maximum of ten additional points up to a maximum of 100. Students who submitted the paper late in either format and subsequently were assessed penalty points cannot participate in this additional grading step. 

**Revisions are considered for additional points only if the following rules are met:** (a) return the original graded paper (with my marks on it and the attached grading sheet), (b) submit a revised paper, (c) highlight the changes & additions on the revised version so I can immediately and efficiently know how you have revised the original paper. If these conditions are not met, there will be no change in the paper grade. The number of revision points is at the discretion of the professor and will not follow the original grading categories for the essay. Revisions are due at the end of the designated period for the final exam.

6. Final Exam - May 9 10:30 – 12:00 noon: The final exam will be cumulative and will require Scantron form 882-E. Students may bring two pages of handwritten notes to this test (two sides of one standard size sheet of paper). **20% of final grade**

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Other course information:

Class Syllabus and GMU Email Accounts: The instructor may modify the attached class schedule and any such change will be announced in class and/or sent by email or posted to Blackboard at the earliest opportunity. Students must activate their GMU email and Blackboard accounts and check for class notices on a regular basis.

Class Enrollment: Each student should verify enrollment in this class with the registrar's office no later than Monday, January 29. This is also the last day to drop this class without any tuition penalty.

February 23 is the last day to drop this class--with a severe tuition penalty. After this date, withdrawing requires approval from a dean and must be based on non-academic reasons. However, undergraduate students may qualify for a selective withdrawal. See the Schedule of Classes for selective withdrawal procedures and the deadline for this option. Students with nonacademic special hardships may also qualify for an Incomplete per university procedures.

Academic Integrity: The GMU Honor Code requires the highest standards of academic honesty and integrity. Cheating, plagiarism, lying and stealing are prohibited. All violations of the Honor Code will be reported. See honorcode.gmu.edu for more information.

If any student’s academic work or communication related to this course contains an honor code violation any applicable student work product will receive a grade of zero. In most instances, a violation of the honor code results in a failing grade for the entire semester and other penalties may be applicable. Students may freely discuss this course's assignments with others, may form study groups, and may seek feedback and guidance from others. However, all work products, as well as the notes used for quizzes and tests, must be the sole work of the individual student. Students may not use a shared outline for the essay.

Academic and/or Physical Accommodations: Students must notify the instructor as soon as possible regarding any special needs. Most requests for academic accommodations should initially be processed through the Office of Disability Resources. This office can be reached at 993-2474.

Homework & Lecture Schedule
There is homework required throughout the semester. On all class meeting dates student should complete the homework - the designated reading - prior to the class session. The readings outside the textbook will be (1) posted to Blackboard, (2) sent by email, or (3) indicated by a link to an Internet source.

1    Monday, January 22            Tort Law & Public Policy
     Introduction

2    Wednesday, January 24         Overview
     Chapter 1 -- Sections I and III
<table>
<thead>
<tr>
<th>Date</th>
<th>Topics</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, January 29</td>
<td>Landmark Cases</td>
<td>TJ Hooper&lt;br&gt;Hynes v. NY Central RR&lt;br&gt;United States v. Carroll Towing</td>
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<tr>
<td>Wednesday, January 31</td>
<td>Intentional and Psychological Torts</td>
<td>Chapter 2&lt;br&gt;Great A&amp;P v. Roch&lt;br&gt;Comstock v. Wilson&lt;br&gt;[Violence in Sports]</td>
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<tr>
<td>Monday, February 5</td>
<td>Negligence</td>
<td>Chapter 3 – sections I through IV &amp; VI&lt;br&gt;[Baseball Rule]</td>
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<tr>
<td>Wednesday, February 7</td>
<td>Negligence</td>
<td>Escola v. CocaCola&lt;br&gt;Startup v. Pacific Railway&lt;br&gt;[cell phone use during MVA]</td>
</tr>
<tr>
<td>Monday, February 12</td>
<td>Negligence &amp; Cause-in-Fact</td>
<td>Chapter 4 – begin with section I B (omit section I A) &amp; Chapter 5 section I through II D. 3&lt;br&gt;Knight v. Kaiser&lt;br&gt;Richardson v. Ham&lt;br&gt;Hymowitz v. Eli Lilly</td>
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<tr>
<td>Wednesday, February 14</td>
<td>Proximate Cause</td>
<td>Chapter 6 FFTL</td>
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<tr>
<td>Monday, February 19</td>
<td>Proximate Cause</td>
<td>Palsgraf v. Long Island RR&lt;br&gt;United Novelty v. Daniels&lt;br&gt;Essay Test posted to Blackboard</td>
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<tr>
<td>Wednesday, February 21</td>
<td>Defenses</td>
<td>Chapter 7&lt;br&gt;Murphy v. Steeplechase Amusement Co.&lt;br&gt;Vincent v. Lake Erie&lt;br&gt;[Katko v. Briney]</td>
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<tr>
<td>Monday, February 26</td>
<td>Strict Liability</td>
<td>Chapter 8 - sections I through II&lt;br&gt;[Charlie Sheen – HIV]</td>
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<tr>
<td>Date</td>
<td>Subject</td>
<td>Notes</td>
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<td>12</td>
<td>Wednesday, February 28</td>
<td>Products Liability&lt;br&gt;Chapter 9 – sections III through IV&lt;br&gt;MacPherson v. Buick Motor</td>
</tr>
<tr>
<td>13</td>
<td>Monday, March 5</td>
<td>Products Liability&lt;br&gt;Goldberg v. Kollsman&lt;br&gt;Henningsen v. Bloomfield Motors&lt;br&gt;[Kira Gilbert]</td>
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<tr>
<td>14</td>
<td>Wednesday, March 7</td>
<td>Review and Self-Assessment&lt;br&gt;Non-graded practice test – self assessment</td>
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<td></td>
<td>Spring Break</td>
<td>No Classes March 12 &amp; 14</td>
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<tr>
<td>15</td>
<td>Monday, March 19</td>
<td>Duties&lt;br&gt;Chapter 11&lt;br&gt;Chicago et al Railway v. Ross</td>
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<tr>
<td>16</td>
<td>Wednesday March 21</td>
<td>Duties&lt;br&gt;Rowland v. Christian&lt;br&gt;Neel v. Mannings</td>
</tr>
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<td>17</td>
<td>Monday, March 26</td>
<td>Defamation &amp; Privacy&lt;br&gt;Chapter 13 FFTL&lt;br&gt;[Palin v. NYT]&lt;br&gt;Essay Conferences</td>
</tr>
<tr>
<td>18</td>
<td>Wednesday, March 28</td>
<td>Essay Discussion&lt;br&gt;Essay Conferences</td>
</tr>
<tr>
<td>19</td>
<td>Monday, April 2</td>
<td>Tobacco Companies&lt;br&gt;-Review the following&lt;br&gt;&lt;br&gt;<a href="http://publichealthlawcenter.org/topics/tobacco-control/tobacco-control-litigation/master-settlement-agreement">http://publichealthlawcenter.org/topics/tobacco-control/tobacco-control-litigation/master-settlement-agreement</a>&lt;br&gt;&lt;br&gt;<a href="http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448231/">http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448231/</a> (National Library of Medicine; NIH, Global Settlement of Tobacco Industry) &lt;br&gt;&lt;br&gt;<a href="http://www.pbs.org/wgbh/pages/frontline/shows/settlement/timelines/fullindex.html">http://www.pbs.org/wgbh/pages/frontline/shows/settlement/timelines/fullindex.html</a></td>
</tr>
</tbody>
</table>
20 Wednesday, April 4 Essay Due
Essay due by 10:30 to Blackboard; 10:40 in class
Film in class

21 Monday, April 9 Gun Manufacturers
- Review the following

PLCAA - Protection of Lawful Commerce in Arms Act.
https://www.law.cornell.edu/uscode/text/15/chapter-105

https://www.revealnews.org/article/3-lawsuits-attempt-to-hold-gun-makers-sellers liable-for-shootings/

http://www.npr.org/sections/itsallpolitics/2015/10/06/446348616/fact-check-are-gun-makers-totally-free-of-liability-for-their-behavior

22 Wednesday April 11 Gun Manufacturers
Soto et al v. Bushmaster Firearms

Norberg v. Badger Guns

Kim v. Rayco Sales (Coxe)
http://www.ktoo.org/2015/06/15/jury-says-rayco-sales-wasnt liable-simone-kims-murder/

23 Monday, April 16 Vaccine Compensation Program
- Review at three of the following websites

http://www.hrsa.gov/vaccinecompensation/


http://www.historyofvaccines.org/content/articles/vaccine-injury-compensation-programs

http://www.uscfc.uscourts.gov/vaccine-programoffice-special-masters
(there is a video on this website, which we will view in class)
24 Wednesday, April 18 Medical Malpractice
Tarasoff v. Regents of University of California
[Dennis Quaid]

25 Monday, April 23 Medical Malpractice
- Review the following

  http://www.newyorker.com/magazine/2005/11/14/the-malpractice-mess

  Law firm site:
  http://www.malpracticecenter.com/

26 Wednesday, April 25 Tort Reform
- Review the following
  https://centerjd.org/content/factsheet-citizens-against-lawsuit-abuse-groups

  http://www.atra.org/

Ziglar v. Abbasi

27 Monday, April 30 Class Actions
- Review at least two of the following

  https://www.law.cornell.edu/wex/class_action

  https://topclassactions.com/lawsuit-settlements/open-lawsuit-settlements/

  http://www.consumer-action.org/lawsuits/

  http://www.forbes.com/sites/dianelfisher/2013/12/11/with-consumer-class-actions-lawyers-are-mostly-paid-to-do-nothing/#6a17d8c163c0


28 Wednesday, May 2 Review
Final Exam Review

Wednesday May 9 10:30 a.m. to 12:00 noon Final Exam
Scantron exam—form 882-E
Two pages of handwritten notes are permitted

Revised papers are due at the end of the exam period.
Make up quizzes will be given to those who qualify—
  only notes prepared in advance of lectures may be used for a make up quiz