

Professor Weissbrodt
Tentative Syllabus for Torts (2009)

(Pages refer to Marshall and Weissbrodt, *The Common Law Process of Torts* (2003)[M & W]).

A. Introduction to Case Analysis and Torts Process

- First Class: Introductory Talk. Please read M & W 1-5. We will begin to discuss *Case of the Thorns*. Please study M & W 37-39.
- Second Class: We will discuss *Case of the Thorns*. Please re-read M & W 37-39 and also read M & W 7-17.
- Third Class: Complete discussion of *Case of the Thorns*. Please re-read M & W 37-39 and also read M & W 17-36.
- Fourth Class: *Weaver v. Ward*, M & W 39-40. (There is a typographical error at page 40 in the fourth line from the bottom: The word “plaintiff’s” should be “defendant’s.”)
- Fifth Class: *Brown v. Kendall*, M & W 41-47.
- Sixth Class: *Moore v. Presnell*, M & W 48-52.
- Seventh Class: *Moore v. Presnell*, M & W 48-52.

B. Voluntary Act and Intent

- Eighth Class: *Garratt v. Dailey*, M & W 53-61.
- Ninth Class: *Seigel v. Long*, *McGuire v. Almy*, *Alteiri v. Colasso*, M & W 61-68.

C. Battery and Assault

- Tenth Class: Battery, M & W 69-83.
- Eleventh Class: Assault, M & W 85-95.

D. Affirmative Defenses: Consent

- Twelfth Class: *O’Brien v. Cunard*, M & W 153-55.

Thirteenth Class:

M & W 155-65; we may discuss *Swift v. Jackson*, M & W 308-10.

E. False Imprisonment and Defenses

Fourteenth Class: False Imprisonment -- M & W 97-117; Discussion Situation -- M & W 201.

Fifteenth Class: Shopkeeper's Privilege -- M & W 192-200; Complete Hun's Case -- M & W 201.

F. Other Defenses to Intentional Torts

Sixteenth Class: Necessity and Self-Defense -- M & W 165-87.

Seventeenth Class: Self-Defense (review M & W 180-87), Defense of Others (187), and Defense of Property (188-92). Basic Principles Applicable to all Privileges. Discipline, Justification, and other Defenses -- M & W 201-09; Basic Principles Common to All Privileges -- M & W 200; Discussion Situations -- M & W 209-11.

G. Intentional Infliction of Severe Emotional Distress and Other Intentional Torts

Eighteenth Class: *State Rubbish Collectors Assn. v. Siliznoff*, M & W 120-25, also read M & W 119-20, 125-44.

H. Negligence

Nineteenth Class: Conclusion to Intentional Torts, Questions and Answers, and Introduction to Negligence -- M & W 213-18.

1. Duty

Twentieth Class: Calculus of Care -- M & W 215-29; re-read 213-15.

Twenty-first Class: More thinking about Calculus of Care -- M & W 231-36.

Twenty-second Class: The Reasonably Prudent Person -- M & W 237-68.

Twenty-third Class:	Role of Custom in Establishing a Standard of Care -- M & W 269-305; Discussion Situation -- M & W 305-08.
Twenty-fourth Class:	Role of Judges in Establishing a Standard of Care -- M & W 286-92, 311-17.
Twenty-fifth Class:	Role of Statutes in Establishing a Standard of Care -- M & W 319-36.
Twenty-sixth Class:	Procedural Consequences of Using a Statute as a Standard of Care -- M & W 336-55; review M & W 319-36.
Twenty-seventh Class:	Application of Statutes in Establishing a Standard of Care -- M & W 355-58.
Twenty-eighth Class:	Proof of Negligence -- M & W 359-64.
Twenty-ninth Class:	<i>Res Ipsa Loquitur</i> -- M & W 365-92.
Thirtieth Class:	<i>Res Ipsa Loquitur</i> applied; Discussion Situation -- M & W 305-08.
Thirty-first and Thirty-second Classes:	<i>Res Ipsa Loquitur</i> ; Discussion Situation -- M & W 394-95.
2. Cause-in-fact	
Thirty-third Class:	But for and Substantial Factor Causation -- M & W 397-403.
Thirty-fourth Class:	Complex Causation -- M & W 403-35; Discussion Situation -- M & W 436.

3. Proximate Causation

Thirty-fifth Class:	Basic Approaches -- M & W 437-49.
Thirty-sixth Class:	Application of Approaches -- M & W 449-63.
Thirty-seventh Class:	<i>Palsgraf</i> Case -- M & W 463-73.
Thirty-eighth Class:	<i>Palsgraf</i> Reconsidered -- M & W 474-99.
Thirty-ninth Class:	Further Development and Application -- M & W 499-514.
Fortieth Class:	One More Application -- please review M & W 437-73, 499-514; Discussion Situation -- M & W 355-58.

4. Limited Duty

Forty-first Class:	Failure to Act -- M & W 521-48.
Forty-second Class:	Prenatal Injury -- M & W 549-55.
Forty-third Class:	Wrongful Life & Wrongful Birth -- M & W 557-84.

I. Contributory and Comparative Negligence

Forty-fourth Class:	Review of Negligence; Contributory Negligence -- M & W 611-16, 516-19.
Forty-fifth Class:	Comparative Negligence -- M & W 616-27.

J. Assumption of Risk (if there is time available)

Forty-sixth Class:	M & W 629-48.
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K. Respondeat Superior (if there is time available)

Forty-seventh Class:	M & W 649-88.
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L. How to Take Exams and Practice in Taking Them (may be moved forward)

Forty-eighth and Forty-ninth Classes: Fiftieth and Fifty-first Classes:	How to take and Analyze a Practice Exam Question and Answer Session
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