



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for Torts – Spring 2019**  
**Professor Martin**

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**Instructor:** Professor Thomas H. Martin  
Phone: 978.681.0800 ext 124

**Course**

**Materials:** Casebook: Prosser, Wade & Schwartz, Cases and Materials on Torts  
(Foundation Press, 13<sup>th</sup> edition 2015)

Hornbook: Dobbs, The Law of Torts  
(West Publishing Company, 2000) (Try before you buy.)

Study Aid: Glannon, The Law of Torts: Examples and Explanations  
(Aspen, 5<sup>th</sup> ed. 2015) (paper)

**Course Description  
& Grading**

**Criteria:** There will be ten in-class quizzes. For grading purposes, the student's best five quiz scores will be averaged (the remaining quiz scores being disregarded) and the quiz average will count as five per cent of the student's grade. At the end of the semester the student will participate in an oral presentation integrating the Torts and Contracts courses. This interdisciplinary oral presentation counts as five percent of the student's grade. The midterm examination counts as twenty per cent of the student's grade. The final examination counts as seventy per cent of the student's grade. In accordance with school policy, a student's grade may be reduced for failure to prepare for class or failure to participate in class.

<u>Week</u>	<u>Topics</u>	<u>Casebook Pages</u>
1.	<b>Class 1</b> Foundations of tort liability	1-15
	<b>Class 2</b> Liability based upon intent	16-31
2.	<b>Class 3</b> Assault and battery; false imprisonment	31-53
	<b>Class 4</b> Infliction of emotional distress	53-72
	<b>Class 5</b> Trespass to land	72-79
3.	<b>Class 6</b> Injury to property; conversion	79-96
	<b>Class 7</b> Consent; self-defense; defense of others	97-113
	<b>Class 8</b> Privileges; necessity	114-137
4.	<b>Class 9</b> Negligence	139-155
	<b>Class 10</b> Standard of care	155-179
	<b>Class 11</b> Standard of care; professional liability	180-214

5.	<b>Class 12</b>	Violation of statute	215-243
	<b>Class 13</b>	Proof of negligence	243-250
	<b>Class 14</b>	Res ipsa loquitur	251-272
6.	<b>Class 15</b>	Causation in fact	272-285, 299-311
	<b>Class 16</b>	Proximate cause	313-344
	<b>Class 17</b>	Intervening causes	344-384
7.	<b>Class 18</b>	Joint tortfeasors	385-396, 414-418
	<b>Class 19</b>	Limited duty	423-445, 452-455
	<b>Class 20</b>	Defenses to negligence I Contributory negligence Comparative negligence Assumption of risk	619-623, 626-644
8.	<b>Class 21</b>	Defenses to negligence II Statutes of limitation Charitable immunity Governmental immunity	652-662, * 677-690
	<b>Class 22</b>	Owners and occupiers of premises	501-528
	<b>Class 23</b>	MID TERM EXAMINATION	
<b>* SPRING BREAK – March 11, 2019 – March 17, 2019 *</b>			
9.	<b>Class 24</b>	Respondeat superior	705-720
	<b>Class 25</b>	Abnormally dangerous activities	740-760
	<b>Class 26</b>	Tort Reform	*
10.	<b>Class 27</b>	Product liability I	767-787
	<b>Class 28</b>	Product liability II	787-816
	<b>Class 29</b>	Product liability III	816-831
11.	<b>Class 30</b>	Defamation (common law)	879-918
	<b>Class 31</b>	Defamation (constitutional) (I)	920-944
	<b>Class 32</b>	Defamation (constitutional) (II)	944-966
12.	<b>Class 33</b>	Abuse of legal procedure	1075-1093
	<b>Class 34</b>	Nuisance	851-878

**\* NO CLASS MONDAY, APRIL 15, 2019--PATRIOTS DAY \***

	<b>Class 35</b>	Misrepresentation I	1095-1130
<b>13.</b>	<b>Class 36</b>	Misrepresentation II	1130-1153
	<b>Class 37</b>	Business torts	1155-1192
<b>14.</b>	<b>Class 38</b>	Civil rights	1053-1073
	<b>Class 39</b>	Invasion of privacy	1006-1033, 1040-1052
<b>15.</b>	<b>Class 40</b>	Damages	541-572
	<b>Class 41</b>	Review or make-up day	

**\*Reading materials will be distributed.**