

# TORTS

## WHAT DO THEY MEAN BY “CIVIL WRONGS”?



## Course Introduction

One of the building block courses in law school, Torts will set the stage for much of what you will learn throughout your law school careers.

Torts is one of the original six bar-tested subjects, so we will focus on concepts, elements of torts, and civil liability in general. I will use many different EDTECH tools in addition to the reading to ensure comprehension and student engagement.

### Required Reading

Torts, Case and Materials, 5th Ed.  
Twerski, Henderson,  
& Wendel  
Print Bundle ISBN:  
9781543845846

### Student Learning Outcomes

My goal is ensuring that each student acquires a thoroughgoing knowledge of Tort law to enable everyone to attain the goal of passing the bar exam (on the 1st try) .

### Things to Know About this Course

Students should expect a 5-10 question multiple choice test each week on Friday to ensure appropriate levels of student engagement and to assess student learning.



### The Fine Print

A 70's band you may have heard of used to sing

“Lawyers dwell on small details.” Name the band for one quiz bonus point.

### Course Syllabi



Each segment of the book/portion of the course will have its own unique syllabus; however, students will find that the course elements will be fairly consistent throughout.



So, a book that's almost 1,000 pages might be daunting, but be of good cheer! We'll focus on what's highly tested to prevent burnout and prepare you for what's to come.

HOW TO TAKE THIS COURSE	OUTLINE	THINKING	ANALYSIS
It's not what you get in this course; it's how deep you go. Law students take a Torts course because it's required, it's a foundational course for many others you'll take, and you'll need to have a complete grasp of these concepts to pass the bar exam on your first attempt. Think about what this means for you personally. It's entirely possible to do well in this class without being transformed by your newfound knowledge of civil wrongs, but it would be a terrible shame. I like to think that this (and indeed, any) law school course operates on three levels. Imagine we are standing on the seashore; Torts is the ocean. Go as deep as you dare, the level you choose doesn't correlate to your success.	<p>you need the basic outlines of Tort law, the main concepts and elements of torts, the surface-level knowledge</p> <p>There's nothing wrong with staying in the shallows; this approach may work for you if this is likely to be your only Torts course, or if you've never taken one before and it's all new</p> <p>"Outliners" will tend to assume that casebook, documents, videos, audio tracks and other materials are mutually reinforcing, telling basically the same story. Outliners are mainly concerned with what happened in the past.</p>	<p>you have a grasp of the basics and are ready to think conceptually and explore what's below the surface</p> <p>Perhaps you've taken Torts before, or are looking forward to a personal injury practice. You already know that Torts is a conversation among differing or contradictory perspectives</p> <p>"Thinkers" notice historical inconsistencies and they respectfully challenge assumptions through lively debate. Thinkers are interested in HOW &amp; WHY things happened as they did.</p>	<p>you want to go deeper into the past, using the cognitive equipment &amp; tools of legal analysis as a focused critical thinker</p> <p>Experienced? You are well aware of controversies between those in favor of tort reform and those supporting recompense for injuries. You actively seek alternative sources, interpretations and voices.</p> <p>"Analyzers" fill in the course gaps, and they are concerned with the arguments on both sides of the "Why Torts" debate.</p>

## COURSE REQUIREMENTS

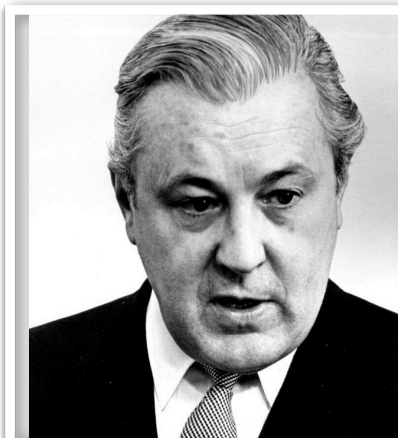
This course involves reading, quiz-taking, and breakout room discussion. It is fast-paced; you will need to absorb casebook material on your own outside class; we will use the entire *Torts* casebook. You will take one quiz per week on Fridays to help me assess your learning. You will need to put in consistent effort throughout the whole semester. You'll need to have (or learn) basic library and online research skills. You will need to speak up in class and demonstrate active learning, not passive absorption. **Learning is not a spectator sport.**

**Attendance and Participation (can decrease your overall grade)** I take attendance in each class. You should be on time and ready to participate each day. I expect class discussion will be lively, respectful, substantive, and that you will have done that day's assigned reading before class. Workshop days (Fridays) are especially important because the work we do depends on being present in class. If you must miss class, I do appreciate knowing when & why you are absent, but it doesn't "excuse" the absence.

**Exams and Quizzes:** We will have a mid-term and a final exam, taken as written exams in class. The final will take place during the final exam period, I will only give makeup exams in extraordinary circumstances which must be supported by an affidavit signed under the pains and penalties of perjury.

In addition, I will give weekly quizzes on Fridays throughout the term, based on the casebook. These are online quizzes taken through Socrative, and each will be available until the following Monday. All the quizzes count, and there are **no makeups on the quizzes.**

**Written Projects:** This includes 5-6 short papers or videos (Screenastify or Flipgrid) called "Skill Builders," based on material from the casebook and material presented by the professor through Explain Everything, EdPuzzle, and other online tools. They are 2 pages or five minutes long and give you practice with the analysis of the "raw material" that make up Torts case law. More information about them can be found on page 3.



Melvin Mouron Belli (July 29, 1907 – July 9, 1996) was a prominent American **lawyer known** as "the King of **Torts**" and by insurance companies as "Melvin Bellicose."

Your Instructor: Professor Kurt Olson  
Phone Extension - 131  
Email: [olson@mslaw.edu](mailto:olson@mslaw.edu)

Office Hours  
ZOOMing or in person on Mondays  
5-00-7:00 p.m.

## GRADING (200 POINTS)

### ATTENDANCE & PARTICIPATION. Lack of participation can reduce grade

Silent attendance will not earn full credit & class participation matters. Sleeping or texting in class will definitely lower your grade. Your A&P evaluation also includes workshop day group activities.

### MID-TERM - MONDAY, MARCH 21st

30 POINTS

### QUIZZES (REQUIRED) 50 POINTS

Self-paced Torts quizzes are online on Socrative. All twelve are required; deadlines are noon on the Monday following the Friday quiz.

### SKILL BUILDERS (5 POSSIBLE) 10 POINTS

Short (2-page) analytical papers or 5-min. videos (*Flipgrid* or *Screencastify*), tackling one major case that's not fully covered in the case book. Due dates: Feb 12, Feb. 26, March 12, March 26 and April 23. One may be dropped without penalty.

### FINAL EXAM 90 POINTS

### TORTS NOW PROJECT 20 POINTS

A project (video, PPT, or paper) focused on some development in Tort Reform since 1980. Due May 2nd.

GRADING		SCALE (200)	
A	188 or above	C	148-153
A-	180-187	C-	140-147
B+	174-179	D+	134-139
B	168-173	D	128-133
B-	160-167	D-	120-127
C+	154-159	F	119 or below

## Semester Overview

Each of the course segments involves multiple sources and ways to learn, such as textbook reading and discussion, lecture, multimedia sources, and in-class workshops often involving group work. Each unit contains several learning sessions in lecture-discussion format, one or more Workshop Days, and at least one SkillBuilder or paper.

During the second half of the course, you will apply your skills to the development of TORTS in a longer piece of writing, based on the sources in your document reader. And at the end of the course, you demonstrate your TORTS learning by exploring an event in recent Tort Reform debate and evaluating and improving a packet of primary sources about that event.

Online materials and modules enhance your in-class experience and enable you to do some of the course learning at your own pace. Do pay attention to the deadlines within the syllabus because some assignments/quizzes must be completed within a particular time-frame.

## SYLLABUS AT A GLANCE

UNITS & READINGS	IMPORTANT DATES
1. Intentional Torts: Interference with Persons and Property Reading: Chapter 1, pp. 1-77 Week of January 17th.	Workshop/Breakout Rooms: Friday, Jan. 21st Complete online quiz #1 by Monday, Jan. 24th.
2. Privileges/Defenses Reading: Chapter 2, pp. 79-149 Week of January 24th	Workshop/Breakout Rooms: Friday, January 28th: Complete online quiz #2 by Monday, Jan. 31st
3. Negligence (part 1) Reading: Chapter 3, pp. 151-203 Week of January 31st	Workshop/Breakout Rooms: Friday, February 4th Complete online quiz #3 by Monday, Feb. 7th
4. Negligence (part 2) Reading: Chapter 3, pp. 203-245 Week of February 7th	Workshop/Breakout Rooms: Friday, February 11th Complete online quiz #4 by Monday, Feb. 14th



## SYLLABUS AT A GLANCE

UNITS & READINGS	IMPORTANT DATES	UNITS & READINGS	IMPORTANT DATES
5. Actual Causation Reading: Chapter 4 pp. 247-306  Week of February 14th	Workshop/Breakout Rooms: Friday, Feb. 18th Complete online quiz #5 by Monday, Feb. 21st	12. Trespass to Land and Nuisance Reading: Chapter 12, pp. 735-768  Week of April 11 <sup>th</sup> <b>(No class on Monday, 4/18 - Patriot's Day)</b>	Workshop/Breakout Room: Friday, April 15th  Complete online quiz #10 by Monday, April 18th
6. Proximate Causation Reading: Chapter 5, pp. 307-389  Week of February 21st	Workshop/Breakout Rooms: Friday, Feb. 25th Complete online quiz #6 by Monday, Feb. 28th	13. Damages Reading: Chapter 13, pp. 769-844  Week of April 18 <sup>th</sup>	Workshop/Breakout Rooms: Friday, April 22nd Complete online quiz #11 by Monday, April 25th
7. Non-liability for Foreseeable Consequences (Limited Duty Rules) Reading: Chapter 6, pp. 391-476  Week of February 28th	Workshop/Breakout Rooms: Friday, March 4th Complete online quiz #6 by Monday, March 7th	14. Defamation Reading: Chapter 14, pp. 845-921 & Privacy Reading: Chapter 15, pp. 923-964  Week of April 25th	Workshop/Breakout Rooms: Friday, April 29th Complete online quiz #12 by Monday, May 2nd
8. Owners and Occupiers of Land Reading: Chapter 7, pp. 477-511  Week of March 7 <sup>th</sup>	Workshop/Breakout Rooms: Friday, March 11th Complete online quiz #7 by Monday, March 14th  <b><u>Mid-Term: Monday, March 21st after Spring Break</u></b>	<b>Syllabus is subject to change <i>sua sponte</i> by the professor.</b>	This means that Prof. Olson can make changes to the syllabus, assignments, and other adjustments throughout the semester. You will be notified of these changes as soon as they are implemented.
9. Affirmative Defenses Reading: Chapter 8, pp. 513-583  Week of March 21st	Workshop/Breakout Rooms: Friday, March 25th Complete online quiz #8 by Monday, March 28th		
10. Joint Tortfeasors Reading, Chapter 9, pp. 585-619 & Strict Liability Reading: Chapter 10, pp. 621-650  Week of March 28th	Workshop/Breakout Rooms: Friday, April 1st Complete online quiz #9 by Monday, April 4th	<b>You should carefully read this syllabus. It is the result of painstaking work by both Prof. Olson and Media Director Kathy Villare, and becoming aware of its contents will help you to succeed in TORTS.</b>	
11. Products Liability Reading: Chapter 11, pp. 651-734  Week of April 4th	Workshop/Breakout Room: Friday, April 8th  Complete online quiz #10 by Monday, April 11th		<b>Ask questions whether they concern the syllabus, the subject matter of the course, or personal issues that might be interfering with your progress. Prof. Olson will do whatever he can to help you succeed.</b>

# Q&A

## POLICIES, RESOURCES, AND ADVICE

<p><b><i>What are the course Student Learning Outcomes (SLOs)? In other words, what should I know or be able to do by the end of this course</i></b></p>	<p>Apply key basic concepts and skills of TORTS to selected topics in the period Distinguish between primary and secondary sources and apply appropriate analytical questions to each to demonstrate understanding of their scholarly uses in TORTS. Learn the importance of meticulous sourcing in the discipline of TORTS and correctly use Bluebook citation method in any papers. Self-assess and extend your own foundational skills in thinking about “civil wrongs” and analysis.</p>
<p><b><i>What is the course policy on technology use in class?</i></b></p>	<p>We will be busy in every class session, and we don’t need any electronic distractions. Silence your cell phones before you enter the classroom and refrain from texting in class. You may bring a laptop, and on some days laptops are actually required, but please confine your laptop work to taking notes or accessing relevant course material during discussion. Do not use your electronic device in class to surf the internet, check your email, update your Facebook status, etc. These activities will definitely jeopardize your class participation grade, and they distract others from the work at hand.</p>
<p><b><i>What if I need a disability accommodation?</i></b></p>	<p>If you have a documented disability (learning or otherwise), and you need a reasonable accommodation made for you in this course, please consult with Assistant Dean Kaldis at the outset of the course so she can help design a solution that will help you be successful in the class.</p>
<p><b><i>What is the course policy regarding plagiarism and academic honesty?</i></b></p>	<p>On papers, exams, and quizzes, doing your own work is absolutely essential. You must demonstrate academic integrity in taking the online module quizzes. Each student should take all online quizzes individually; they should not be taken in groups. In ALL your papers, you must cite the sources of any information, quotations or ideas which are not your own, using standard Bluebook citation method. <b>Let me be very clear.</b> You cannot clip and paste text from the internet or Wikipedia or the textbook into your papers and pass it off as your own writing. You cannot turn in a paper that someone else has written or that you have bought or downloaded online. Plagiarized work or exam/quiz cheating is an automatic zero on the assignment and may cause you to fail the class at my discretion. I take such violations very seriously. Please familiarize yourself with and follow the MSLAW policy on Academic Honesty in the Student Handbook.</p>
<p><b><i>What should I do if I am feeling lost or overwhelmed in this class?</i></b></p>	<p>First, speak up in class. You may not be the only person with the same concern, and we all benefit from working questions out together. Second, make an appointment with me. You are welcome to email or sign up for an appointment (ZOOM or in-person Office Hours - Mondays, 5:00-7:00 p.m.) to meet during my office hours, or: just drop in. You can also request different hours for ZOOMing Office Hours - I am flexible. Many questions and issues can be easily resolved this way. Third, spend extra time in the resource materials in TWEN, all of which are designed to help you get up to speed on core concepts in TORTS and perform better in this class.</p>
<p><b><i>What other campus resources might help me succeed in this class?</i></b></p>	<p>Get to know the Reference Desk in our library ~ Check out the Writing Center for <b>free</b> help at any stage of the writing process ~ If you need tutoring, visit the Academic Support Center (Asst. Dean Kaldis/Prof. Colby) which offers <b>free</b> tutoring and help with study, note-taking and time management strategies - Or meet with the tutor assigned through the Student Bar Association.</p>

## THE FINE PRINT



### LEAP Value Rubrics

*We will incorporate several of the "Value Rubrics" developed by the Liberal Education for America's Promise project as the benchmark standards for your capstone work in this course, especially: Inquiry and Analysis, Critical Thinking, Written Communication, and Information Literacy.*

You can find them online at  
<http://www.aacu.org/value/rubrics/>

### IMPORTANT COURSE POLICIES

#### • TECHNOLOGY

**ETIQUETTE:** My in-class technology policy: we will be busy in every class session, and we don't need any technological distractions. Silence your cell phones before you enter the classroom. BUT . . . it's fine to ALWAYS bring laptop or other connected device to class as long as you refrain from surfing and social media use and stay on task.

#### • ACADEMIC INTEGRITY:

I will review with you the proper citation method for papers in this course (i.e. Bluebook). Also, please

familiarize yourself with the school's policy on Academic Honesty in the Student Handbook; any plagiarized writing will result in automatically failing the course. I take such violations very seriously.

• **DISABILITY NEEDS:** If you have a documented disability (learning or otherwise), and you need a reasonable accommodation made for you in this course, please consult with Assistant Dean Kaldis immediately at the outset of the course so she can design a solution that will help you be successful in the class and in law school.

### STUDENT LEARNING OUTCOMES

LASC Capstone Outcome	How We Fulfill it in This Course
Communicate effectively orally & in writing	Students will demonstrate effective written and oral communication through a primary source project, and the final project. Students will use effective oral communication because we will have workshops/Breakout Rooms nearly every week which are rely heavily on class discussion, presentation, and peer review.
Apply skills in critical thinking	Part of the course is organized around a semester-long original research project. Students will apply critical thinking skills in the selection, location, evaluation, and presentation of both primary and secondary sources; in writing a persuasive, evidence-based thesis, and in crafting a high-quality paper that demonstrates strong understanding of civil wrongs.
Understand how scholars in various disciplines approach problems and construct knowledge	Students will identify, distinguish among, and use different schools of thought on Torts. Students will model how lawyers, judges and legal scholars create knowledge and will develop that model on the scale of a semester-long research project. Students will also correctly use the writing, citation, and other disciplinary conventions of scholarly writing in the field of Torts. Since academics specializing in Torts work primarily through the analysis of sources and the creation of survey texts, these elements of the course will provide students opportunities to practice the "habits of mind" of successful practitioners and academics in Torts.
Make connections across courses and disciplines	Students will synthesize knowledge and skills from across their coursework. Students are invited to develop meaningful connections from courses taken in their major and throughout their previous years at college; in addition, we recognize and even encourage that a capstone research project may be connected to scholarly interests and intellectual problems that predate this course.

