Introduction to Torts

Spring 2016

Thursdays, 3:30 – 5:30

Professor Itamar Mann

Office hours: Fridays, 2pm – 4pm, by appointment

Introduction to torts is designed for LLM students. Most or all of you have already taken a course in torts, likely in a different country. With that in mind, this course does not cover the entire terrain of a first-year tort class. It will, however, give you a good look at how torts work in the United States.

The purpose of this course is threefold. It will expand the knowledge you already have of tort law from your home country, and allow you to reflect upon it from a different perspective. It will help those of you who wish to take the bar exam get acquainted with major issues that you will also have to learn for that exam (this is not however a bar-preparation course). And it will introduce you to several influential theoretical perspectives on law, which have had a lasting mark on legal education in the United States. We will employ insights from law and economics, law and philosophy, and critical legal studies. These will be integrated as we go along and discuss the cases.

The mandatory readings for this course are all from Prosser, Wade, and Schwartz’s Torts: Cases and Materials (Thirteenth Edition) (edited by Professors Schwartz, Kelly, and Partlet). The vast majority of the readings are cases. Usually, the book includes some commentary and questions after each case. You do not have to read those prior to coming to class. We’ll discuss some of the points the book raises during our meetings. If you would like to get a preview of issues we are likely to discuss, go ahead and look at the questions and comments, they will give you a good idea of our plan.

Apart from the textbook readings, I will mention other cases and make reference to scholarly materials as we progress. I will use Georgetown’s Canvas site to post any material added along the way, and this syllabus is posted there too.

Class discussion will also be part of the material you will have to be ready for the exam with. If you do not understand any of the discussion, it is your responsibility to ask, either in class or in my office hours.

The grade for this course will be determined almost entirely on the exam. However, I may grant a bonus for constructive class participation. If you are in the classroom during our sessions, you will be presumed to be ready for our meeting. This means that you will be able to describe the basic facts of the cases assigned, and comment upon the court’s decisions. I may also encourage you to express your own opinions on the cases, and indeed to argue with each other. I hope we can have some arguments. This will not be a lecture course, but rather a combination of lecture, light “Socratic-method” questioning, and open discussion. Hopefully this will be both useful and enjoyable.
I. January 21: Introduction to the Introduction to Torts

No assigned reading

January 28: Intentional Torts

1. Wagner v. State, p. 20-23
3. Western Union Telegraph Co. v Hill, p. 39-41
4. Parvi v. City of Kingston, p. 45-46
5. Harris v. Jones, p. 61-64

February 4 – Negligence

1. Introductory remarks, p. 139-141
2. Pipher v. Parsell, p. 144-146
3. United States v. Caroll Towing Co. 151-153
4. Negligence, from the Third Restatement of Torts, p. 155

Feb 11 - Negligence: Professional Malpractice

1. Morrison v. MacNamara, p. 194-197
3. Moore v. The Regents of the University of California, 204-207
4. The “Medical Malpractice Crisis” and Statutory Change in the Common Law, 210-211
5. Aggravated Negligence 211-214

Feb 25 – Negligence: Rules of Law; Violation of Statute

2. Perry v. S.N. and S.N., p. 229-236

March 3 – Negligence: Proof of Negligence

2. Anjou v. Boston Elevated Railway Co., p. 244

March 17 – Causation
5. Daubert v. Merrell Dow Pharmaceuticals, Inc. p. 290-296
6. Hill v. Edmonds, p. 299-300
7. Sindell v. Abbott Laboratories, p. 305-308

March 24 – Proximate Legal Cause
2. Delardiarian v. Felix Contracting Corp., p. 344-346
4. Fuller v. Preis, p. 355-357

March 31 – Duty of Care
1. In general – p. 423-424
5. Hegel v. Langsam, p. 442
6. Tarsoff v. Regents of University of California p. 452-455
8. Daley v. LaCroix, p. 469-473
9. Procanik by Procanik v. Cilo, p. 490-496

April 7 – Defenses
4. Balckburn v. Dorta, p. 648-651
5. Immunities, in general, p. 661-662
6. Freehe v. Freehe, 662, p. 665
April 14 - **Strict Liability**
1. In general – p. 733
2. Animals – p. 733-740

April 21 **Products Liability**
1. In general, p. 767-768
2. Warranty in general, p. 770-771
6. Product defects, in general, p. 787-788
9. Legislation and products liability, p. 847-850

**Damages; Compensation Systems as Substitutes for Tort Law** April 28
1. In general – p. 541
4. Physical harm to property p. 569-572
5. *Cheatham v. Pohle* p. 573-575