TORTS
Fall 2010

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Office hours: Wednesday 5:00-6:30 or by appointment

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Text and Course Readings: The required text for the class is Epstein, Cases and Materials on Torts (Aspen, 9th ed. 2008). There is an initial set of supplemental readings that will be distributed during the first weeks of class, and there may be further supplemental readings distributed later in the semester. To the extent possible, all course materials, including the syllabus and supplements, will also be made available on Courseware. I will use Courseware to post announcements and to send emails to the entire class, so please enroll as soon as possible (password: "mikhail").

Class Attendance, Preparation, and Participation: Regular attendance, thorough preparation, and active participation in class discussions are required and expected of all students. Because regular attendance is required, I do not take formal attendance or formally excuse absences, so there is no need to inform me in advance that you will be absent. I presume that students who miss class must be doing so for a good reason. If, however, a personal emergency arises that will cause you to miss multiple classes, please inform either me or the Dean of Students so that we can make the arrangements necessary to minimize the adverse impact on your studies.

Course Syllabus: The course syllabus will be distributed during the first class. It is tentative and subject to changes announced in class and/or by email notice. The syllabus does not include specific dates for each topic because of the inherently fluid nature of coverage in a first year class. At the end of each class, I will announce the reading material I anticipate we will be covering during the next class. You should nonetheless aim to stay ahead of that projection by one or two cases. The first assignment is pages 3-10. The second assignment is pages 35-50.

Office Hours and Email: My regular office hours are Wednesday from 5:00-6:30 pm; occasionally they may need to be pushed back to Wednesday from 5:30-7:00 pm, in which case I will announce the change. You may either drop by informally during these hours or make a formal appointment. Students may also email me, but I prefer face-to-face conversations and might not be able to reply to your email right away. Also, please
do not ask me questions either during office hours or by email that concern assigned materials to be discussed in a future class. Please instead wait until after that class. If my scheduled office hours are inconvenient, I would be happy to arrange a meeting with you at a mutually acceptable time. Whenever possible, I will also stay after class each day to answer any questions you might have.

Course Grading: The final course grade will be based almost exclusively on the final written examination in the course. The exam will be open book and graded anonymously. In calculating the final course grade, however, I reserve the right to raise or lower the examination grade based on exceptional classroom performance (either excellent or very poor). Very poor classroom performance generally refers to repeated, persistent absences from class. It is exceedingly rare to lower a grade on that ground. If, on the other hand, a student’s performance on the written examination is significantly lower than his or her consistent, outstanding performance in class discussion, I may raise the final grade up to one letter grade, but one-half letter grade is far more likely. This option is designed primarily to rescue a student and is generally exercised only when there is a significant discrepancy between the quality of the written exam and classroom participation (e.g., “B-” and “A”).

Schedule Changes: Because of a scheduling conflict, we will not meet on Thursday, October 28. A make-up class will be held on a date to-be-determined. Further schedule changes will be announced as necessary.

Laptop Policy: The use of laptops, netbooks, or other computer devices in class for note taking purposes is permitted. However, unless otherwise indicated, the use of such devices to access the web or send or receive messages during class is not permitted.

Seating Chart: A seating chart will be distributed on Thursday, September 2. On that day, please sit where you would like to sit for the remainder of the semester. Additionally, please bring your name tents to class for the first few weeks of the semester, in order to help me learn your names.
Course Requirements and Grading Policy

Attendance, Class Participation, and Courseware (25%)
Regular attendance, thorough preparation, and active participation in class discussions are required and expected of all students. Classroom discussion, which is an essential part of any upper-level seminar, will count together with Courseware postings for 25% of the final grade.

Courseware Postings: Each student is required to participate in an ongoing exchange about the concepts and issues raised by each week’s readings by making one or more postings each week in the Discussion section of Courseware. All postings are due by 10 a.m. on the day of each Wednesday seminar meeting, so I have time to review them before class. Each student is required to post at least one comment each week, but there is one “free pass” you may use once over the course of the semester. Please indicate when you elect to use your free pass by timely posting a “pass” on Courseware.

One basic approach to postings is to identify a major idea or theme in that week’s reading assignment, identify passages in particular readings that present the idea, and then write your own response, whether critical, supportive or supplemental. Don’t get stuck quibbling with unimportant premises or illustrations, but try to develop your judgment about which ideas and themes are most important. Part of the purpose of this exercise is simply to help you to master the readings, and to encourage you to work together in doing so; a certain amount of simple outlining and clarifying of major ideas is welcome. A closely related second goal is to engage one another in a critical, professional exchange over the important ideas of the course.

A typical initial posting might be equivalent to approximately one double-spaced typed page, but can be shorter or longer as necessary. Please note that Courseware logs the user out after 20 minutes, so to avoid losing work in progress you might wish to draft your comments in whatever word processing program you use, and then cut and paste the finished product.

Research Paper (75%)
This is a three-credit seminar that is meant to fulfill the upper-class writing requirement. In addition to completing weekly readings and actively participating in seminar discussions, students are expected to write a research paper of at least 6000 words (25-30 pages), excluding footnotes. The paper should be a polished piece of professional writing, and I encourage all students to aim for publishable-quality papers and to consider submitting their papers to scholarly journals for publication. Many of my students have done so in the past, and several of these submissions have been accepted and published in law journals.

The paper grade will count for 75% of the final course grade. A high-quality paper typically will have an interesting and well-defined thesis, display extensive research into and proper understanding of the relevant literature, and present a coherent, well-supported, and original argument.

Topics: Tentative statements of papers topics are due by the end of the seventh week of classes (Friday, October 15). The statement should be approximately 1-2 pages and should give
a preliminary indication of your chosen topic, probable thesis, and intended approach. I will be available to speak with you prior to this date if you need help in selecting or narrowing your topics. You may submit your topic statement to me via email.

**Progress Report and Research Bibliography:** Progress reports and research bibliographies are due by the end of the tenth week of classes (Friday, November 5). You may also submit these materials to me via email.

The Progress Report should be 3-5 pages and include the likely structure and organization of your paper, the major issues and arguments you plan to discuss, and a preliminary statement of your intended thesis. You may also discuss any difficulties you may be encountering in researching and structuring the paper. The Progress Report should not be an outline; instead, it should be written in narrative form, that is, in complete sentences and paragraphs.

The Research Bibliography should list the sources you have consulted, with full and accurate citations. It should not simply consist of a collection of documents discovered on the Web, but should represent original research that you have done using the library and other scholarly resources.

**First Drafts:** First drafts are not required, but if you want me to look at them, they are due on or before the day before Thanksgiving (Wednesday, November 24). For these purposes, the first draft should be more than a “rough” draft. It should be approximately the required length of the final paper (e.g., 25 pages) and contain an introduction, thesis statement, analytical or empirical development of the thesis, and a conclusion. Each section or subsection of the paper should be substantially complete, that is, consist of complete sentences and paragraphs, smooth transitions, and sound argumentative structure. No major portions should be left unwritten. Footnotes should be substantially complete, but need not be in final Bluebook form.

**Final Drafts:** Final drafts of the paper are due on the last day of exams (Friday, December 17). Final papers should have footnotes, not endnotes, and all citations should conform to the Bluebook, or another professional and uniform system of citation.

**Extensions:** The Registrar’s Office allows automatic 30-day extensions of the due date for the final paper, subject to professor approval. Generally speaking, I will consider granting such extensions for those students whose particular projects or level of progress warrant them.