

COURSE PRINCIPLES/POLICIES: TORTS A PROF. BUSH

Course Description and Requirements

This course covers the fundamental concepts and rules of “personal injury law”, also known as “Tort Law”. This is one of the major subjects of the “common law”, whose primary rules are formed through the articulation of “case law” by the courts. We will explore those rules on three levels – what, how, and why. That is, we will study **what** the rules are, **how** to use them, and **why** – that is, for what policy reasons – they have been formulated by the courts as the common law of torts. All three levels are essential to a full understanding of the subject. Specific topics addressed in the course can be found in the **Course Syllabus**.

The course will address these topics through readings, lectures, in-class discussion, analytical exercises, and practice exams. You should always come to class prepared to be called on to discuss and answer questions about the readings assigned for that class. **The course will require significant out of class reading and writing assignments** (as per the Syllabus). These assignments are required for the substance of the course, as well as for compliance with an American Bar Association requirement that you spend *at least eight hours per week*, on average, *outside of class* studying for this 4-credit course. This is *in addition to* the four hours a week we spend in class. (The ABA has a formula for determining the requirement. In other courses, the required number of out-of-class hours may be different.)

Through your work in the course, you will gain a basic familiarity with and ability to make arguments based on the rules of Tort Law as they exist in most states, in order to represent clients involved in cases where compensation for injury is sought. The material studied in this course is related to several Categories of the Law School’s Learning Outcomes for Graduating Students, including: Category 1 (a) [Substantive Rules of Law and Policies (Tort Law)]; Category 2 [Preparation for the Bar Examination]; Category 3 (a) – (d) [Sources of Law and the Process of Law Creation and Evolution]; Category 5 (a), (c), (e), (h) and (i) [Basic Legal Argument and Law Finding]; and Category 7 (a) & (b) [Professional Identity and Perspectives].

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Class times & location:¹

Wed/Fri 10am – Noon, Room 238

Professor Bush contact information:

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Email: lawrab@hofstra.edu
Telephone: 516-463-5877
Office Hours: by appointment on Zoom (contact via email to schedule)
Secretary: Frances Avnet
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¹ Unless otherwise announced.

Course Materials (available for purchase at the Hofstra University Bookstore):

FRANKLIN, RABIN, GREEN ET AL., TORT LAW AND ALTERNATIVES, 11TH EDITION (Casebook)

No other book is required or recommended.

NOTE: If you can afford it, the 11th Edition is best. If finances are tight, a used copy of the 10th Edition is OK, but you'll have to adjust for slightly different page numbers.

BLACKBOARD:

This course will use "BLACKBOARD" an online extension of the law school classroom provided by Hofstra. Important course information, materials, and announcements will be made available / communicated via BLACKBOARD. **Please sign up for BLACKBOARD as soon as possible, using the email address that you check most often,** even if it is not your Hofstra email. This course can be accessed as "LAW 1735 A TORTS". If you have BLACKBOARD-related questions, please ask one of our librarians for assistance.

Class assignments/readings:

All reading assignments are indicated on the Syllabus posted on BLACKBOARD. They are listed on a class by class basis for the 28 classes of the semester. Most of the assignments are in the Franklin/Rabin casebook, but some additional reading will be assigned in the form of handouts posted separately on BLACKBOARD. In addition, I will assign a series of exercises based on hypothetical fact patterns, which will also be posted on BLACKBOARD. You will receive notice of these postings in class and by email. **Be sure to check your email regularly for class notices.** **As noted above, the course will require significant out of class reading and writing assignments** (as per the Syllabus). These assignments are required for the substance of the course, as well as for compliance with an American Bar Association requirement that you spend *at least eight hours per week*, on average, *outside of class* studying for this 4-credit course.

Attendance & Lateness:

You are expected to arrive on time and prepared for each class. This is part of your education as a member of the legal profession, where timeliness and preparation will be crucial to your success.

Moreover, the rules of the New York State Court of Appeals and the American Bar Association require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of the regularly-scheduled classes in this course. **Thus, you may miss no more than four classes in this four-credit class.**

Attendance will be taken via BLACKBOARD, with the method to be announced in our first class meeting. Falsification of attendance (by, for example, using another student's name) is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by not attending class, or by failing to sign in, you will be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are

excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

The Office of Student Affairs has authority to excuse class absences for medical or religious reasons and in cases of truly compelling hardship. If you wish to claim a particular absence as excused, and thus not counted against your maximum number of allowable absences, you must take that issue up with the Office of Student Affairs – NOT with me or my secretary. **I shall consider an absence as excused if and only if I receive a note or email from the Office of Student Affairs to that effect.**

Lastly, late arrivals are disruptive to the class. For this and other reasons, please make every effort to arrive on time to class.

Email and Office Hours:

My email and office hours are set forth above. For general administrative questions or concerns, please contact my secretary for assistance. For substantive questions or concerns, I ask that you contact me by email, and I will arrange time to talk in person or by phone.

Grading:

Your final grade will be based upon a final examination. The final examination will be closed-book, and consist of approximately 20 short answer or multiple choice questions totaling approximately 100 points. It will be graded anonymously.

You will earn a letter grade for the course (from “A” to “F”) that corresponds to your score on the final exam given the parameters set by the Law School’s mandatory grading curve. I reserve the right to increase or decrease your letter grade by one increment (e.g., from a “B” to a “B+”) based on your in-class performance throughout the semester.

I will give a practice exam at least once during the semester, and I will review with you the answer to that exam and to exercises assigned throughout the semester. While your answers to these practice exercises will NOT be counted in determining your grade, your efforts on these exercises will almost certainly have a positive impact on your final exam performance and grade. Take them seriously.

Study partners:

It is a proven fact that, in law school, studying with a partner is CRUCIAL to ensuring your performance at a high level. The work here is difficult even for the very brightest individuals, and different from what you have encountered as an undergraduate or in other disciplines. I encourage, and urge, you to find a partner (one or more) early on in the semester, for both this and your other courses, and make it your practice to meet regularly to review and study together. The “buddy” system saves from drowning – in the swimming pool and in law school. **Find your study partner(s) and start working together ASAP.**