

TORTS A - FALL '21
PROF.BUSH/SYLLABUS
(see also Course Policies)

Class meets:
W/F 10 am-noon, *Room 238*

Text:
Franklin/Rabin/Green (11th ed.),
Tort Law and Alternatives (FR)**
(plus periodic handouts)

| <i>CLASS</i> | <i>TOPIC</i> | <i>ASSIGNMENT/READING</i> |
|--------------|---|---|
| 1. | <u>The Negligence “Theory”</u> “Wrongful” Conduct <u>Risk/Avoidance (R/Av) Theory</u> | FR 1-20 (<i>Hammontree</i>) FR 37-55, 70-74 (<i>Brown, Adams, Carroll Towing, Andrews</i>) |
| 2. | <u>Risk/Avoidance Analysis</u> Reasonable Person Standard | FR 55-64 (<i>Bethel, notes</i>) |
| 3. | Same | Same |
| 4. | <u>Substitutes for R/Av/RPS:</u> Judge-Made Rules and Custom | FR 64-78 (<i>Goodman, Pokora, Trimarco</i>) |
| 5. | <u>Substitutes for R/Av/RPS:</u> Statutes/Negligence Per Se | FR 78-89 (<i>Martin, Tedla, notes</i>) |
| 6. | Same | Same |
| 7. | <u>Proof of Negligence:</u> Res Ipsa Loquitur | FR 89-102 (<i>S/Shop, Gordon, Byrne, McDougald</i>) |
| 8. | <u>Causation in Fact:</u> Concepts; Evidence/Proof Standards | FR 341-53, H/out (<i>Stubbs, handout cases</i>) |
| 9. | <u>Causation:</u> Statistical Evidence | FR 353-65 (<i>Zuchowitz</i>) |
| 10. | <u>Causation:</u> “Lost Chance” | FR 365-76(<i>Matsuyama</i>) |
| 11. | <u>Causation:</u> “Alternative Liability”; “Market Share Liabil.” (RPP) | FR 376-96 (<i>Summers, Hymowitz</i>) FR 102-109 (<i>Ybarra</i>) |
| 12. | <u>Proximate Cause:</u> Intervening Cause | FR 419-28 (<i>Torres</i>) & Handout (<i>McLaughlin</i>) |
| 13. | <u>Proximate Cause:</u> Unforeseeable (UF) Harm | FR 405-419 (<i>Benn, Polemis, Wagon Mound, Kinsman</i>) |
| 14. | <u>Proximate Cause:</u> Unforeseeable Victim | FR 429-41 (<i>Palsgraf</i>) |

15. MIDTERM REVIEW
16. **Duty: Affirmative Conduct (AC);
Special Relationship** FR 129-43, 177-78
(Harper, Farwell, Moch)
17. Same FR 152-62 *(Tarasoff)*
FR 204-212 *(Posecai)*
18. **Duty: Policy; Premises** FR 170-84 *(Strauss, Reynolds)*
FR 190-204 *(Carter, Heins)*
19. **Duty:
Governmental Immunity** FR 227-37, 248-61
(Riss, Cope)
20. **Duty: Emotional Distress
Damages** FR 717-34 *(Seffert)*, 261-98 *(Falzone
etc.; Portee)*, 745-49 *(Wrongful death)*
21. **Defenses:
Contributory Negligence (CN)
Implied Assumption of Risk (AR)** FR 443-49 *(Intro. note)*
FR 486-98 *(Murphy, Davenport)*
22. **Defenses: Express AR;
Comparative Fault** FR 474-86 *(Hanks)*, 449-74
(UCFA)
23. **Strict Liability:
Ultra-Hazardous Activity
Abnormally Dangerous Activity** FR 519-69 *(Rylands, Sullivan,
Indiana Harbor, Notes)*
24. Same Same
25. **Strict Liability:
Defective Products** FR 577-89 *(Escola)*, 589-618
(Rest., Barker, Camacho)
26. **Intentional Torts** FR 901-17 *(Garrett, Picard,
Wishnatsky)*, 924-34 *(Womack)*,
957-76 *(defenses)*
27. EXAM REVIEW SESSION
28. [EXTRA]

****See Course Policies re
option to use 10th Edition**