

Syllabus

Torts

Professor Kathy Zeiler
New York University School of Law
Fall 2006
(L08.2001.002)

Class sessions: M 3:05-4:55 and W 2:05-3:55
@ Vanderbilt Hall, Room 206

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Course Description

This course explores the basic principles governing private lawsuits for damages for wrongs that are noncontractual, including consideration of the concepts of strict liability, liability based on fault, intentional and negligent interference with personal and property interests and defenses thereto, recoverable damages, and related problems.

Expectations of Students

Grades will be based on a three-hour, open-book final examination (laptops permitted). I expect students to prepare for and actively participate in classroom discussions. Final grades may be adjusted upward or downward based on in-class participation. Quality (as opposed to quantity) of participation will be rewarded.

Course Materials

Most assignments can be found in Dobbs & Hayden, *Torts and Compensation* (5th ed. 2005). Supplemental materials will be provided as required.

We will use a Blackboard site for administrative purposes throughout the semester. To access the site, go to home.nyu.edu. Announcements and all course materials will be posted to this site.

We will use a TWEN site during class. To access the site, go to lawschool.westlaw.com. Follow the instructions posted in the assignments tab on the Blackboard site to enroll in the TWEN site prior to the first class meeting. Make a habit of logging on to the TWEN site at the beginning of each class session.

Class Number	Topic and Reading Assignment
1	Introduction: Theory of Tort Liability [37-40]
2	I. Intentional Fault: Intentional Torts A. The Prima Facie Case 1. Battery [40-52]
3	2. Assault [59-65] 3. False Imprisonment [65-68] 4. Intentional Infliction of Emotional Distress [561-569]
4	B. Defenses 1. Consent [91-100] 2. Privilege a) Defense [82-89] b) Necessity [100-109]
5	II. Unintentional Fault: Negligence A. The Prima Facie Case 1. Duty of Care a) Reasonable Care [111-133] b) Negligence Per Se [141-147]
6	2. Breach of Duty a) Unreasonable Risk [150-165]
7	b) Proof of Breach [169-177; 185-187] c) Res Ipsa Loquitur [187-193]
8	3. Causation a) Causation in Fact [211-224]
9	b) Proximate Cause [234-256]
10	4. Injury a) Physical and Economic Harms [855-861; 871-882] b) Mental Harm [573-585]
11	c) Death [611-619] d) Prenatal Injury [599-610] e) Punitive Damages [883-900]
12	B. Defenses 1. Contributory Negligence [271-273] 2. Comparative Negligence [274-302]
13	3. Assumption of the Risk [303-319]
14	C. Special Duties of Care 1. Nonfeasance [483-490] 2. Contractual Duties [505-509] 3. Duties Derived from Status a) Carriers [347-349] b) Landowners [349-360; 368-373]
15	4. Special Relationships a) Relationship with Victim [531-540] b) Relationship with Tortfeasor [544-558]

Class Number	Topic and Reading Assignment
16	5. Medical Malpractice a) Medical Standard of Care [382-390] b) Proving Malpractice [406-409] c) Informed Consent [410-417] d) The Malpractice “Crisis” [417-423]
17	e) A Case Study [TBA on Blackboard]
18	III. Imputed Fault: Vicarious Liability A. Employers [624-631] B. Independent Contractors [644-647] C. Enterprise Liability [657-660] D. Insurance [800-804]
19	IV. No Fault: Strict Liability A. Historic Foundations [676-687] B. Contemporary Strict Liability [687-694]
20	C. Products Liability 1. Development [695-698] 2. Rationales [698-701] 3. Economic Loss [702-706]
21	4. The Prima Facie Case a) Manufacturing Defects [706-712] b) Design Defects [712-731]
22	c) Information Defects [731-745] d) Misuse [762-772]
23	5. Defenses a) Comparative Fault [756-762] b) Comparative Causation [822-825] c) “Sellers” of “Products” [785-792]
24	V. The Insurance Alternative A. Problems with the Tort System [901-912] B. No-Fault Auto Insurance [967-971; 973-977]
25	C. Worker Compensation Schemes [914-921] 1. Job Relatedness [925-929] 2. Accidental Injury [930-937] 3. Exclusive Remedy [938-944]
26	VI. Economic Analysis of Tort Law A. Some Basics [TBA on Blackboard]
27	B. Negligence v. Strict Liability [TBA on Blackboard]
28	Practice Exam Review