

Torts VII – Fall 2002

Professor Zittrain

Syllabus 1.0

Date	Assignment	Topic/Outline	Focus of Reading
<u>I. Intentional Harm</u>			
T: 9/3/02	SD1	I.A. Introduction to Civil Wrongs	Vosberg v. Putney
W: 9/4/02	CB 864-879	I.B. Intent, Assault and Battery	Garrett v. Dailey; Picard v. Barry Pontiac-Buick; Wishnatsky v. Huey
M: 9/9/02	SD2; CB 879-888	I.C. False Imprisonment	Joe Greene incident; ATCA; Lopez v. Winchell's Donut House;
T: 9/10/02	CB 888-905	I.D. Emotional Distress	Womack v. Eldridge; McDermott v. Reynolds
W: 9/11/02	CB 910-922	I.E. Defenses	Hart v. Geysel; Courvoisier v. Raymond; Katko v. Briney
Th: 9/12/02 NOTE – Meet in Pound 101 9:25 – 11:00 [NO CIV PRO]	CB 922-928; SD3	I.E. Defenses/Privileges (cont'd)	Ploof v. Putnam; Vincent v. Lake Erie; "Legal Reasoning: An Introduction"
<u>II. Trespass</u>			
M: 9/16/02	CB 652-658; SD4	II. Trespass (and the weird contexts in which it sometimes applies)	Martin v. Reynolds Metals; Compuserve v. Cyber Promotions; Intel v. Hamidi; Marsh v. Alabama
<u>III. Negligence</u>			
T: 9/17/02	CB 1-28	III.A. Introduction to negligence (litigation process; vicarious liability)	Hammontree v. Jenner; Litigation Process; Parties and Vicarious Liability; Christensen v. Swenson; Baptist Memorial Hospital v. Sampson
W: 9/18/02	CB 47-58	III.B. The Reasonable Person	Bethel v. NYC Transit Auth.
M: 9/23/02	CB 29-47	III.C. Risk & Prudence	Strict Liability versus Negligence: Brown v. Kendall; Standard of Care: Adams v. Bullock, U.S. v. Carroll Towing Co.
T: 9/24/02	CB 58-73	III.D. Roles of Judge and Jury; III.E. Role of Custom	Roles of Judge and Jury: Baltimore & Ohio RR v. Goodman, Pokora v. Wabash Railway, Andrews v. United Airlines; Role of Custom: Trimarco v. Klein

W: 9/25/02	CB 73-85	III.F. Negligence per se (Role of Statutes)	Martin v. Herzog; Tedla v. Ellman
M: 9/30/02	CB 85-109	III.G. Proof (Res Ipsa Loquitur)	Negri v. Stop and Shop, Gordon v. American Museum of Natural History, Byrne v. Boadle, McDougald v. Perry; Ybarra v. Spangard
T: 10/1/02	CB 130-151	III.H. Duty requirement: III.H.1. Duty to prevent others' physical injuries	Obligations to Others: Harper v. Herman, Farwell v. Keaton, Strauss v. Belle Realty Co.
W: 10/2/02	CB 158-170; SD5	III.H. Duty requirement: III.H.2. Duty to control others	Tarasoff v. Univ. of California, SD 5
10/7/02-10/14/02	NO TORTS + Columbus Day	CIVIL PROCEDURE WILL MEET DURING TORTS TIME SLOT ON 10/8 or 10/9	
T: 10/15/02	CB 170-190	III.H. Duty requirement: III.H.3. Duties of landowners and occupiers	Randi v. Muroc School Dist., Discussion of Fraud and Misrepresentation; Vince v. Wilson; Reynolds v. Hicks
W: 10/16/02	CB 214-225	III.H. Duty requirement: III.H.4. Intrafamily Duties	Broadbent v. Broadbent
M: 10/21/02	CB 225-237, 244-260	III.H. Duty requirement: III.H.4. Government liability (duty of Government)	Riss v. NYC, Friedman v. State of NY, Federal Tort Claims Act (FTCA), Cope v. Scott
T: 10/22/02	CB 261-282	III.H. Duty requirement: III.H.5.a. Duties relating to nonphysical harms (emotional)	Falzone v. Busch, Metro North Commuter RR v. Buckley, Gammon v. Osteopathic Hospital
W: 10/23/02	CB 282-301	III.H. Duty requirement: III.H.5.a. Duties relating to nonphysical harms (emotional)	Portee v. Jaffee, Johnson v. Jamaica Hospital
M: 10/28/02	CB 301-325	III.H. Duty requirement: III.H.5.b. Duties relating to nonphysical harms (economic)	Nycal v. KPMG Peat Marwick, People Express Airlines, Inc. v. Consolidated Rail
T: 10/29/02	CB 341-359	III.I. Causation: III.I.1. Causation, generally	Stubbs v. City of Rochester; Zuchowicz v. U.S.
W: 10/30/02	CB 359-368	III.I. Causation: III.I.1. Causation, generally (cont'd)	Alberts v. Schultz
M: 11/4/02	CB 368-394	III.I. Causation: III.I.2. Multiple Defendants	Summers v. Tice, Hymowitz v. Eli Lilly & Co.
T: 11/5/02	CB 399-412; 419-434	III.I. Causation: III.I.3. Proximate Cause	Unexpected Harm: Benn v. Thomas, In re Polemis, Overseas Tankship v. Morts Dock & Engineering (Wagon Mound), Unexpected Victim: Palsgraf v. Long Island RR Co., Express Agreements: Dalury v. S-K-I; Implied Assumption of Risk: Murphy v. Steeplechase Amusement; Roberts v. Vaughn
W: 11/6/02	CB 461-476; 484-489	III.J. Defenses: III.J.2. Assumption of Risk	

M: 11/11/02	CB 435-460	III.J. Defenses: III.J.3. Contributory and Comparative Fault	Contributory Negligence, Comparative Negligence: Uniform Comparative Fault Act, Avoidable Consequences
<u>IV. Strict Liability</u>			
T: 11/12/02	CB 498-520	IV.A. Development of the Doctrine	Fletcher v. Rylands, Rylands v. Fletcher, Sullivan v. Dunham, Indiana Harbor Belt RR v. Cyanamid Co.
W: 11/13/02	CB 520-539	IV.B. Theory	Rabin: The Ideology of Enterprise Liability, King: A Goals-Oriented Approach..., Posner: Economic Analysis of Law
<u>V. Products Liability</u>			
M: 11/18/02	CB 540-556	V.A. Products Liability Introduction	MacPherson v. Buick, Escola v. Coca-Cola,
T: 11/19/02	CB 556-572	V.B. Manufacturing and Design Defects	Soule v. GM
W: 11/20/02	CB 572-581	V.B. Manufacturing and Design Defects (cont'd)	Camacho v. Honda
M: 11/25/02	CB 581-605	V.C. Warnings	Hood v. Ryobi, Edwards v. Basel Pharmaceuticals, Vassallo v. Baxter Healthcare
T: 11/26/02	CB 605-614	V.D. Defenses	GM v. Sanchez
W: 11/27/02	TBD		
M: 12/2/02	Special Session - TBA		
<u>VI. Damages</u>			
T: 12/3/02	CB 679-697	VI.A. Compensatory Damages	Seffert v. LA Transit Lines
W: 12/4/02	CB 697-703, 705(start with note 7)-717	VI.A. Compensatory Damages (cont'd)	McDougald v. Garber, Arambula v. Wells
M: 12/9/02	CB 717-739	VI.B. Punitive Damages	Taylor v. Superior Court, BMW v. Gore
T: 12/10/02	SD 9	<u>VII. Defamation Case Study</u>	Defamation Case Study
W: 12/11/02		<u>WRAP-UP SESSION</u>	