

Torts I, Fall 2009
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Course Organization Chart

PART I: Preliminaries

Module 1: Models of Tort Law and the Context of Torts

Reading:

- None

Module 2: Overview of Tort Law

Reading:

- Something to give you an overview of tort law, such the capsule summary of your outline, if you have one. Alternatively, read the finalized wypadki from last semester.

Class materials:

- Mindmap of Intentional Torts [posted online]
- Mindmap of Negligence [posted online]
- Mindmap of Strict Liability and Other Issues Within Lineal Torts [posted online]

Module 3: Procedural Context for Torts

Reading:

- Abraham, Ch. 1 § II, pp. 3-14

Class materials:

- Anatomy of a Lawsuit - Handy Flowchart [posted online]

Module 4: Example of a Tort Lawsuit: *Walter v. Wal-Mart*

Reading:

- *Walter v. Wal-Mart* (nos. 1-4) [EEJ]

PART II: The Prima Facie Case for Negligence

SUBPART A: The Duty Element

Reading (*applicable to modules 5-7*):

- Abraham, Ch. 11

Module 5: Foreseeability

Reading:

- *Weirum v. RKO* [EEJ]

Module 6: Special Plaintiff Categories

Reading:

- *Dobson v. Dobson* [EEJ]

► **INTERSTITIAL TOPIC:** Canadian Law and Courts

Class materials:

- Overview of Canadian Law and Courts (slide presentation) [posted online]

Module 7: Failure to Act

Reading:

- *Boyd v. Racine Currency Exchange* [EEJ]
- *South v. Amtrack* [EEJ]
- *Tarasoff* [Diamond, 305-311]

SUBPART B: The Breach Element

Module 8: The Reasonable-Person Standard of Care

Reading:

- *Breuing* [Diamond, 157-162]
- Abraham, Ch. 3, beginning thru § II, pp. 47-61

Module 9: Custom and the Negligence Calculus

Reading:

- *The T.J. Hooper* [EEJ]
- *U.S. v. Carroll Towing* [EEJ]
- Abraham, Ch. 3, §§ III & IV, pp. 62-71

Module 10: Negligence Per Se

Reading:

- *Wawanesa Mutual Ins. Co. v. Matlock* [Diamond, pp. 194-196]

Module 11: Res Ipsa Loquitur

Reading:

- *Byrne v. Boadle* [EEJ]
- Abraham, Ch. 4 § II, pp. 95-102

SUBPART C: The Actual-Causation Element

Module 12: But-For Analysis

Reading:

- *Beswick v. CareStat* [EEJ]
- Abraham, Ch. 5, intro & § I, pp. 103-108
- *Anderson v. Cryovac* (nos. 1-6) [EEJ]
- *A Civil Action* [film, on reserve]

Module 13: Multiple Possible Causal Relationships

Reading:

- Herskovits [Diamond, pp. 211-215]
- Summers v. Tice [Diamond, pp. 218-220]
- Sindell [Diamond, pp. 220-229]
- Ayers [Diamond, pp. 231-236]
- Abraham, Ch. 5, § II thru end of chapter, pp. 108-123

Class materials:

- Certain Issues In Actual Causation (slide presentation) [posted online]

SUBPART D: The Proximate-Causation Element

Module 14: The Place of Proximate Cause: *Palsgraf v. Long Island Railroad*

Reading:

- Palsgraf v. Long Island Railroad [Diamond, pp. 241-249]

Module 15: Various Tests for Proximate Causation

Reading:

- Abraham, Ch. 6, § II, pp. 124-143

SUBPART E: The Damages Element

Module 16: Compensatory Damages

Reading:

- McDouglad v. Garber [Diamond, pp. 604-609]
- Abraham, Ch. 10, intro thru § III, pp. 215-231

Module 17: Punitive Damages

Reading:

- State Farm v. Campbell [Diamond, pp. 614-619]
- Abraham, Ch. 10, § IV, pp. 231-232

PART III: Defenses to Negligence

Module 18: Contributory and Comparative Negligence

Reading:

- Li v. Yellow Cab [Diamond, pp. 422-428]
- Abraham, Ch. 7, intro thru § II, pp. 144-160

Module 19: Assumption of Risk

Reading:

- Murphy v. Steeplechase [Diamond, pp. 429-431]
- Abraham, Ch. 7, § III, pp. 161-165

Module 20: Statutes of Limitations and Repose

Reading:

- None

Class materials:

- Statutes of Limitation and Repose (slide presentation) [posted online]

Module 21: Immunities and Exemptions

Reading:

- None

Class materials:

- Immunities and Exemptions (slide presentation) [posted online]

PART IV: Liability Relating to Medical Care

Module 22: Medical Malpractice / Professional Negligence

Reading:

- Sawyer v. St. Joseph's Hospital [Edwards, Ch. 1, *only the portion directly concerning the case: pp. 17-48*]
- Abraham, Ch. 3, § V, intro thru part B, pp. 71-75

Module 23: Informed Consent

Reading:

- Campbell v. Pitt County Memorial Hospital [Edwards, Ch. 2, *only the portion directly concerning the case: pp. 51-113*]
- Abraham, Ch. 3, § V, part C, pp. 75-80

Module 24: Medical Battery

Reading:

- None

Module 25: Tort Reform and Medical Torts

Reading:

- None