**TORTS SYLLABUS: FALL 2020**

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**Teaching Assistants**

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**COURSE OVERVIEW**

Torts is a required course that focuses on civil remedies for personal injury, wrongful death, or property damage. Substantive coverage is selective: (1) intentional torts, including assault, battery, false imprisonment, and intentional infliction of emotional distress; (2) negligence, which involves liability for the failure to use reasonable care in the light of foreseeable risks; (3) strict liability, where liability is imposed even if the defendant may have acted reasonably; (4) products liability; and (5) defenses.

Torts is a common law subject, meaning that it relies on judicial decisions. Statutes have become increasingly important in Tort law, but the course will emphasize case analysis. Torts is tested on the Preliminary Bar Exam (which you will take at the end of the spring semester) and on the Bar Exam. It is, therefore, important that you develop a strong foundation in Tort law.

An outline of the course is posted on TWEN (the course web site) under two tabs: (1) Syllabus and Related Materials and (2) Review Suggestions.

**CASEBOOK**

The required text for this course is Basic Tort Law: Cases, Statutes and Problems (5th ed. 2018 Wolters Kluwer).

A list of supplemental materials is posted on TWEN under two tabs: (1) Syllabus and Related Materials and (2) Law School Resources.

**LEARNING OBJECTIVES**

Upon successful completion of this course, students will be able to:

1. Demonstrate knowledge of the elements of the intentional torts, negligence, and strict liability as well as the defenses to these causes of action.

2. Read, analyze, and brief cases.

3.Articulate theories of liability and explain the rationale for courts’ decisions.

4.Identify relevant legal issues, determine the relevant rules, and apply those rules to particular hypotheticals to justify a particular conclusion.

5. Demonstrate a basic knowledge of the steps in the civil litigation process.

6. Demonstrate professionalism in meeting course responsibilities.

**GRADING**

The grade in this course will be based 20 percent on a mid-term examination and 80 percent on a final examination. Instructions and additional information will be posted at a later date.

The final course grade may be adjusted one step up for outstanding class preparation and participation that demonstrates a level of engagement above and beyond that which is expected at the professional graduate school level. Class participation is measured primarily by its meaningfulness and utility to the discussion. While frequency matters, it is the substance of your contribution that matters more.

The final course grade may also be adjusted step down for lack of professionalism. Professionalism includes attendance, punctuality, class preparation and participation, responsibility, respect, and civility. Each is explained below.

**COURSE EXPECTATIONS**

Attendance

Class attendance in Teams is required. The attendance policy is posted on TWEN under the tab: Syllabus and Related Materials. Failure to attend class will have a detrimental effect on your understanding of the material and your grade. It could also result in a grade of F.Wd. Read the attendance policy posted on TWEN and in the Vermont Law School Academic Regulations contained in the Student Handbook.

Class Preparation and Participation

You are expected to be prepared for class and to participate. Although class will be held virtually, you will be expected to participate in discussions. Read the statement on Class Preparation that is posted on TWEN under the tab: Syllabus and Related Materials.

Email and TWEN

TWEN (The West Educational Network) is a learning management system (LMS). Many faculty create a course web page there for documents, quizzes, and discussion forums. You must register at: <https://lawschool.thomsonreuters.com/> once you have received your Westlaw password. Please use your Vermont Law School email when registering on TWEN.

You are required to enroll in the course web site on TWEN = Torts Fall 2020 Professor Willbanks. You should check that site periodically for updates that are posted under Announcements. This syllabus and related materials are posted on TWEN. Other resources are also posted there. You are responsible for the materials posted under the tabs: Announcements and Syllabus and Related Materials.

I use the email function in TWEN to communicate with the class. Emails from TWEN include the course title. Do not respond directly to emails sent from TWEN as those disappear into the TWEN system and no one reads them.

The VLS email system is an official method of communication at VLS and for this course. It is the primary way that I communicate with you outside class. You are expected to check your VLS email on a regular basis. This means at least once a day and probably more often on class days.

I also expect that all emails will be professionally written. A supplemental reading on professional emails has been posted on the course TWEN site under the tab: Supplemental Readings.

Respect and Civility

You are expected to show respect for the Professor and your classmates. Please arrive on Teams before the time for class to start. Do not leave during class except for emergencies. Please turn off your cell phone, your smart watch, and all other communication devices. Close all programs other than Teams. (This will provide a better connection to Teams.) Please refrain from checking email, playing games, updating Facebook, shopping, and other computer activities.

Please raise your hand to be called on using the “raise hand” feature in Teams. Use the chat function only for class discussion and questions. Do not text, email, or chat with your classmates other than about class. Please respect the differing contributions of other students. If you are a frequent contributor to class discussion, you might not always be called on to speak.

**OFFICE HOURS**:

Office hours are Tuesdays from 2:00 to 4:00 p.m. or by appointment. More details are posted on TWEN under the tab: Syllabus and Related Materials.

**COPYRIGHT**

All materials (written and recorded) in this course, including those on the course web site, are copyrighted. This also includes any recording of the class by the professor, any student, or any other person. These materials are only for the use of the individual student enrolled in this course and may not be reproduced or distributed without the express written consent of the professor.

**READING ASSIGNMENTS**

The initial schedule of reading assignments is posted on TWEN under the tab: Syllabus and Related Materials. The schedule will be updated and adjusted periodically. Updates will appear in the class notes and under the tab: Announcements on TWEN.