

TORTS: PROFESSOR WILLBANKS
Cohort B (Section 02)
SYLLABUS: FALL 2021

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Both TAs are also Academic Success Program (ASP) mentors. You can make appointments with them through the ASP program.

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, intentional infliction of emotional distress, trespass to land, trespass to chattels, and conversion; (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 to a great extent on judicial decisions. Statutes have become increasingly important in Tort law, but this 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 those 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, in the discretion of the Professor, 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, in the discretion of the Professor, also be adjusted one step down for lack of professionalism. Professionalism includes attendance, punctuality, class preparation and participation, responsibility, respect, civility, and meeting all course obligations by the posted deadlines. Each is explained below.

COURSE EXPECTATIONS

Attendance

Class attendance 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 under the tab: Syllabus and Related Materials 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. 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 2021 Professor Willbanks. You should check that site periodically for updates that are posted under Announcements. This syllabus, reading assignments, and related materials are posted on TWEN. Other resources are also posted there. You are responsible for the materials posted under the tabs: (1) Announcements and (2) 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 in the classroom before the time for class to start. Be prepared to begin class promptly at 11:20 a.m. Do not leave the room during class except for emergencies. Please turn off your cell phone, your smart watch, and all other communication devices. Please refrain from checking email, playing games, updating Facebook, shopping, and other computer activities during class.

Please raise your hand to be called and do not engage in side conversations with your classmates. Do not text, email, or chat with your classmates. 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.

Meeting Course Deadlines

The examinations in this course are in-class, timed examinations. Examinations will be administered electronically using ExamSoft (Examplify). You are expected to complete your examinations within the allotted time. Failing to stop when instructed to do so will result in a penalty. The penalty will be in the discretion of the Professor.

In some situations students may be taking an examination other than in ExamSoft. Those students are required to follow all instructions from the Professor and the Registrar's Office. Failure to follow instructions, including submitting all materials by the deadline will result in a penalty. The penalty will be in the discretion of the Professor.

OFFICE HOURS:

Office hours are Tuesdays from 2:00 to 3:30 p.m. or by appointment. More details are posted on TWEN under the tab: Syllabus and Related Materials.

EXAMS

There will be two exams in this course – a mid-term exam and a final exam. Both will be closed book exams, meaning that you may not have any materials or communication devices available during the examination. The examinations will be administered electronically using ExamSoft (also called Examplify). You must have a laptop computer capable of operating this program. The IT department can help you assess if your laptop computer is appropriate.

ExamSoft is an electronic platform that is used to conduct in-class, timed examinations. You must register with ExamSoft prior to the mid-term examination. You must enter your Vermont Law School identification number when registering because your mid-term and final exams in this course will be graded by number and not by name.

Information about ExamSoft (Examplify) will be sent to you by email from the VLS registrar's office. Be sure to follow all the directions to complete the registration process.

HONOR CODE

All components of this course are governed by the Vermont Law School Honor Code. You will be asked to acknowledge the Honor Code at the beginning of the final exam. Here is a sample of what that language will be:

I have abided by the Vermont Law School Honor Code and the professor's instructions in preparing my answers to this examination. I have neither given nor received unauthorized assistance. I have not consulted any source not allowed by the professor. The answers that I submit are solely my own work product.

I understand that when I am told the exam is over I will immediately exit the exam. I understand that if I do not exit the exam immediately I am in violation of the Honor Code and will be reported

I certify the foregoing by clicking OK at the bottom of this screen

If you take the final examination other than in ExamSoft, you will be required to sign and submit a separate Honor Code Form. The Registrar's Office will manage any such examinations and retain the Honor Code Form. The Honor Code Form is a required component of the examination, and failure to submit it will result in the filing of an Honor Code complaint and a grade of zero (0) for the examination.

TEAMS

Teams is a virtual platform (like Zoom) that was used during the pandemic to conduct classes at VLS. It is a resource that will be used during the fall 2021 semester to conduct office hours, appointments, or classes if the campus is closed. Additional information will be posted on TWEN about Teams.

READING ASSIGNMENTS

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

COPYRIGHT

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