

TORTS

REQ7150

Professor Stephanie A. Clark

Fall 2022

SYLLABUS

CONTACT INFORMATION AND OFFICE HOURS

- Professor Clark sclark@vermontlaw.edu
- Teaching Assistants - TBA

Office Hours

- Professor Clark – Tuesdays, from 1:00 to 2:00 and by appointment, please email to set up a time.

COURSE OVERVIEW

Torts is a required JD course that focuses on civil remedies for personal injury, wrongful death, or property damage. Topics that we will study include: (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 and on the Bar Exam. It is, therefore, important that you develop a strong foundation in tort law.

This Syllabus, and other important documents and information, are posted on **Canvas** (the course web site). Enrolled students must either check Canvas on a regular basis, or sign up for Canvas updates to be sent via email.

CASEBOOK

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

A list of Assignments and supplemental materials are posted in our Canvas site under “Files.”

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 some of the major steps in the civil litigation process.
6. Produce a competent written analysis of a basic torts hypothetical.
7. Demonstrate professionalism in meeting course responsibilities.

GRADING

The grade in this course will be based on the following components: one quiz worth 5 percent, a midterm worth 20 percent, and a final exam worth 75 percent. Instructions and additional information will be posted at a later date.

The final course grade may be adjusted 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 down for lack of professionalism, violations of Covid protocols in class, multiple unexcused class absences, and otherwise in the discretion of the professor, if a deduction is merited due to disruptive, disrespectful, or offensive conduct in class. Professionalism includes attendance, punctuality, class preparation and participation, responsibility, respect, and civility. Each is explained below.

COURSE EXPECTATIONS

Attendance

Class attendance is required. The attendance policy is explained in more detail in the Vermont Law School Student Handbook [§II\(A\)](#). Failure to attend class will have a detrimental effect on your understanding of the material and your grade, and it can result in an automatic withdrawal and a grade of F.Wd (failure withdrawal). Read the attendance policy posted in the Handbook before the beginning of the term.

Class Preparation and Participation

You are expected to be prepared for class and to participate regularly. This class, as with most first-year law classes, uses the Socratic method. Students should expect to be called upon to answer questions about the reading materials, or questions based on the reading materials.

Email and Canvas

Canvas is a learning management system (LMS). Many faculty create a Canvas course web page for documents, quizzes, and discussion forums. You will be automatically enrolled in the course Canvas site, but it is your responsibility to verify that the email address registered with Canvas is one that you can access and check frequently for course updates. You can access your Canvas settings by clicking “Account” on the top left side of the Dashboard screen, beneath the VLS logo.

You should check Canvas periodically for updates that are posted under [Announcements](#). This syllabus and related materials are posted there as well, under correspondingly named tabs. Other resources are also posted there. You are responsible for the materials posted under the tabs: [Announcements](#), [Syllabus](#) and Required Course Materials (in [Files](#)). The Syllabus will indicate when there is assigned reading outside of the Casebook.

I use the Announcements function on Canvas to communicate with the class. You should check your VLS email regularly to ensure that you do not miss any important Announcements. 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.

Respect and Civility

You are expected to show respect for the Professor and your classmates. Please arrive before the time for class to start. Do not leave during class except for emergencies, as this causes a great deal of distraction and disruption. Please turn off your cell phone, your smart watch, and all other communication devices. Please refrain from texting, checking email, playing games, updating Instagram, Facebook, shopping, and other computer or smartphone activities during class.

Students must raise their hands and wait to be called on in class before speaking. If you are not speaking, please listen to the contributions of your classmates. Please also respect the various contributions of other students, even if you disagree with the statement/s offered by your classmates. If you are a frequent contributor to class discussion, you might not always be called on to speak.

OFFICE HOURS:

Office hours are held by appointment in-person or on Teams and they are generally scheduled in 20-minute blocks. **Professor Clark’s weekly office hours are Tuesdays, from 1:00 to 2:00**, or by appointment. Email Professor Clark (or the Teaching Assistants once assigned) to schedule an office hours appointment.

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 in [Files](#). The schedule will be updated and adjusted periodically. Updates will appear in the class notes and under the tab: [Announcements](#).

COVID-19 POLICIES AND PROTOCOLS

Students must adhere to the VLS Covid-19 Health and Safety [Protocols](#), as posted on the VLS website, announced by the Dean of Students, and/or established for our classroom. Due to the changing nature of the Covid-19 pandemic, it may be necessary for VLS, the Dean of Students, or your professor to impose safety precautions, sometimes on very short notice. Monitor your email frequently to ensure that you are up to date and in compliance with the most recent Covid-19 health and safety protocols.

If a mask requirement is currently in place through VLS policy, students in our class are prohibited from eating or removing their masks. The only exception to the mask requirement is for students needing to take a drink during class. If students attempt to use this policy to leave their masks off for extended periods of time, they will receive an email warning from the professor. If student behavior or circumstances so require, the professor may change this policy and prohibit any removal of masks in class, for any reason. Please remember that, even if you are vaccinated, your classmates, as well as your professor, may have children living with them who are still too young to receive a Covid-19 vaccine, and their safety depends on everyone in the classroom following the mask rules and other Covid policies and protocols.