

COMPARATIVE TORT LAW
MONASH UNIVERSITY FACULTY OF LAW
MASTERS OF LAW
SECOND SEMESTER, 2005

J. Little, Instructor, visiting from University of Florida

Content Summary: This course will make an in depth comparative development of various aspects of the lot of torts from its English origins in the Commonwealth of Australia and in the United States of America. Special focus may be placed on the law of Victoria and the law of Florida. The law of other jurisdictions may also be considered, depending particularly upon the interest of the students.

Learning Objectives: Primary objectives include learning to access and evaluate legal materials from various jurisdictions, particularly foreign international jurisdictions, to compare differing approaches to similar issues, to consider what accounts for different resolutions of similar issues, and to prepare a substantial technical legal document addressing the findings of the comparative evaluation in some manner. The written report could be in the form of discussion and commentary, the form of a proposed statute or amendments to an existing statute with commentary, an in depth comparative explanation and analysis of particular judicial decisions, or some similar writing approved in advance by the instructor. Contingent upon the time available and the number of students, each student may be required to make an oral presentation to the class.

Assessment Regime: Students will be assessed upon in-class participation, graded on in-class participation, oral presentations (if conducted), the written report, and written examination. Although students must perform satisfactorily in all aspects of the course, primary weight for computing a course grade will be upon the written work. At least 50% of the score will be determined by the examination.

Library Materials: Students must have access to case law of all Australian and United States Courts. This may be through library texts or internet providers. Students should have access to the 2002 Ipp report and law review commentary about it. Students should have access to the Restatement of the Law (Torts) and major Australian and United States law reviews by library texts or internet.

TENTATIVE SYLLABUS
(As of June 2005; subject to change)

	DATE	TOPIC	READINGS
1	July 27	Introduction: American Jury System and Law of Torts	Topic I materials provided
2	August 3	Introduction continuation: Commence Tort Reform (General)	Australia IPP Report (Provided) Restatement (Third) of the Law of Torts: excerpts to be provided
3	August 10	Tort reform (Continued): Discussion of paper topics, including Damages (pain and suffering; punitive); Defamation and press; Defamation and internet; Liability for emotional injuries; No fault applications (automobile crashes; workers' compensation)	
4	August 17	Mass torts (Class Actions)	To be provided
5	August 24	Strict liability(historical and current applications)	To be provided
6	August 31	Professional Liability: liability issues	To be provided
7	September 7	Proof of causation (general)	To be provided
8	September 14	Proof of causation (scientific including medical injuries and toxic tort injuries)	To be provided
9	September 21	To be announced	
10	September 28	Mid Semester Break	
11	October 5	Paper discussion and presentation	
12	October 12	Paper discussion and presentation	
13	October 19	Paper discussion and presentation	
14	October 26	Examination	