

**TORTS**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**SYLLABUS - SECTION 2A**  
**FALL 2025 – LAW 5700 – 4 Credits**

Professor Amy L. Stein  
Holland Hall Office 311  
Office Phone: (352) 273-0953  
Email: [stein@law.ufl.edu](mailto:stein@law.ufl.edu)

Office Hours: Tuesdays, 10:00-10:30 am, in person and Wednesdays, 10:00-10:30 am, in person;  
Thursdays, 4:00-5:00 pm on Zoom (link on Canvas); or by appointment.

**MEETING TIME AND LOCATION**

Mondays: 5:00 pm - 5:55 pm; Room HH 345

Tuesdays and Wednesdays: 8:30 am - 9:55 am; Room HH 345

**REQUIRED TEXT**

FARNSWORTH & GRADY, TORTS: CASES AND QUESTIONS, **3rd ed.** (Aspen 2019)

All class communications and supplemental readings will be posted on Canvas. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

**STRONGLY RECOMMENDED OPTIONAL SUPPLEMENTAL TEXT**

GLANNON, THE LAW OF TORTS: EXAMPLES AND EXPLANATIONS (6th edition) or any other recent edition

**COURSE DESCRIPTION**

The objective of this course is for you to develop a greater understanding of civil liability for harm caused by wrongful acts that violate non-contractual duties imposed by law. We will cover intentional torts, negligence, intentional and negligent infliction of emotional distress, defenses, damages, strict liability, and products liability, among other topics.

**STUDENT LEARNING OUTCOMES**

At the end of this course, students should be able to perform the following:

- Recognize and comprehend the terminology and elements of the major tort rules and be able to communicate them to others;
- Compare and contrast cases with seemingly similar facts and different outcomes;
- Identify and analyze tort issues in fact patterns and cases;
- Critically evaluate the policies behind tort liability; and
- Craft a legal argument using a discrete tort legal question.

**GRADING EVALUATION**

The four credit course grade is based primarily on a closed book, four-hour final examination. Exams are graded anonymously. However, preparation for class and participation in class is an expectation for all students. Participation that is of exceptionally low quality over the course of the semester may be factored in and may affect your grade by as much as 1/3 of a letter grade. This is independent from any 1/3 reduction due to excessive absences.

### **COMPLIANCE WITH UF HONOR CODE:**

Academic honesty and integrity are fundamental values of the University community. The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so. As you will learn in life, there will be times when AI use is appropriate and times when it is not. A good practice is that you provide proper attribution to AI when used. You may not use it for your practice problems or final exam, but you may use it to help prepare you for the exam. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

### **CLASS ATTENDANCE POLICY**

Students are expected to attend and participate in class and attendance will be taken at every class. I am assuming that each student that enrolls in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the [ABA and the Law School](#).

- Nevertheless, to allow for exigencies in life, **students are permitted six unexcused absences during the semester** without impacting their final grade. This allowance is designed to accommodate for illness, job interviews, family emergencies, and life. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted. As a courtesy, please let me know when you are going to be absent from class.
- For each absence beyond six, a student's final exam grade will be reduced by one-third of a grade (e.g., A- to B+).
- If a student misses nine classes, the professor has the discretion to render the student ineligible to receive credit for the course.
- Excused absences, including [observance of religious holidays](#), are consistent with University policies, and require appropriate documents and/or notification before or shortly after class about your absence. If you have a religious holiday, exceptional illness, or emergency that causes you to miss class, you must contact me before or soon after class for your absence to be excused. The law school's policy on attendance can be found [here](#).

A seating chart will be available on the first day of class for students to choose a seat. Please sit where you would like to remain for the rest of the semester on that day. I will pass around an attendance sheet at the beginning of each class period. I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to lower your final grade accordingly.

### **POLICY RELATED TO MAKE-UP EXAMS**

The law school policy on delay in taking exams can be found [here](#).

Other information about UF Levin College of Law policies, including compliance with the Grading, Accommodations, Class Recordings, and Course Evaluations policies can be found here: <https://ufl.instructure.com/courses/427635/files?preview=98226140>.

## **CLASS PARTICIPATION**

It is essential to your success in this class that you come to class prepared to discuss the assigned readings for that day. I intend to randomly call on a number of students each class. Everyone is expected to have a high degree of preparation for class and consistently provide high quality (not necessarily high quantity) comments when called upon or on a volunteer basis. Students who are frequently absent or are unprepared when called upon may have their final grade reduced. To be “prepared,” you must have read the assignment and have made a good faith effort to think through the materials. You do not have to have perfect answers to my questions, but you must be willing to discuss the assigned reading and work through the questions with the class. The following questions are representative of some of the types of questions I may ask, as well as the questions in the text helping you with distinguishing and analogizing different cases:

- Who are the parties of the case? What are the facts? Was the case decided correctly?
- What level of court decided the case you’ve read (state/federal; trial/appellate)?
- What is the procedural posture of the case (that is, at what stage of the civil process was the decision under review that is being challenged made)?
- What is the holding of the case? What is the rationale of the case?
- What are the policy arguments that support the result in the case?
- What are the counterarguments to the holding and its application?
- How is the reasoning of one case the same/different from the other?

## **PROFESSIONAL COURTESY**

Please do not arrive late to class or leave early absent extenuating circumstances. If you need to do so, please sit near one of the exits to minimize your disruption to others and notify me in advance. Please make sure your cell phone is turned off during class. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates.

## **USE OF LAPTOPS IN CLASS**

For the time we are together, you owe yourself, your classmates, and me your focused attention. You will have a better educational experience if you can focus on grasping key concepts instead of transcribing the classes.<sup>1</sup> For this reason, and to minimize distractions for your classmates, electronic typing devices are not allowed in class. Exceptions will be made only if you take the following steps: (1) come to my office and present a valid justification for exempting you from this policy (i.e., a documented disability for which a laptop is necessary); (2) sign a contract with me stating that you will never access the Internet; and (3) sit only in the back row of the classroom. Of course, you are strongly encouraged to take handwritten notes.

## **DISCOURSE, INCLUSION, AND THE CLASSROOM**

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

---

<sup>1</sup> See, e.g., A Learning Secret: Don’t Take Notes with a Laptop, <http://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/>; Princeton University study shows students more likely to learn by taking handwritten notes, [http://www.nj.com/mercer/index.ssf/2014/06/princeton\\_university\\_study\\_finds\\_students\\_more\\_likely\\_to\\_earn\\_by\\_taking\\_handwritten\\_notes.html](http://www.nj.com/mercer/index.ssf/2014/06/princeton_university_study_finds_students_more_likely_to_earn_by_taking_handwritten_notes.html).

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

### **PREFERRED NAME AND PRONOUNS**

Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class.<sup>2</sup>

### **COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS (TENTATIVE)**

The sections below generally represent what I will attempt to cover during a class period, but they are only estimates. We may move faster or slower depending on how the classes progress. You can anticipate what the next class period's reading assignment will be from the below chart if you wish to start early or read ahead. I may also add a few supplemental readings along the way, depending on our pace and coverage. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Torts has four "classroom hours" of in-class instruction each week, requiring **at least eight hours of preparation outside** of class. Please budget accordingly.

---

<sup>2</sup> You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to [one.ufl.edu](https://one.ufl.edu), click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

Class	TOPIC	READING
<b>INTENTIONAL TORTS</b>		
1 8/18	Introduction to Torts; Battery: Intent	Introduction (pp. xxvii-xxxix) pp. 1-11 (stop before Minimum Requirements)
2 8/19	Battery: Minimum Requirements and Consent	pp. 11-16
3 8/20	Battery: Offensive Contact, Consent	pp. 17-22 (through note 7)
4 8/25	Trespass	pp. 26-34 (through note 9)
5 8/26	Conversion	pp. 37-47 (through note 10)
6 8/27	False Imprisonment	pp. 50-59
9/1	NO CLASS – LABOR DAY	
7 9/2	Assault, Outrage (aka Intentional Infliction of Emotional Distress)	pp. 59-72 (through note 5)
8 9/3	Privileges – Defense of Person and Property, Private Necessity Practice #1 Assigned	pp. 79-86 (through note 7), 89- 95 (through note 2)
9/5 5pm	PRACTICE PROBLEMS #1 DUE via Canvas by 5pm sharp. Canvas will not accept late submissions and this submission is your “ticket” to participate in the review of the problems.	
9 9/8	Discussion of Practice Problems #1 Privileges – Private and Public Necessity	pp. 95-101 (stop at discipline)

NEGLIGENCE		
10 9/9	Introduction to Negligence; The Reasonable Person	pp. 111-122
11 9/10	Physical Infirmities, Risks, & Precautions, The Hand Formula	pp. 122-136 (through note 4)
12 9/15	Hand Formula (cont.); Medical Malpractice	pp. 136 (start at note 5) -140 (through note 7); pp. 142 (start at note 9) – 147 (stop before notes); pp. 149 (start with note 3) – 153 (through note 5); pp. 154 (start at note 7) - 156
13 9/16	Negligence Per Se	pp. 156-168
14 9/17	<i>Res Ipsa Loquitur</i>	pp. 174-180 (though note 7); pp. 182 (start with note 9) - 190 (through note 1)
15 9/22	Duties and Limitations and Undertakings	pp. 195-203 (through note 6); pp. 205-210 (through note 6)
16 9/23	Duties Arising from Special Relationships; the Public Duty Doctrine	pp. 211-222 (through note 4); notes 5 and 6; pp. 225-228
17 9/24	Duties Arising from Occupation of Land Practice #2 Assigned	pp. 228-239 (through note 4); note 8
9/26 5pm	PRACTICE PROBLEM #2 DUE via Canvas by 5pm sharp. Canvas will not accept late submissions and this submission is your “ticket” to participate in the review of the problem.	
18 9/29	Discuss Practice Problem #2 Privity and Pure Economic Losses	pp. 243-251 (through note 1); notes 5 and 6

19 9/30	Negligent Infliction of Emotional Distress	pp. 259-270
20 10/1	Actual Causation – But For, Substantial Factor, and Loss of a Chance	TBD
21 10/6	Actual Causation – But For and Loss of a Chance, Multiple Necessary Causes, Multiple Sufficient Causes	TBD
22 10/7	Actual Causation – Alternative Liability; Market Share Liability	pp. 290-298 (through note 2); pp. 300-302 (stop before section 2)
23 10/8	Proximate Causation – Remoteness and Foreseeability	pp. 306-318 (skip note 13);
24 10/13	Proximate Causation – Intervening Causes	pp. 318-327
25 10/14	Proximate Causation: Intervening Causes (cont.) and Superceding Causes and Limitation of Duty and <i>Palsgraf</i>	pp. 328-337
26 10/15	Compensatory Damages – Property, Lost Earnings, and Pain and Suffering	pp. 443-447 (through § 911); note 2
27 10/20	Compensatory Damages – Lost Earnings, and Pain and Suffering	pp. 451-455 (through note 4); note 6; note 8  pp. 462-466 (through note 7); note 11; skim note 15
28 10/21	Compensatory Damages (cont.) and Punitive Damages– Pain and Suffering	pp. 475-489 (stop before Sunstein excerpt)
29	Defenses – Contributory and Comparative Negligence	pp. 493-504 (through note 2); pp. 505 (start at note 6) - 507

10/22 5pm	Practice #3 Assigned	
10/24	PRACTICE PROBLEM #3 DUE via Canvas by 5pm sharp. Canvas will not accept late submissions and this submission is your “ticket” for participation in the review of the problem.	
30 10/27	Discuss Practice Problem #3	
31 10/28	Defenses – Express Assumption of Risk; Primary Assumption of risk	pp. 508-519 (through note 1)
32 10/29	Defenses – Primary and Secondary Assumption of Risk	pp. 519 (start at note 2) - 529
<b>STRICT LIABILITY</b>		
33 11/3	Strict Liability – Animals and <i>Rylands</i>	pp. 343-348 (through note 2); pp. 353-361
34 11/4	Abnormally Dangerous Activities	pp. 361-370 (through note 5); note 9
35 11/5	<i>Respondeat Superior</i>	pp. 372-376 (through note 1); note 6;
36 11/10	Products Liability – Foundation	pp. 385-400
11/11	NO CLASS – VETERANS DAY	



37 11/12	Products Liability - Manufacturing Defects and Design Defects	pp. 400-405 (through note 1); notes 6 and 7
38 11/17	Products Liability - Design Defects	pp. 412-424
39 11/18	Products Liability - Failure to Warn	pp. 424-431 (through note 3); 438-442
<b>12/15</b>	<b>FINAL EXAM</b>	