

Torts (Section 5)

LAW 5700, Fall 2020

This document provides essential information about the course, including classroom expectations, learning outcomes, and a reading map.

Professor: Maryam Jamshidi

Class Hours: Mon., Tues, Wed. 1-2:15pm

Classroom: HH 345

Office: 341

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Court Materials:

The required textbook is John Fabian Witt and Karen M. Tani, *Torts: Cases, Principles, and Institutions*, Fifth Edition (2020). I encourage you to buy the print-version, which is very affordable compared to other textbooks. There is also a digital version available for free here: <https://www.cali.org/books/torts-cases-principles-and-institutions>. Please note: because of the classroom laptop policy, you cannot use the digital version in class. I will also occasionally assign supplementary readings, which I will post on Canvas.

You do not need to use outside study aids to do well in this course. If, at some point, you find that an overview would be useful, I recommend Kenneth S. Abraham, *The Forms and Functions of Tort Law*.

Course Units/Reading Assignments:

A reading map/list of topics is included at the end of this syllabus. I will post reading assignments on Canvas, generally 5-7 days in advance. This procedure allows me to adjust the pace of the class, depending on how much ground we've covered each week. If our classroom pace requires changes to assignments after posting, I will let you know. Consistent with ABA Standard 310, you should expect to spend 7.5 hours per week preparing for this 3 hour and 45 minute course.

Learning Outcomes

The ABA requires that all law schools adopt "learning outcomes." For this course, you will develop the following competencies:

- Knowledge and understanding of the basic rules and doctrines of tort law;
- Knowledge and understanding of the values and policies underlying tort law;
- Legal analysis and reasoning;
- Written and oral communication in the legal context; and
- Application of tort law to real-world problems.

COVID-19 Restrictions:

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

- You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. If you fail to properly wear a mask in class, I reserve the right to require that you leave the classroom. Failure to wear a face covering will also lead to a report to the Office of Student Conduct and Conflict Resolution. You will no longer be permitted on the UF Law campus. Finally, Dean Inman will report your noncompliance to the relevant state board of bar examiners.
- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Follow your TA's guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.

As reflected above, our class TA will help in overseeing compliance with classroom safety protocols. Please note the class TA does not engage in any teaching or grading of assignments, or otherwise serve as a resource for the substance of this class.

Barring any changes to university policy, the first two weeks of class will be held in-person. After that, because of COVID-19, we will have our Wednesday class on Zoom, in line with ABA Guidelines about remote teaching. I reserve the right to change our designated on-line day, as needed.

Class Preparation and Participation:

I expect each of you to attend every class prepared to participate in the discussion, whether you are doing the class in-person or online. Preparation includes completing the assigned reading, reviewing notes and/or reading material from prior classes, and reflecting on issues and questions those materials raise. For those attending the course online, you must have your video camera on and your actual name visible at the start of and for the duration of class in order to be counted for

participation and attendance purposes. For those attending in person, you must have your nameplate in front of you and visible to me for the duration of class.

To ensure meaningful participation from all class members and help you build lawyering skills, I use the Socratic-method in the classroom. This means I call on students, without advance notice, whether they are in the classroom or participating online. I may call on one student to dialogue with me on one case or jump around from student to student. Because of the small size of this class, quite a few students will likely be called on each class. This means you should always come prepared to dialogue. You do not have to have perfect answers to my questions, but you must be willing to work through those questions with me and your classmates.

In addition to this, I may occasionally take volunteers, especially as our discussion broadens to consider the implications of doctrine. Sometimes you will work together in groups to brainstorm responses to hypotheticals I pose in class.

Attendance:

To the best of their abilities, each student that enrolls in this course should be committed to attending every class, on time. Class attendance is also required by both the ABA and the law school. 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 illness that is not documented by a doctor's note, job interviews, family emergencies, and life, and do not require advanced notification to me. These absences are separate from excused absences. Excused absences, including illness confirmed by a doctor's note and observance of religious holidays, are consistent with University policies, <https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>. If you have a religious holiday, exceptional illness, like COVID-19, or emergency that causes you to miss class, you must contact me before class or, depending on the circumstances, immediately after class for your absence to be excused.

Please budget accordingly so that you are not left at the end of the semester with a needed, unexcused absence but depleted allotment. For each unexcused absence beyond six, a student's final exam grade will be reduced by one-third of a grade (e.g., A- to B+). If students have nine unexcused absences or more, the professor has the discretion to render the student ineligible to receive credit for the course. If students are late more than three times in a semester, their grade will be reduced by one-fourth for every three instances of lateness thereafter, in addition to any reduction for unexcused absences exceeding nine.

Electronic Devices:

Unless you are taking this course online, laptop usage is not allowed in this class. Smartphone use is prohibited during class for all students. I take this position for two reasons. First, some students inevitably use these devices in ways that distract other students. Second, in my experience, students with laptops often try to transcribe every word said in class, rather than actively listening and participating. If you need to use a laptop for an accommodation-based

reason, please let me know. See below for further information on the school's Accommodation policy.

Exam & Grading:

Your course grade will be based primarily on a blindly graded final examination. I will give you detailed information about the exam later in the semester, as well as preparation advice and practice opportunities. In cases where an exam score places a student on the border between two grades, I use class participation to decide whether to bump the student up or down. In evaluating participation, I think about the *quality* of the student's engagement with the material, as opposed to the number of times the student has spoken. Non-compliance with COVID-19 guidelines, as outlined above, will also factor into this evaluation.

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Average)	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school's grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

Office Hours and Email Policy:

My office hours are Wednesdays from 3 to 5 p.m. If I ever need to reschedule office hours, I will let you know in advance. Because of COVID-19 restrictions, office hours will be held over Canvas. You do not need to have a torts-related question to meet with me. Please feel free to stop by Canvas and just say hello. If you would like to meet by appointment outside of office hours, please email me to arrange a time.

You may also ask questions over email. If the question requires a particularly substantive response, I may ask to discuss in-person. If the question relates to a class policy or in-class

procedure noted in this syllabus, then I will refer you to that document for the answer, whether or not the question is asked over email.

Accommodations:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter, which must be presented to Dean Mitchell, the Assistant Dean for Student Affairs. Students with disabilities should follow this procedure as early as possible in the semester.

If a student is required to miss classes because of illness, they may contact Dean Inman for access to a recording of the class. Generally, this class will not be recorded.

Prohibition on Student Recording and Photography and Social Media Posting:

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the university's Office of Student Conduct and Conflict Resolution.

Student Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online at GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

Academic Honesty:

Academic honesty and integrity are fundamental values of the UF Law School community. You should be sure you understand and comply with the UF Student Honor Code, available at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>, and the Law School's application of it, available at <https://www.law.ufl.edu/life-at-uf-law/officeof-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Reading Map/General Topics Covered

I. Introduction: What is Tort Law?

II. Liability for Intentionally Inflicted Harms

A. Intentional Torts

- B. Defenses to Intentional Torts

III. Liability for Unintentionally Inflicted Harms: Strict Liability Versus Negligence

IV. Modern Negligence

- A. The Negligence Standard
- B. Plaintiff's Conduct
- C. Cause
- D. Duty

V. Modern Strict Liability

- A. Animals
- B. Ultrahazardous Activities
- C. Vicarious Liability

VI. Damages

- A. Compensatory Damages
- B. Punitive Damages

VII. Products Liability

- A. Background
- B. Manufacturing Defects
- C. Design Defects
- D. Warning Defects
- E. Plaintiff's Conduct

VIII. Apportionment of Liability Among Multiple Tortfeasors [time permitting]

- A. Apportionment of Harm to Causes
- B. Joint and Several Liability