MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for Torts – Spring 2020**

**Professor Martin**

**Instructor:** Professor Thomas H. Martin
Phone: 978.681.0800 ext 124

**Course**

**Materials:** Casebook: Prosser, Wade & Schwartz, Cases and Materials on Torts

 (Foundation Press, 13th edition 2015)

 Hornbook: Dobbs, The Law of Torts

 (West Publishing Company, 2000) (Try before you buy.)

Study Aid: Glannon, The Law of Torts: Examples and Explanations

 (Aspen, 5th ed. 2015) (paper)

**Course Description**

**& Grading**

**Criteria**:There will be ten in-class quizzes. For grading purposes, the student’s best five quiz scores will be averaged (the remaining quiz scores being disregarded) and the quiz average will count as five per cent of the student’s grade. At the end of the semester the student will participate in an oral presentation integrating the Torts and Contracts courses. This interdisciplinary oral presentation counts as five percent of the student’s grade. The midterm examination counts as twenty per cent of the student’s grade. The final examination counts as seventy per cent of the student’s grade. In accordance with school policy, a student’s grade may be reduced for failure to prepare for class or failure to participate in class.

**Week Topics Casebook Pages**

**1. Class 1** Foundations of tort liability 1-15

 **Class 2** Liability based upon intent 16-31

**2. Class 3** Assault and battery; false imprisonment 31-53

 **Class 4** Infliction of emotional distress 53-72

 **Class 5** Trespass to land 72-79

**3.** **Class 6** Injury to property; conversion 79-96

 **Class 7** Consent; self-defense; defense of others 97-113

 **Class 8** Privileges; necessity 114-137

**4. Class 9** Negligence 139-155

 **Class 10** Standard of care 155-179

 **Class 11** Standard of care; professional liability 180-214

**5. Class 12** Violation of statute 215-243

 **Class 13** Proof of negligence 243-250

 **Class 14** Res ipsa loquitur 251-272

**6. Class 15** Causation in fact 272-285,

299-311

 **Class 16** Proximate cause 313-344

 **Class 17** Intervening causes 344-384

**7. Class 18** Joint tortfeasers 385-396,

414-418

 **Class 19** Limited duty 423-445,

452-455

 **Class 20** Defenses to negligence I

 Contributory negligence 619-623,

 Comparative negligence 626-644

 Assumption of risk

**8. Class 21** Defenses to negligence II
 Statutes of limitation 652-662,

 Charitable immunity \*

 Governmental immunity 677-690

**Class 22** Owners and occupiers of premises 501-528

**Class 23** MID TERM EXAMINATION

**\* SPRING BREAK – March 15, 2020 – March 22, 2020 \***

**9. Class 24** Respondeat superior 705-720

**Class 25** Abnormally dangerous activities 740-760

**Class 26** Tort Reform \*

**10. Class 27** Product liability I 767-787

**Class 28** Product liability II 787-816

**Class 29** Product liability III 816-831

**11. Class 30** Defamation (common law) 879-918

**Class 31** Defamation (constitutional) (I) 920-944

 **Class 32** Defamation (constitutional) (II) 944-966

**12.** **Class 33** Abuse of legal procedure 1075-1093

**Class 34** Nuisance 851-878

**\* NO CLASS MONDAY, APRIL 20, 2020--PATRIOTS DAY \***

**Class 35** Misrepresentation I 1095-1130

**13. Class 36** Misrepresentation II 1130-1153

**Class 37** Business torts 1155-1192

**14. Class 38** Civil rights 1053-1073

**Class 39** Invasion of privacy 1006-1033,

 1040-1052

**15. Class 40** Damages 541-572

**Class 41** Review or make-up day

**\*Reading materials will be distributed.**

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