

**Torts I - Law 5060**  
**Fall 2009**  
**Professor Kelly Cahill Timmons**  
**Tuesday & Thursday, 1:15-2:30 p.m.**

**Required Materials:**

Prosser, Wade and Schwartz's Torts Cases and Materials, 11<sup>th</sup> Edition (2005).  
Supplementary materials to be distributed from time to time.

**Attendance, Preparation, and Participation Policies:**

Attendance is required. Students are expected to attend each class prepared to discuss the material assigned. Any student may be called upon any day. The professor reserves the right to refuse to permit any student who has missed FIVE or more classes to take the final exam.

**Laptop Policy:**

Students are permitted to use personal computers for note-taking during class. Any other use of the computer during class – including accessing the Internet, e-mail, or instant-messaging – is expressly prohibited. Students disregarding this prohibition will be precluded from bringing a computer to class.

**Grading Policy:**

100% of a student's grade will be based on his or her performance on the final examination. Note that Torts I and Torts II are separate courses for grading purposes; you will receive a final grade in each course. For both Torts I and Torts II, the examinations will be three-hour, in-class, open-book, open-notes exams. However, no commercial outlines or treatises can be used during the exams.

**Office Hours:**

Tuesday, 3:00 – 5:00 p.m.; or by appointment. I am also happy to see people who just drop by my office if I can stop what I am doing. My law school office is located in Room 423, phone 404.413.9195. One of the best ways to get in touch with me and ask questions is via email. My email address is [kctimmons@gsu.edu](mailto:kctimmons@gsu.edu).

## **Make-up Exams:**

All arrangements for make-up exams must be made through the Associate Dean for Academic Affairs.

**The following course syllabus contains a general plan for the course. At the end of each class, I will announce where you should progress in the reading before the next class. Deviations may be necessary.**

## **SYLLABUS - TORTS I**

### **Handout #1**

#### **Chapter I: Development of Liability Based Upon Fault**

*Text, pp. 1-16*

#### **Chapter II: Intentional Interference with Person or Property**

1. Intent  
*Text, pp. 17-29*
2. Battery  
*Text, pp. 29-37*
3. Assault  
*Text, pp. 37-40*
4. False Imprisonment  
*Text, pp. 40-50*
5. Intentional Infliction of Emotional Distress  
*Text, pp. 50-66*
6. Trespass to Land  
*Text, 66-75*

#### **Chapter III: Privileges**

1. Consent  
*Text, pp. 91-103*
2. Self-Defense  
*Text, pp. 103-106*
3. Defense of Others  
*Text, pp. 106-107*
4. Defense of Property  
*Text, pp. 107-113*
5. Recovery of Property  
*Text, pp. 113-118*

6. Necessity  
*Text, pp. 118-125*

#### **Chapter IV: Negligence**

1. History  
*Text, pp. 131-132*
2. Elements  
*Text, pp. 132-133*
3. A Negligence Formula  
*Text, pp. 133-145*
4. The Standard of Care
  - (A) The Reasonable Prudent Person  
*Text, pp. 145-168*
  - (B) The Professional  
*Text, pp. 168-197*
  - (C) Aggravated Negligence  
*Text, pp. 197-200*
5. Rules of Law  
*Text, pp. 200-204*
6. Violation of Statute  
*Text, pp. 204-229*
7. Proof of Negligence  
*Text, pp. 229-258*

#### **Chapter V: Causation in Fact**

1. Sine Qua Non  
*Text, pp. 259-262*
2. Proof of Causation  
*Text, pp. 262-282*
3. Concurrent Causes  
*Text, pp. 282-285*
4. Problems in Determining Which Party Caused the Harm  
*Text, pp. 285-292*

#### **Chapter VI: Proximate or Legal Cause**

- a. Introduction  
*Text, pp. 293-294*
1. Unforeseeable Consequences  
*Text, pp. 294-325*
2. Intervening Causes  
*Text, pp. 325-344*
3. Public Policy  
*Text, pp. 344-360*

#### **Chapter VIII: Duty of Care**

- a. Introduction  
*Text, pp. 403-404*
- 1. Privity of Contract  
*Text, pp. 404-417*
- 2. Failure to Act  
*Text, pp. 417-438*
- 3. Pure Economic Loss  
*Text, pp. 438-449*
- 4. Mental Disturbance and Resulting Injury  
*Text, pp. 450-464*
- 5. Unborn Children  
*Text, pp. 464-479*