

Torts II - Law 5061
Spring 2008
Professor Kelly Cahill Timmons
Tuesday, 6:00-8:45 p.m.

Required Materials:

Prosser, Wade and Schwartz's Torts Cases and Materials, 11th 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 THREE or more classes to take the final exam. *A student is deemed absent for one-half of class if the student arrives more than 10 minutes late or leaves class early.*

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:

Your performance this semester will be 50% of your overall Torts grade for the year. This semester's portion of your grade will be based on your grade on the final examination. The examination will be an open-book, open-notes, three-hour, in-class exam. No commercial outlines or treatises can be used during the exam.

Office Hours:

Thursday, 2:00 – 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.

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 II

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. Emotional Distress
Text, pp. 450-464
5. Unborn Children
Text, pp. 464-479

Chapter IX: Owners and Occupiers of Land

1. Outside the Premises
Text, pp. 480-485
2. On the Premises
 - (A) Trespassers
Text, pp. 485-489
 - (B) Licensees
Text, pp. 489-492
 - (C) Invitees
Text, pp. 492-498
 - (D) Persons Outside the Established Categories
Text, pp. 498-502
 - (E) Rejection or Merging of Categories
Text, pp. 502-507
3. Lessor and Lessee
Text, pp. 507-518

Chapter X: Damages

- a. Introduction
Text, pp. 519-520
1. Personal Injuries
Text, pp. 520-548

Chapter XII: Defenses

1. Plaintiff's Conduct
 - (A) Contributory Negligence
Text, pp. 586-592
 - (B) Comparative Negligence
Text, pp. 592-601
 - (C) Assumption of Risk
 - (1) Express
Text, pp. 601-607
 - (2) Implied
Text, pp. 607-614
2. Statutes of Limitations and Repose
Text, pp. 614-621
3. Immunities
Text, p. 621
 - (A) Families
Text, pp. 622-633
 - (B) Charities
Text, pp. 633-637

Chapter XIII: Vicarious Liability

1. Respondeat Superior
Text, pp. 660-667
2. Independent Contractors
Text, pp. 667-673
3. Joint Enterprise
Text, pp. 673-678
4. Bailments
Text, pp. 678-681

Chapter XIV: Strict Liability

1. Animals
Text, pp. 686-691
2. Abnormally Dangerous Activities
Text, pp. 692-710
3. Limitations on Strict Liability
Text, pp. 710-717

Chapter XV: Products Liability

- a. Introduction
Text, pp. 718-19
1. Development of Theories of Recovery
 - (A) Negligence
Text, pp. 719-721
 - (B) Warranty
Text, pp. 721-722
 - (1) Express Warranties
Text, pp. 722-726
 - (2) Implied Warranties
Text, pp. 726-732
 - (C) Strict Liability in Tort
Text, pp. 732-738
2. Product Defects
Text, pp. 738-740
 - (A) Manufacturing Defect
Text, pp. 740-743
 - (B) Design Defect
Text, pp. 743-757
 - (C) Warnings Defect
Text, pp. 757-764
3. Proof
Text, pp. 765-769
4. Defenses
 - (A) Plaintiff's Conduct
Text, pp. 769-777
 - (B) Preemption and Other Government Actions
Text, pp. 777-783
5. Defendants Other than Principal Manufacturers/Harm Other than Personal Injury
 - (A) Other Suppliers of Chattels
Text, pp. 783-787
 - (B) Services
Text, pp. 787-794
 - (C) Harm Other than Personal Injury
Text, pp. 794-795
6. Legislation and Products Liability
Text, pp. 795-798

Chapter XVII: Defamation

Text, pp. 829-830

1. Nature of a Defamatory Communication
Text, pp. 830-850
2. Libel and Slander
Text, pp. 850-857
3. Publication
Text, pp. 858-869
4. Basis of Liability
Text, pp. 869-879
 - (A) Actual Malice, Burdens of Proof, and the Press
Text, pp. 879-892
 - (B) Private Plaintiffs
Text, pp. 892-902
 - (C) Speech of Private Concern
Text, pp. 902-907
 - (D) Falsity
Text, pp. 907-912
 - (E) Public Figures and Public Officials
Text, pp. 912-915
 - (F) Opinion
Text, pp. 915-923
5. Privileges
 - (A) Absolute Privilege
Text, pp. 923-926
 - (B) Conditional or Qualified Privilege
Text, pp. 926-932
6. Remedies
Text, pp. 932-938

Chapter XVIII: Privacy

Text, pp. 939-983