

**WESTERN STATE COLLEGE OF LAW**

**TORTS II - SPRING 2016  
Section 132A**

**Syllabus & Policies**

**Professor Philip L. Merkel**

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Office Hours: To be announced.

**Required Books**

*The Torts Process* (8<sup>th</sup> ed.), by Henderson, Pearson, Kysar.  
*Understanding Torts* (5<sup>th</sup> ed.), by Diamond, Levine, Bernstein.

**Course Coverage**

Torts II is a two-credit course that builds on materials covered in Torts I. The course begins with the torts of trespass to land and nuisance. We will then discuss instances in which the law holds the defendant strictly liable for damages. The remainder of the course will be devoted to the topics of products liability, defamation, and invasion of privacy. We will explore the social, economic, and political considerations that bear on the development of legal principles in these areas.

**Course Objectives**

The Torts II course has a number of major objectives. First, it will introduce you to substantive legal rules that courts and legislatures have developed over time in attempting to assess responsibility for losses suffered by individuals in various contexts. Second, the course will encourage you to critically examine these legal rules and help you to understand the economic, social, and political reasons behind them. Third, the course will sharpen your analytical skills, especially those of case reading and applying legal rules to actual controversies. Fourth, Torts II will assist you in mastering legal writing, especially test-taking skills.

**Examinations and Grading**

Torts II is a graded course. Your grade will be based mainly on your performance on a midterm examination and a final examination. I may also give short quizzes or other written assignments. Your scores on these exercises will be taken into account when I compute your final grade.

## **Attendance and Participation**

### **Please read the following information very carefully.**

Students must attend class regularly, prepare written case briefs, and participate in discussions. There is no “free pass” policy for this course.

A student can be absent no more than **three** class sessions. If you are unprepared, this counts as an absence. **A student with absences in excess of the limit will receive a failing grade for the course.** You are responsible for keeping an accurate count of your absences.

## **Promptness**

Classes will begin promptly at the scheduled time. Please be in your seat for the start of class. Students who arrive late disrupt the learning process for others. If you are unavoidably late, please enter quietly and take the nearest empty seat. Once class begins, please do not leave the room unless there is an emergency or for medical reasons.

## **Cell Phones and Pagers**

Please disable phones and store them before class begins.

## **Computers**

You may use a personal computer **for note taking only**. You may not be on the Internet, check email, etc. I may prohibit the use of personal computers if I determine computer use is interfering with the education process.

If you intend to recite from a case brief on your computer, have the document open when discussion of the case begins so as not to waste time in calling it up.

## **Food**

It is against school policy to bring food into classrooms. You may have drinks in closed containers.

## **Commercial Study Aids**

You may not recite from commercial outlines and case briefs or other commercial study aids. If you bring these materials to class, they must be closed at all times.

## Seating Chart

I will send around a seating chart early in the semester. Please print your name legibly in the seat of your choosing. This will be your permanent seat. Because I randomly select students to recite, your seat choice will not enhance or reduce the likelihood of your being chosen.

## Reading Assignments

The following assignments are from the casebook. **Please read the entire assignment before the first class for each week.** You are responsible for the notes as well as the cases. **You must brief the cases in writing.** Do not prepare the problems unless I ask you to do so. Read the sections of *Understanding Torts* corresponding to the topics covered in the casebook assignments.

<u>Week</u>	<u>Topics and Assignments</u>
1	Trespass to land and nuisance; 411-447.
2	Strict liability; 451-470, 475-477.
3	Products liability; 479-492.
4	Products liability (continued); 492-509.
5	Products liability (continued); 509-524.
6	Products liability (continued); 524-542.
7	Products liability (continued); 545-560.
8	Products liability (continued); 560-578.
9	Midterm examination.
10	Defamation; 765-792.
11	Defamation (continued); 792-809.
12	Invasion of privacy; 813-827.
13	Invasion of privacy (continued); 827-845.
14	Invasion of privacy (continued); 846-859.

15

Reading week

16

Final Examination