

Western State College of Law Syllabus

Course: Torts I, Sec B, Fall 2025
Tuesday & Thursdays 3:30-4:50 PM, Room _____

Professor: Robert Dagmy
Email: rdagmy@wsulaw.edu
Office Hours:

- Tuesdays 5:00-6:00 PM
- By appointment (please e-mail me to set up an appointment if you wish to meet outside of regular office hours in person and online available(ZOOM)).
- Additional information will be shared through the course tven page.

Required Books:

- *Torts Process*, (Tenth Edition), by Henderson and Kysar, Aspen publishing, ISBN: 9781543838954. Bring text to class.

Optional Materials:

The following is a list of books that are not required; nor are there any assigned readings from them. However, you may find them useful as supplementary materials to further explain the topics we discuss in class. I do not recommend relying on commercial outlines. While they have a certain value in summing up the concepts and material covered, they are no substitute for developing your own outline. The process of outlining itself is one of the best ways to study and master the material.

- Understanding Torts (5th ed.), by Diamond, et al. You may use an earlier edition of this book.

Course Objectives:

There are three primary and interrelated objectives for this course. (1) Students should develop good legal analytical skills, including the ability to recognize relevant facts and legal issues, analyze and utilize cases, rules of law, and public policy to come to reasonable legal conclusions based upon their analysis. (2) Students should master the fundamental rules of contact formation and remedies for breach of contract. (3) Students should be able to clearly express their understanding of the legal issues through oral and written means.

The following are the major objectives of Torts I.

- The course will introduce you to the substantive legal rules courts and legislatures have developed over time in attempting to assess responsibility for losses suffered by individuals in various contexts.
- You will learn to critically examine legal rules and understand the economic, social, and political considerations behind them.
- The course will help sharpen your analytical skills so you are able to apply the rules you have learned to new fact situations. This is a basic competency a lawyer must master to be successful in law practice.

- Torts I will assist you in communicating your ideas in writing in a coherent, organized way. This will be accomplished through writing practice examinations and graded examinations.
- The course will help sharpen your oral communication skills. All students are required to recite in class. I will call on students randomly to present cases and respond to questions I and other students may ask. Students will also be required to take positions and engage in debates on selected cases and problems.
- Torts I will introduce you to practical and ethical issues lawyers encounter in everyday tort law practice.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the

conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Attendance:

You should attend every class session. Attendance will be taken. Western State policy requires you to attend at least 85% of the class sessions in order to sit for the examination. As such, failure to attend at least 85% of the classes may result in your withdrawal from the class. For this class that means that you can have no more than 4 absences. We all know that emergencies and significant unforeseen circumstances happen, preventing you from attending some class sessions. That is what the 15% missed class rate is intended to accommodate.

We will use the case method of instruction in Torts I. To prepare for class you must carefully read the assigned materials and brief all cases. Because I will ask you to stand to recite, it may be more convenient for you if you have a printed or written brief.

The casebook also contains hypothetical problems the authors have created. During the course of the semester I will select some of these problems for in-class discussion. The syllabus identifies the pages containing problems we may discuss.

Classroom Participation:

I expect you to always be prepared for class and active classroom participation. Legal education is a cooperative venture and you will learn more the more engaged you remain with the material. I will call on people in various ways including cold-calling. If you are not prepared for class and I call on you, I will deduct 0.1 grade point from your semester grade. You will be able to make up this point only from additional work outside of class which I will assign for such purpose each semester. I will lower your final grade in the course by up to 0.3 if you are consistently unprepared for class.

Conversely, I may reward people whose classroom contributions are outstanding by increasing their grades by 0.1 grade point. Note that I only do so in very few cases and not merely for speaking up

in class or answering questions. Rather, this extra credit is for people who consistently demonstrate a solid and deep understanding of the law and its applications and aids in the understanding of others.

Note that I understand that students may feel slightly intimidated by the law school experience, especially in the beginning of their law school experience, but as part of your professional preparations, you should contribute to class by speaking (loudly so that I and others can hear you) about the materials in your own words. Please, no reading aloud from any kind of texts whether or not you have prepared these yourself. There is rarely such a thing as a “silly answer,” so please do not worry about making mistakes in class. You and your classmates will learn from this should it happen. You will never be downgraded for venturing an incorrect answer. I expect everyone to treat the classroom a safe haven for practicing how to speak about the law and legal issues.

When preparing for class, you should expect to spend 2-3 hours for every hour of class time. Read the cases critically. You are free to disagree with the conclusion the court came to, but understand the reasoning even if you do not agree with it. Bring to class any questions you may have regarding the cases and the rules of contract law they represent.

Professionalism:

An important aspect of class participation is actually attending class on time. I try very hard to begin and end class as scheduled. I expect at all times that students (and professors) will treat each other with professionalism and respect. As you all are aware, the law is fluid and often a matter of opinion. Sound and reasonable legal minds can legitimately hold divergent interpretations on nearly all legal issues. While I encourage good, even lively, debate of legal matters, any such discussion must be conducted with civility and respect. Please show the proper level of professionalism and arrive on time and adhering to the rules and expectations of the course.

Classroom Decorum and Respect for Others

Over the course of the semester we will be discussing some controversial topics, and students are likely to have different opinions. You are encouraged to freely express your views, as we all learn and benefit from such exchanges, but you must treat one another with respect even where there are major disagreements.

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 open seat.

Cell Phones:

Use of phones for texting, talking and pictures during class is not permitted. Please turn off your cell phones before class starts. If your phone rings, I will assume that you are volunteering to answer the next question. It may also have an adverse effect on your class participation score.

Laptops/Tablets/Internet:

You may use your laptops/tablets to take notes in class. Please be considerate of others when using your device. If your use becomes distracting to the class or others sitting near you, I will ask you to

turn your device off. Please be sure that the sound is turned off. As entertaining as some sound files can be, they tend to disrupt the class. If there are substantial complaints regarding the noise of some laptops, we may need to adjust this policy or reassign seating.

You may not use your laptops to access the internet, play solitaire (or any other game for that matter), message other students, or balance your checkbook. Use of laptops for any other purpose than taking notes may have a significant adverse effect on your class participation grade. Repeated misuse of a laptop will result in a ban on your use of a laptop in class.

UWorld:

UWorld (<https://legal.uworld.com/mbe/>) is a learning tool that includes a library of multistate bar exam type multiple choice questions in bar tested subjects including Civil Procedure, Constitutional Law, Contracts, Criminal Law, Criminal Procedure, Evidence, Property, and Torts.

All students will have paid a one-time fee that gives them access to the UWorld database of questions throughout law school and the bar study period. In this class, I will periodically assign small sets of questions within UWorld that are relevant to the topics we are studying.

Grading and Examinations:

Your final grade in this course will be a combination of your performance on the midterm exam (15%), the final exam (85%), and any participation adjustments. The midterm will consist of essay questions. The final exam will be a combination of multiple-choice, short answer, and longer essay questions. Each exam will be a closed book exam. The final grade will follow the usual 4.0 scale.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in Room 276. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Reading Assignments:

What follows below is the currently expected readings for the semester. Any adjustments to this schedule will be announced in class.

Wk.	Date	Subjects	Pages
0*		• Introduction and general overview*	1-11 (Skim)*
1	8/18, 20	• Introduction, elements of a tort, • Vosburg, Garratt • Submit a typed brief go Garratt v. Dailey	12-30(stop at contact)
2	8/25, 27	• Battery (cont.), • Assault • False imprisonment	30 – 42 781- 784 784- 790
3	9/1, 3	• Intentional infliction of emotional distress(IIED) • Consent	792-816 42- 47 skip to 56-70
4	9/8,	• Consent continued, self defense • Prepare problem 5,6 • Extended class Tuesday for makeup	56-70, 80- 91
5	9/15, 17	• Defense of others, and defense of property • IRAC essay exam prep • Extended class Tuesday	93 -100
6	9/22, 24	• Necessity • Vicarious liability • Prepare problem 7	102-108, 158-172
7	9/29, 10/1	• Midterm Exam • Introduction to negligence	173- 193
8	10/6, 8	• Negligence continued • Special rules re duty of care, negligence per se and custom	193-240
9	10/13, 15	• Modification of the general standard of care in special cases	256- 278, 293-298
10	10/20, 22	• Cause in fact	115-127, 132-137, 139-143,152-157
11	10/27, 29	• Res ipsa loquitur • Proximate cause	242-253 303-309

12	11/3, 5	• Proximate cause continued	309- 336
13	11/10, 12	• No Class Tuesday, Wednesday Classes meet. • Proximate cause continued	336- 348
14	11/17, 19	• Defenses and immunity	411-444
15	11/24	• Catch-up and Review	No assigned readings

* Please note the first reading assignment is for Week 0. This means that it should be read sometime before class starts as a brief introduction to the concept of Torts Law. Also note that it says to “skim” the pages. I do mean skim. This is intended only as preliminary background material. While this is valuable foundational material, you will not be directly tested on it.