



## (ADVANCED) TORTS II

Law 803-01

D. R. Whitt, OP  
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CLASS MEETINGS Monday & Wednesday, 10:30-11:50 am  
OFFICE HOURS Tuesday, 1-4 pm or by appointment

Law School Office, MSL 424  
TELEPHONE 651.962.4921  
CLASSROOM MSL 244

### *SYLLABUS\**

NEGLIGENCE (continued)	
• <i>Special Situations</i>	pages 457-540, 587-623
STRICT LIABILITY	624-678
PRODUCTS LIABILITY	679-814
DERIVATIVE ACTIONS & FETAL INJURIES	853-870, 936-962
ECONOMIC INJURY, FRAUD & SOME BUSINESS TORTS	1084-1150
MALICIOUS LITIGATION	1392-1406
DEFAMATION	1186-1313
PRIVACY	1314-1381

### *GENERAL INFORMATION*

CLASS ATTENDANCE: Legal education is essentially a collaborative enterprise. Hence, every student's regular presence in class, located in accordance with the seating chart, is expected and required. In any case, every student is permitted one unexcused absence for each credit hour of the course, *i.e.*, you may "cut" class without presenting an excuse for the absence as many as three (3) times during this term.

In addition, a limited number of "excused" absences are justified by your own illness, serious illness or death in your immediate family, by religious holidays that require your absence, or by certification in advance from a Law School official (usually, Dean Thomas). See the course Blackboard

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\* All page numbers refer to GEORGE C. CHRISTIE, ET AL., *CASES AND MATERIALS ON THE LAW OF TORTS* (4th ed. 2004).

site for advice concerning illness involving the H1N1 virus and seasonal influenza.

I will not regularly take attendance, but may request that a student whose unexcused absences exceed three “cuts” visit me in my office to discuss the situation. A student who has been absent without excuse from nine (9) or more class meetings (i.e., more than 1/3) will not be permitted to sit for the final examination in the course, and will receive a failing grade.

PREPARATION FOR CLASS: The casebook for the course is CHRISTIE, ET AL., CASES AND MATERIALS ON THE LAW OF TORTS (4th ed. 2004); the required supplemental text is A CONCISE RESTATEMENT OF TORTS (2000). Everyone is expected to be prepared every day and to participate in class discussion actively. Preparation includes studying the casebook and other materials given to you, making notes and case briefs, and being ready to discuss these matters in class. If for some reason you are not so prepared, you should advise me of this before class, either by email or in person.

Brief the cases *after* you are satisfied that you understand them, and write down any questions you may have about them. Read the Notes that follow the cases: very frequently, I will discuss in class cases or statutes mentioned in the Notes. You need not, however, look up or read the “Note cases” unless you so desire and have the time to do so.

As a general rule, unless I instruct otherwise, *keep your casebook reading 25 to 30 pages ahead of where previous class discussion ends.*

You may not use any notes, outlines or other materials prepared in whole or in part by any person who other than yourself was a student in any of my previous Torts classes at the University of Kentucky or Notre Dame Law School, or at UST. The best study aids for Torts courses are DOBBS HORNBOOK ON THE LAW OF TORTS (2000) and PROSSER AND KEETON ON TORTS (5th ed. 1984).

PARTICIPATION IN CLASS: Everyone will be called on during the semester. Normally, no more than two students will be called on, to serve as principal counsel during each class meeting. If you are unreasonably unprepared (see “Preparation for class,” *supra*) to participate actively in class discussion you may be asked to prepare yourself in class, *or* you may be permitted to “pass”; your “pass” will be noted and you *will* be called on during another class (usually the next one scheduled).

I reserve the right to add as much as .3 to the final grade of a student whose regular attendance, preparedness and participation substantially contribute to the progress of the course.

No one is allowed to tape or digitally record any class session without my express consent.

FINAL EXAMINATION AND EVALUATION: The final examination will be three hours in duration. It will consist principally of problems and hypothetical situations requiring identification of legal issues, application of pertinent rules and principles of tort law and analysis of these in light of the facts, resulting in conclusions.

Your grade will be based upon a closed-book final examination. No casebooks, no treatises, no outlines (whether commercial or of any student’s own making), and no notes of any kind prepared before a Torts examination may be brought into or used in an examination room. You are welcome, however, to bring and refer to the CONCISE RESTATEMENT during the examination.