TORTS – Fall 2012  
Tuesday, Thursday, 1:00-2:15 p.m.  
Room 205

Professor Calhoun  
Office Hours (Room 414): Wednesdays, 1:00 – 2:00 p.m. and by appointment 
Phone: 303-492-7592  
Email: Emily.Calhoun@Colorado.EDU

The casebook for this course is Henderson, Pearson, and Kysar, The Torts Process  
(Aspen Publishers, 8th Edition). Unless otherwise indicated, all page references in the  
following syllabus are to this casebook.

The syllabus sets forth anticipated reading assignments for each week of the semester.  
There will inevitably be some modifications to it, to accommodate the pace of daily class  
discussions. Nonetheless, I intend eventually to cover all of the material included in the  
listed reading assignments, in the indicated order.

The course grade will be based on a final exam and class participation. The exam will be  
open book. An ungraded practice exam will be administered to help you prepare for the  
final exam.

Class attendance and participation are required. Grade points may be deducted for  
unexcused absences or inadequate class preparation.

Please consult and familiarize yourself with the Law School Honor Code. In addition,  
the law school complies with University disability accommodation policies (information  
available at http://www.colorado.edu/disabilityservices), non-discrimination policies  
(information available at http://www.colorado.edu/odh), and religious accommodation  
policies (available at http://www.colorado.edu/policies/fac_relig.html). Finally, please see  
the classroom behavior policies at http://www.colorado.edu/policies/classbehavior.html.
SYLLABUS

Intentional Torts

Battery: the prima facie case

August 28: Pages 1-18 (main case: Vosburg v. Putney) and TWEN posting (Introduction to Torts)

August 30: Pages 19-31 and 35-40 (Main case: Garratt v. Dailey, and Problem 1)

Privileges: Consent

September 4: Pages 40-51 (Main cases: O’Brien v. Cunard Steamship Co. and Barton v. Bee Line, Inc., and Problem 2)


Privileges: Self-Defense and Defense of Property

September 11: Pages 75-85 and 89-97 (Main cases: Courvoisier v. Raymond, Katko v. Briney, and Problem 4)

Causation

Actual Causation

September 13: Pages 109-127 (Main cases: Hoyt v. Jeffers and Smith v. Rapid Transit, and Problem 7)

Alternative Liability

September 18: Pages 127-141 (Main cases: Summers v. Tice and Ybarra v. Spanguard, and Problem 8)

Concurrent and Successive Causation; Vicarious Liability

September 20: Pages 143-148 (Main cases: Dillon v. Twin State Gas and Kingston v. Chicago & N.W. Ry; and Problem 10)

September 25: Pages 148-158 and Berhanu v. Metzger (materials to be distributed at a later date)
Negligence

The General Standard

September 27: Pages 159-167 (historical background); pages 167-188 (Main cases: U.S. v. Carroll Towing Co.; Washington v. Louisiana Power & Light and Weirum v. RKO General, Inc.)

Special Rules of Proof (violation of criminal statutes)

October 2: Pages 188-200 (Main cases: Martin v. Herzog, Tedla v. Ellman, Brown v. Shyne and Problem 13)

Special Rules of Proof (custom)

October 4: Pages 200-216 (Main cases: Trimarco v. Klein, The TJ Hooper, and Helling v. Carey and Problem 14)

Mid-term exam: October 9

Special Rules of Proof (res ipsa loquitur)


October 16: Pages 227-230 (Main case: Escola v. Coca Cola Bottling Co.); Review mid-term exam

Limitations on Liability (rescue)

October 18: Pages 244-256 (Main cases: Erie R. Co. v. Stewart, Tubbs v. Argus, and Problems 18)

October 23: Pages 257-272 (Main case: Tarasoff v. Regents of Univ. of California, and Problem 19)

Proximate Cause


November 1: Pages 308-316 (Problems 21 and 22, and Gorris v. Scott)

Special Rules of Nonliability for Foreseeable Consequences

November 6: Pages 316-333 (Main cases: Waube v. Warrington, Dillon v. Legg, Thing v. La Chusa, and Problem 23)

Contributory Fault, Assumption of the Risk, and Comparative Fault

November 8: Pages 380-392 (Main case: Meistrich v. Casino Arena Attractions and Stelluti v. Casapenn Enterprises LLC; and Problem 25)

November 13: Pages 392-400 (Problem 26)

Global Dimensions of Tort Law

The Alien Tort Claims Act

November 15: Pages 935-945 (Main case: Sarei v. Rio Tinto, PLC)

November 19-23: Fall and Thanksgiving Break

Strict Products Liability

Manufacturing and Design Defects

November 27: Pages 479-509 (Main cases: Vandermark v. Ford Motor Co., and Problem 30)


Affirmative Defenses Based on Plaintiff’s Conduct; Instructions and Warnings

December 4: Pages 516-524 and 560-567 (Main cases: Murray v. Fairbanks Morse and Scheckells v. AGV Corp. and Problem 33)
Instructions and Warnings (continued) and
Statutory reform and preemption

December 6: Pages 567-582 (Main case: *Gray v. Badger Mining Corp.*); and
Supreme Court decision on statutory preemption, to be determined

Review Session: date to be determined

Final Exam: Thursday, December 20, 8:15 a.m.