TORTS
Justice Allison H. Eid
(Fall 2009)

Class hours and meeting place: This is a 4-credit course that will meet from 3-4:50 pm on Mondays and Wednesdays in Room 204.

How to reach me: The best way to reach me is by email, at allison.eid@judicial.state.co.us. I can also be reached by phone, at (303)837-3751.

Required materials: The textbook for this course is Richard A. Epstein, Cases and Materials on Torts (9th ed. 2008). I will also distribute supplemental materials from time to time.

Class participation and attendance: I will add from 1 to 3 points to the final grade of those who participate consistently and thoughtfully in class discussion. Grades will not be adjusted downward due to lack of participation. As provided by law school rules, I will lower the grade of anyone who misses more than 20 percent of the classes during the semester.

Final examination: There will be a “limited open book” exam in this course. This means you may bring with you to the exam the Epstein casebook, any supplementary materials I have distributed, and any student-prepared notes or outlines. You may not bring to the exam any other books, treatises, nutshells, commercially-prepared outlines, or the like.

Practice examination: There will be a practice examination in this course on Monday, October 26th. This practice exam will not count toward your grade.

Syllabus: The following is the schedule of topics and assignments we will cover during the semester:

I. Intentional Torts
   Assignment #1  pp. 3-22
   Assignment #2  pp. 35-54 (do not read Canterbury v. Spence)
   Assignment #3  pp. 54-65; 68-77; 79-83

II. The Negligence v. Strict Liability Debate
   Assignment #4  pp. 101-102; 127-143 (skip n. 1 on pp. 135-136); 154-168

III. Negligence
   A. Reasonable person
   Assignment #5  pp. 169-171; 177-194
B. Calculus of risk
   Assignment #6 pp. 194-220

C. Custom
   Assignment #7 pp. 221; 224-244
   Assignment #8 pp. 244-261

D. Statutes and regulations
   Assignment #9 pp. 266-280

E. Judge and jury
   Assignment #10 pp. 285-298

F. Res ipsa loquitur
   Assignment #11 pp. 298-307; 316-326

IV. Defenses
   A. Contributory negligence
      Assignment #12 pp. 327-350
   
B. Assumption of risk
      Assignment #13 pp. 360-382
   
C. Comparative negligence
      Assignment #14 pp. 382-401

V. Multiple Defendants
   Assignment #15 pp. 403-428

VI. Causation
   A. Cause in fact
      Assignment #16 pp. 449-470
      Assignment #17 pp. 470-496
B. Proximate cause

Assignment #18 pp. 497-519
Assignment #19 pp. 519-549
Assignment #20 pp. 549-562

VII. Duty

Assignment #21 pp. 563-584
Assignment #22 pp. 584-606
Assignment #23 pp. 606-623
Assignment #24 pp. 623-644

VIII. Strict Liability

A. Traditional strict liability

Assignment #25 pp. 645-648; 654-55 (n. 7); 656-59; 667-673; 675-683; 696-699

B. Products liability

Assignment #26 pp. 723-728; 753-754 (Third Restatement provisions); 772-777; 779-784; 797-800; 807-812

***