ADVANCED TORTS

Summer Semester 2016

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Southern Illinois University School of Law

Regular Class Sessions:
11:00 A.M.-12:40 P.M.
Mondays and Wednesdays
Lesar Hall Room 102

Course Materials

- **Casebook—REQUIRED**
  Russell Weaver, John Bauman, John Cross, Andrew Klein, Edward Martin, and Paul Zweir, II, *Torts: Cases, Problems, and Exercises* (4th ed.) is the required text. (This is the most recent edition of the book.) The textbook comes in hardcover, as well as in a loose-leaf format and an electronic format (to help minimize your book-buying costs to the extent possible). Reading assignments will be posted on the TWEN page for this class. While this should not have to be stated, *the textbook is MANDATORY*.

- **Syllabus—REQUIRED**
  Students are expected to *read this course syllabus PRIOR to the first class meeting* and to *refer to it regularly* when questions covered herein arise during the semester.

- **Additional Materials—REQUIRED**
  Additional materials for which students will be responsible will be posted on the course TWEN site from time to time. *Students are EXPECTED to check the TWEN site and their email daily.*

- **Supplemental Materials—OPTIONAL**
  CALI exercises related to the topics covered in class are available via TWEN. Students are encouraged to use these as review. In addition, there are a number of good torts supplements. Among them, students might find the following particularly helpful: Edward Kionka, *Tort Law in Nutshell*; John Diamond, Lawrence Levine, and Anita Bernstein, *Understanding Tort Law*; Terrence F. Kiely and Bruce L. Ottley, *Understanding Products Liability Law*; Martin Shapo, *Principles of Tort Law*; and Joseph Glannon, *The Law of Torts*. In addition, Dan Dobbs, *The Law of Torts*, is in the law library and is an excellent hornbook in this area of law.

Grading

- **Final Examination—THURSDAY, AUGUST 4, 2016; 8:15 A.M.; SIU SCHOOL OF LAW, CARBONDALE, ILLINOIS**
  The grade for this two (2)-credit class will be based on a closed-book, anonymously graded, comprehensive final examination that is to be individually completed in person.
and will be administered at the Law School at the time and date assigned by the Law School Registrar during the summer semester finals period (Thursday, August 4, 2016, at 8:15 a.m.). The exam format will be a combination of multiple-choice questions and essay questions.

**DISTANCE LEARNING STUDENTS:** Distance-learning students MUST take the exam **IN PERSON AT THE LAW SCHOOL AT THE SAME TIME AND ON THE SAME DATE AS THE STUDENTS TAKING THE COURSE IN PERSON IN THE CLASSROOM. There are NO exceptions to this requirement.**

- **Writing Across the Curriculum Assignments**
  To meet the SIU School of Law “Writing Across the Curriculum” (WAC) requirement, *at least three (3), MANDATORY*, fairly short writing assignments related to advanced torts will be required during the semester. These will be graded on a Pass/Fail basis. However, students should read the “Bonus” Point Alert section of this syllabus, *infra*. Among these assignments, at least one (1) is likely to be a small-group project; *this applies to distance-learning students, as well.* To offer an idea of the types of WAC assignments that may be made during the course of the semester, the following examples illustrate the kind of assignments that are likely: jury instructions for a case related to a specific area of tort law being studied in the course; thoughts and contemplations on a class exercise/assigned tort-related movie; drafting of product warnings and an explanatory memo on an assigned product; multiple choice questions related to areas of tort law studied in the course during the semester; and/or application of doctrinal law and theory to an unresolved advanced torts issue that is presented in an assigned news story.

Specific assignments and due dates will be posted on TWEN and announced in class during the course of the semester—sufficiently in advance of the assignment due date. *Each student is required to complete and submit ALL WAC assignments in accord with assignment instructions in a timely manner to be eligible to take the final exam. Late assignments will NOT be accepted, reviewed, or eligible for “bonus” points.*

- **“Bonus” Point Alert**
  To incentivize students to be well prepared for class, to put forth outstanding effort on WAC assignments, and to actively engage in dynamic, effective in-class discussion, bonus points may be awarded, at the instructor’s discretion, for excellent student performance. As each law student should know by his or her second and third years of law school, every point earned in a course matters—at least in terms of the final grade. “Bonus” points may be assigned for excellence in the following activities:

  - **WAC Assignments:** A number of WAC assignments will be made during the semester. As noted *supra*, these assignments are mandatory and comply with the School of Law’s WAC requirement. To encourage serious effort on these assignments, each assignment will carry the potential for “bonus” points. However, simply meeting the criteria of the assignment, merely following assignment instructions, and just turning the assignment in by the deadline do not qualify students for such points. Such points are reserved for truly outstanding
performance that exceeds expectations, demonstrates subject-matter mastery, and
denotes attention to detail and assignment execution. Typically, assignments will
be eligible for up to five (5) “bonus” points each. The award of points and the
number of points available and awarded per assignment are determined solely at
the instructor’s discretion. Any such points awarded will be added to the
student’s raw final score.

✔ Class Participation: Up to twenty (20) “bonus” points will be added to a student’s
raw final score based on excellent, relevant, analytical, thoughtful, prompt,
succinct, voluntary, and regular in-class participation. (This amount of “bonus”
points is meaningful!) Such high-quality participation includes (but is not limited
to): regularly volunteering in class to clearly, succinctly, and correctly
discuss/brief cases in a manner that demonstrates the student has carefully read
and understands the assigned materials; thoughtfully, analytically and correctly
answering questions posed in class about policy issues and other matters raised by
the subject matter being studied; and correctly, completely and voluntarily
answering problems found in the notes section of the readings, when such
problems are discussed in class. Determinations and decisions to award such
points are made solely at the instructor’s discretion and are determined by the
instructor at the end of the semester during the grading period.

Course Objectives, Outline/Overview, and Reading Assignments

Course Objectives and Outline/Overview

As an area of law, torts encompasses a broad group of legal wrongs for which there is
redress—typically in the form of damages—in the civil context (rather than the criminal
context). In the first year of law school, students are primarily concentrate on intentional
torts and negligence (as well as defenses to such torts) in the required torts course. The
purpose of this course is to provide students with more extensive and in-depth exposure
to the torts arena, which is critical as torts constitutes a subject area that is heavily tested
on bar exams and as, in private practice, tort issues are presented by clients with great
frequency.

To that end, this course will address, in detail, types of torts and aspects of torts that
cannot be covered in an in-depth manner in the first-year torts course. This coverage will
include underlying policy issues. Among those torts topics will be the following (not
necessarily in the order set forth below):

I. Strict Liability
II. Products Liability
III. Defamation
IV. Privacy Torts
V. Wrongful Death and Survivorship
VI. Types of Damages and Damages Calculations
VII. Misuse of Legal Process
VIII. 1983 Claims
Note: This is a general outline/course overview, and is subject to modification throughout the course by the instructor.

In addition, an objective of this course is preparing students for the legal profession. As a result, the course will provide students with exposure to the practice of law as it relates to torts through an occasional guest speaker, topical WAC assignments, practice pointers, and some discussion of procedural matters.

➢ Daily Reading Assignments
Daily reading assignments in the casebook and other required readings will be posted in advance on the TWEN course page, and any adjustments will be made, if necessary, via TWEN after each class for the following class. Typically, reading assignments will be posted by Saturday morning for the following week. (See Attendance, infra, regarding students’ responsibility to be prepared for class.) Students are expected to do the readings fully and carefully for each class. Students cannot expect to do well in the class without such daily course preparation.

Use of TWEN
Students are expected to sign up for the TWEN course page and to check all relevant sections of the course’s TWEN site daily.

Attendance
Class starts promptly at the designated time. Students must be on time, in their assigned seat, and ready to go. Students must be present for the entire class session. Distance-learning students must be in attendance electronically at the start of and for the entire duration of class sessions, and must join the class electronically as of the start of class.

As specified in the Rules of the Southern Illinois University School of Law, “[r]egular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties….”

It is the student’s responsibility to ensure that he or she signs the attendance sheet during class! The instructor will take care of this matter solely for students joining via distance-learning connections at the start of class.

Students also need to note that the School of Law Honor Code states that it is academic misconduct to “sign[] another[ student’s] name to an attendance sheet for a class [that other student] did not attend,” or to “sign his or her [own] name to an attendance sheet for a class he or she did not attend.” Such Honor Code violations carry severe penalties.

A maximum of three (3) absences (partial or total–for ANY reason (other than jury duty, military duty, the student’s hospitalization, a death in the student’s immediate family, or the birth of the student’s child–all of which must be proven by documentation deemed acceptable by the instructor)–will be permitted during the semester. Students with more than three (3)
absences will NOT be permitted to take the final exam} unless the Associate Dean for Academic Affairs instructs that the student be to admit to take the exam. This is summer school, so the course is on a compressed schedule, and each class meeting constitutes more than a single course meeting held during the regular semester. As a result, fewer class-session absences are permitted in the summer term.

Distance-learning students are held to the same attendance requirements as in-classroom students. Lack of attendance, late attendance, or loss of connection during class due to technical difficulties on either end (i.e., the student’s connection or the law school’s connection) count toward a student’s absences. NO grace will be granted for such issues. Distance-learning students have been made aware of this prior to the semester by email from the Associate Dean and are put on notice of this policy herein, as well.

Furthermore, students will be called on in class and are expected to be prepared. Being “prepared” means being ready and able to intelligently and accurately discuss all facets of the assigned materials. Students found to be unprepared by the instructor will be marked absent for the day.

Finally, in the event a student is late to class, he or she is expected to avoid disturbing the class in session by entering the classroom quietly (i.e., ensuring the door does not slam, etc.), and take a seat along the aisle or in the back of the room (rather than proceeding to his or her assigned seat). As a matter of respect, if a guest speaker is expected to lecture (as noted in advance on TWEN), punctual class attendance is particularly important. Additionally, students who are late to class should NOT sign the attendance sheet. Distance-learning students who are not logged in and visible at the start of the class session when the instructor is recording attendance for such students will not be marked as being in attendance for that class session.

Distance-learning students are expected to join the class on time and to “mute” their connection until/unless they have a question, are volunteering to contribute to class discussion at appropriate times, and/or are being called on.

Only the students who were allowed to register for the very limited number of distance-learning spots for this course are permitted to access the course from off site. All other students must be present in the classroom for class session to be counted as being present.

Accessibility
Professor Mekel is available by email for both questions and to make an in-person appointment for directly after class sessions to discuss matters related to the class. You can email Professor Mekel via the course TWEN page.

Distance Learning Student Technical Support
Students registered to access the class via distance learning MUST contact Mr. Carroll Walker in the SIU Center for Teaching Excellence (CTE) via email at cgwalker@siu.edu PRIOR to the start of the summer semester and must coordinate a time PRIOR to the start of the summer semester to download and test the app (Zoom Meeting) by which these students will access and attend class sessions.
Mr. Carroll Walker of CTE and Mr. Lee Greathouse (leegreat@siu.edu) of the Law School are whom distance-learning students should contact with ANY AND ALL technical questions related to Zoom Meeting and accessing class. The instructor can provide no assistance and support with regard to such issues.

Class Session Recordings
Classes and lectures are not and will not be recorded, and are not to be recorded by the student. Given this prohibition on recording, any student who “accesses, creates or disseminates audio or visual recording of a class session or assigned course-related activity[,] … when the instructor has prohibited such recording[,]” “shall be guilty of an Honor Code violation.”

Phones/Electronic Communication Devices and In-class Use of Laptops/Tablets
Phones and similar electronic communication devices must be SILENCED during class. Laptops and tablets are allowed for note-taking purposes only. Students found to be using their computer, tablet, or other communications device for non-class-related activities during class will lose the privilege of using a computer or tablet during class for the remainder of the semester—including the use of a computer for taking the final. Distance-learning students should note the statements supra related to muting their microphones unless answer questions in response to being called on, asking a question at an appropriate time, or contributing to the class discussion at an appropriate time.

Accommodations for Students with Disabilities
Pursuant to the Rules of the Southern Illinois University School of Law, “[t]he Law School will make reasonable accommodations for students with disabilities. A student seeking such accommodation must make application to the Associate Dean in accordance with the Southern Illinois University School of Law Policy Concerning Applicants and Students with Disabilities. A student is required timely to submit appropriate documentation of the disability sufficient to allow the Associate Dean to determine the reasonableness of the accommodation requested. If the requested accommodation concerns examinations, the Associate Dean will decide whether to grant the accommodation after consultation with the appropriate faculty member(s). The Associate Dean and the faculty members involved will treat the identity of the student requesting accommodation as confidential, to the maximum extent practicable.”

Emergency Procedures
“Southern Illinois University-Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency."

“Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building
Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.”

**Saluki Cares**
The purpose of Saluki Cares is to develop, facilitate, and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: 618.453-5714, siucares@siu.edu, or http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618.453.3135.