

Torts – Fall 2019
Professor Zanita E. Fenton

LAW015C (4 cr.)
M, W, Th. 2:00pm-3:20pm

Rm F109

Welcome to first year torts! The most important tools to bring to class with you are your life experiences and an open mind (the course materials would also be helpful). You will find that the subject of torts will be familiar to you from your own experience. You will also find that problems in torts rarely lead to absolute answers. This may be disconcerting for you at first, but ultimately the ambiguities in tort law will allow you to develop an understanding of argument and legal process.

Course Materials

The required text for this course is *Cases and Materials on Torts (10th ed., 2012)* (ISBN: 978-0-7355-9992-5) by Richard A. Epstein and Catherine M. Sharkey. You may use an alternative edition of this text; if you make this choice, then You must ensure that you read the appropriate material. Supplemental cases and hypothetical problems are also assigned throughout the course. The syllabus, supplemental material and all hypothetical exercises are available at <http://faculty.law.miami.edu/zfenton/torts.htm>.

Class Assignments and Hypothetical Exercises

We will proceed through the course material in the order indicated on the syllabus. You should read each unit as a whole, for better understanding. We will continue the proceeding class with any material we did not reach in the previous class. Whether or not each part of a class reading is specifically discussed, you are responsible for all cases, notes and materials assigned. If there is class time after covering the material for any day, we may review and discuss approaches to the hypotheticals, previously assigned.

Participation in the **hypothetical exercises** required and will be run and supervised by Dean's fellow, . Specific exercised and critiques will be assigned to you. Students, who take the hypotheticals seriously and write them out in a controlled setting, tend to do better on exams than those who do not.

Class Structure and Participation

Class participation is mandatory. Students will be called on **randomly** in each class. Participation on one day will not shield you from participation on the next. Thus, all students are expected to be prepared to field questions, especially those concerning basic doctrine and "black letter" applications. In addition, students should focus on understanding the broader theoretical implications and policy issues underlying the "black letter" applications. You should expect to field questions more than once during the semester. Passing is not permitted.

You should view class participation as an important part of your learning experience. Class is your opportunity to experiment with the materials before you are evaluated on them. Volunteered answers in class are always welcome. Please note, participation does not mean your questions must always be dazzling or that your answers must be erudite; well-reasoned answers

are required only on the written examinations. However, the choice of whether or for how long someone may speak in class is in my sole discretion.

If you miss class for any reason, you must discuss your absence with me. You must not miss more than four classes. Barring extenuating circumstances, refusal to comport with these requirements may be harmful to your final grade. I retain the option of lowering your grade by as much as a half grade (no more) for poor class attendance or participation.

Use of Personal Technology in the Classroom

You are best served during class period if you focus on class discussions and lectures. Class should not be a dictation exercise. Furthermore, the classroom environment must support learning for all students; technological devices may be distracting to individuals in the class and thus undermine that goal. Accordingly, in addition to other professional conduct and the corresponding courtesies, please refrain from text messaging; instant messaging; e-mail use; use of cell phones (disable them in class); or any other communication devices. Also refrain from displaying wallpaper, screen savers, or other material on your laptop screen reasonably expected to offend or distract your classmates. It should also be understood that games (electronic or otherwise) are inappropriate for the classroom. I will sanction any student who interferes with the general learning environment in the class. Such sanctions may include, but are not limited to, the loss of the privilege to use a laptop in my class, individually or collectively.

Examinations and Grades

There will be a final examination at the end of the course. It will be composed substantially (if not exclusively) of essay questions. Diligent practice in writing answers to the hypothetical problems will help prepare you for the final. You will have a practice midterm, approximately midway through the course, that is intended to provide a preview and early direction for success in exam-taking.

Disability Assistance

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact The Office of Disability Services for information about available opportunities, resources, and services. You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services.

Religious Holy Days

The University of Miami, although a secular institution, is determined to accommodate those students who wish to observe religious holy days. Classes missed due to observances of religious holy days will count as excused absences only if you provide written notice of your intended absence(s) to me no later than the end of the first three meetings of our class.

Office Hours

By appointment. I keep my own calendar. You should e-mail me in advance when possible to ensure time is reserved for you.

You are encouraged to ask basic questions via e-mail; more extensive questions are best discussed in person.