This schedule of reading assignments will give you an idea of the approximate pace of the course over the course of semester. But please do not take this as a promise that I will never slow down or speed up. I suggest that you try to keep to this schedule of reading even if we fall behind from time to time. It is easier to review than to read from scratch, and this schedule will spread the reading more or less evenly across the term. The casebook is Epstein, Cases & Materials on Torts (8th ed) and there is also a supplement.

Roughly speaking, 4 two-hour classes will be devoted to intentional torts, 3 to the analytical foundations of tort law, 5 to the elements of negligence, 3 to the plaintiff’s conduct and shared fault, 4.5 to causation, 1 to affirmative duties, 6 to products liability, and 1.5 to informational torts.

Please note on your calendars that there will be no class on Thursday, Sept. 16, but we will make it up on Wednesday, November 24 (legislative Thursday). Also, no class on Thursday, Nov. 25 (Thanksgiving).

Th., Aug. 26: Introduction, Vosburg (3-9)

Tues.; Aug. 31: Trespass, (9-19), Consent (27-33, 20-26; do not read Canterbury)

Th., Sept 2: Defenses to claims of intentional tort (pp.33-51) (we may not get to Erie, however, until 9/10)

Tues., Sept. 7: Vincent (51-58); Emotional/dignitary injuries (pp.60-79)

Th., Sept. 9: Lecture on early tort law (In Ch. 2, B & C, skim Thorns Case; Weaver; Gibbons and Scott); read carefully Brown & Rylands cases (pp. 99-115)

Tues., Sept. 15: The Debate over Theory: 115-37; We will discuss the cases with the Holmes excerpt and the readings from Supplement (Aristotle & Fletcher; Coase & Calabresi) (Start the Supplement early and spread out the reading; it is long)

Th., Sept. 18: continued discussion of Tort Theory (Supplement)

Tues., Sept. 22: The Reasonable Person in Negligence (pp. 143-65)

Th., Sept. 25: Defining negligence: the calculus of risk (165-87 and Supp. – Brotherhood Shipping); begin custom (187-97)

Tues., Sept. 29: Custom and malpractice (197-225)

Th., Oct. 2: Defining negligence, cont’d: statutes (pp. 225-47); Res ipsa (260-68)

Tues., Oct. 6: No class

Th., Oct. 9: Defining negligence, cont’d: res ipsa cont’d (268-85)

Tues., Oct. 13: Plaintiff’s conduct in negligence (pp. 287-93; 313-18; 318-36); we may begin Li
Th., Oct. 16: Plaintiff’s fault, cont’d (pp. 343-52). Begin comparative fault (pp. 353-375)

Tues., Oct. 20: Continue discussion of comparative fault; vicarious liability (pp. 375-92)

Th., Oct. 23: Cause-in-fact (pp. 393-425)

Tues., Oct. 27: Causation: special problems of uncertainty (pp. 425-35) (Read Tice and Skipworth very carefully)

Th., Oct. 30: Proximate cause (pp. 435-40, 444-67)

Tues., Nov. 3: Proximate Cause, cont’d (pp. 467-80)

Th., Nov. 6: Proximate cause and emotional distress (pp. 480-93); Affirmative duties – rescue (pp. 495-513)

Tues., Nov. 10: Affirmative duties– gratuitous undertakings (pp. 534-48, and Supp. – King); Products liability: background (pp. 651-74 – read for general concepts, but read Escola with some care)

Th., Nov. 13: Products liability: Restatements (pp. 675-80); Who is liable and for what? (pp. 681-97); Defects in manufacturing (pp. 697-702)

Tues., Nov. 17: Defects in design (pp.702-25)

Th., Nov. 20: Defects in design, cont’d (pp. 725-31); Defective warnings (pp. 731-55)

Tues., Nov. 24: Defective warnings (continued discussion)

Wed., Nov. 27: Legislative Thursday Plaintiff’s conduct (pp. 755-64); Preemption (pp. 764-71)

Th., Nov. 25: Thanksgiving – No Class

Tues., Dec. 1: Misrepresentation (pp. 1101-25, 1132-42)

Th., Dec. 4: False light (1076-82) (Last class)

Supplementary readings:
Guido Calabresi, The Costs of Accidents (excerpt)
Aristotle, Bk. V, Nicomachean Ethics
George Fletcher, Fairness and Reciprocity in Tort Law
Brotherhood Shipping v. St. Paul Fire & Marine Ins., 985 F.2d 323 (7th Cir. 1993)