

University of South Carolina School of Law

**TORTS**

(LAWS 529 § 1)

Fall 2024

Professor Emily Suski

**SYLLABUS**

**Class Time:** Mondays, Wednesdays, & Thursdays, 10:45 am – 12:05 pm, Room 395

**Professor Suski's Contact Information & Office Hours**

Office: 368 (in the clinics' suite)

Office Phone: (803) 777-7735

E-mail: [esuski@law.sc.edu](mailto:esuski@law.sc.edu)

Office Hours: Mondays from 12:30 – 1:30 p.m.; Thursdays, from 1:00 – 2:00 p.m.;  
Fridays from 12:30 – 1:30 p.m.

I also maintain an **open-door policy** and encourage students to come talk with me both inside and outside of official office hours. I am generally in my office during weekday working hours. If I am in my office, please feel free to ask whether I am available to talk at that time. If it is not convenient, we will set another time. You also may set an appointment by emailing or calling me.

**1. Course Overview**

Welcome to Torts! This course is designed to teach you the fundamentals of tort law. Torts is one-semester, four-credit course.

**2. Course Objectives & Learning Outcomes**

By the end of this course students will:

- Understand the principles of fault-based liability and liability without fault in tort law;
- Understand tort claims, privileges, and defenses and their elements;
- Understand the rationales and policies underlying liability for intentional torts, negligence, and liability without fault in tort;
- Be able to identify and analyze tort claims, privileges, and defenses in unique fact scenarios and;
- Identify and analyze the rationales and policies underlying tort liability in novel fact scenarios; and,
- Apply/argue how those elements, rationales, and policies to novel fact scenarios.

### 3. Materials

- VICTOR E. SCHWARTZ, ET AL., PROSSER, WADE, AND SCHWARTZ'S TORTS CASES AND MATERIALS (West, 14<sup>th</sup> ed., 2020) (**REQUIRED**)
- JOSEPH W. GLANNON, THE LAW OF TORTS: EXAMPLES AND EXPLANATIONS (6<sup>th</sup> ed., 2020) (**RECOMMENDED**)

### 4. Course Requirements

Class Attendance: You are expected to attend class on Mondays, Wednesdays, and Thursdays from 10:45 a.m. – 12:05 p.m. Attendance will be taken by way of an attendance sheet that students must sign. **You may not sign the attendance sheet for anyone else. If you do not sign the attendance sheet, you will be counted as absent. If you arrive to class more than 10 minutes late, you may not sign the attendance sheet. In that case, you will be counted as absent (though you may, and should, stay for class). If you leave class more than 10 minutes early, you will be counted as absent regardless of whether you signed the attendance sheet. If you miss more than 25% of classes (i.e., 10 classes), you will automatically fail the course.** You must also comply with the LAW STUDENT HANDBOOK, Section IV.C regarding regular attendance.

Preparation & Participation: You are expected to be prepared for each class, have read all the assigned reading, and participate in class by asking and answering questions and raising points for discussion as appropriate.

In this course, students will be called on to participate but should feel free to ask questions and raise points on their own throughout the class. All students are expected and required to be respectful of each other and the ideas, questions, and views raised in class.

Laptops, Other Electronic Devices, Technology: Students using laptops during this class must comply with law school rules (see <http://www.law.sc.edu/registrar/handbook/>, section VIII. C). Students may not use phones, recording devices, or other devices during class without prior permission.

TWEN: The syllabus and any course materials you may need will be posted on the course TWEN page. Students are required to enroll in the course TWEN page. If I need to email you as a class, including about changes to the assigned readings, I will do so through TWEN.

Accommodations: Students with disabilities who require accommodations should contact the University Office of Student Disability Services. These requests should be made as early as possible to ensure any needed accommodations are in place at the start of the semester. For more information on accommodations, please see the Law School Handbook, Section IX D ([http://www.law.sc.edu/registrar/handbook/section\\_009.pdf](http://www.law.sc.edu/registrar/handbook/section_009.pdf)).

### 5. Assessment & Grading

Your grade in this course will be based two short multiple-choice tests given during the semester and a final exam. See below for the dates of the two short multiple-choice tests. Both the tests given during the semester and the final exam will be modified open-books exams. You may bring a 10-page (front and back) hard copy outline to the multiple-choice tests given during the semester, but you may not access any electronic materials. For the final exam, you will also be allowed to bring a

20-page (front and back) hard copy outline for use during the exam. All outlines will be collected at the end of each test/exam. Note that to take these tests and the final exam, you must sign a pledge acknowledging that you have complied with the Law School's attendance policy and will comply with the Law School Honor Code.

The two multiple choice tests given during the semester will constitute 10% of your final grade. The final exam will constitute 90% of your final grade. Also, your class participation may be considered as part of your grade. Your course participation, or lack of, can raise or lower your grade as much as half of a letter grade.

**Practice Exam:** In addition, to provide you with an opportunity to practice taking a law school essay exam, I will administer a practice essay exam that will not be graded. See below for the date. I also will, as much as possible, provide you with application hypothetical questions to work through in class so that you can practice applying the principles of tort law to novel fact scenarios.

## 6. Schedule and Assignments

**NOTE:** Because this course is adapted to suit each particular 1L class, I may change this syllabus throughout the semester. Additions or modifications to assignments, as well as changes to any of the dates in the syllabus, or other important information will be announced in class and/or via TWEN.

8/20 *INTRODUCTION & DEVELOPMENT OF LIABILITY BASED ON FAULT*

**Read** pages 1-16

8/22 *INTENTIONAL INTERFERENCE WITH PERSON OR PROPERTY: INTENT*

**Read** pages 17-33

8/26 *INTENTIONAL INTERFERENCE WITH PERSON OR PROPERTY: BATTERY & ASSAULT*

**Read** pages 33-46

8/28 *INTENTIONAL INTERFERENCE WITH PERSON OR PROPERTY: FALSE IMPRISONMENT*

**Read** pages 46-58

8/29 *INTENTIONAL INTERFERENCE WITH PERSON OR PROPERTY: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS*

**Read** pages 58-78

9/4 *INTENTIONAL INTERFERENCE WITH PERSON OR PROPERTY: TRESPASS TO LAND, TRESPASS TO CHATTELS & CONVERSION*

**Read** pages 78-105

9/5 *PRIVILEGES: CONSENT, SELF-DEFENSE, DEFENSE OF OTHERS, DEFENSE OF PROPERTY & RECOVERY OF PROPERTY*

- Read** pages 107-136
- 9/9 **PRIVILEGES: NECESSITY, AUTHORITY OF LAW, DISCIPLINE, JUSTIFICATION**  
**Read** pages 137-149
- 9/11 **FIRST MULTIPLE CHOICE ASSESSMENT & NEGLIGENCE: INTRODUCTION**  
AT 9:00 AM:  
***\*At 9:00 a.m. in the Karen Williams Courtroom, you will have 30 minutes to take a 5-10 question multiple choice test.\****  
FOR CLASS:  
**Read** pages 151-169
- 9/12 **NEGLIGENCE: STANDARD OF CARE**  
**Read** pages 169-195
- 9/16 **NEGLIGENCE: STANDARD OF CARE**  
**Read** pages 195-233
- 9/18 **PRACTICE EXAM**  
**Review** pages 1-233
- 9/19 **NEGLIGENCE: STANDARD OF CARE (REVIEW) & PRACTICE EXAM REVIEW**  
**Review** pages 169-233
- 9/23 **NEGLIGENCE: RULES OF LAW & VIOLATION OF STATUTE**  
**Read** pages 233-260
- 9/25 **NEGLIGENCE: PROOF OF NEGLIGENCE: CIRCUMSTANTIAL EVIDENCE; RES IPSA LOQUITUR**  
**Read** pages 260-288
- 9/26 **CAUSATION IN FACT: SINE QUA NON & PROOF OF CAUSATION**  
**Read** pages 289-317
- 9/30 **CAUSATION IN FACT: CONCURRENT CASES & PROBLEMS IN DETERMINING WHICH PARTY CAUSED THE HARM**  
**Read** pages 320-334

- 10/2 *PROXIMATE OR LEGAL CAUSE: UNFORESEEABLE CONSEQUENCES*  
**Read** pages 335-345
- 10/3 *PROXIMATE OR LEGAL CAUSE: UNFORESEEABLE CONSEQUENCES*  
**Read** pages 346-369
- 10/7 *PROXIMATE OR LEGAL CAUSE: INTERVENING CAUSES*  
**Read** pages 369-393
- 10/9 *PROXIMATE OR LEGAL CAUSE: PUBLIC POLICY & SHIFTING RESPONSIBILITY*  
**Read** pages 393-414
- 10/10 *JOINT TORTFEASORS: LIABILITY & JOINDER OF DEFENDANTS; SATISFACTION & RELEASE*  
**Read** pages 415-441
- 10/14 *JOINT TORTFEASORS: CONTRIBUTION, INDEMNITY, & APPORTIONMENT OF DAMAGES*  
**Read** pages 441-454
- 10/16 *DUTY OF CARE: PRIVACY OF CONTRACT*  
**Read** pages 455-469
- 10/17 *FALL BREAK—NO CLASS*
- 10/21 *DUTY OF CARE: FAILURE TO ACT*  
**Read** pages 470-491
- 10/23 *OWNERS & OCCUPIERS OF LAND: OUTSIDE THE PREMISES & ON THE PREMISES*  
**Read** pages 537-566
- 10/24 *OWNERS & OCCUPIERS OF LAND: LESSOR & LESSEE;  
DAMAGES: PERSONAL INJURIES*  
**Read** pages 567-608
- 10/28 *DAMAGES: PHYSICAL HARM TO PROPERTY & PUNITIVE DAMAGES; DEFENSES:  
PLAINTIFF'S CONDUCT*  
**Read** pages 608-629; 659-666

10/30 **DEFENSES: PLAINTIFF'S CONDUCT; STATUTES OF LIMITATIONS & REPOSE**

AT 9:00 AM:

**\*At 9:00 a.m. in room 289, you will have 30 minutes to take a 5-10 question multiple choice test.\***

FOR CLASS:

**Read** pages 666-701

10/31 **DEFENSES: IMMUNITIES**

**Read** pages 701-750

11/4 **VICARIOUS LIABILITY: RESPONDEAT SUPERIOR, INDEPENDENT CONTRACTORS, & JOINT ENTERPRISE, BAILMENTS & IMPUTED CONTRIBUTORY NEGLIGENCE**

**Read** pages 751-782

11/6 **STRICT LIABILITY: ANIMALS & ABNORMALLY DANGEROUS ACTIVITIES; LIMITATIONS ON STRICT LIABILITY**

**Read** pages 783-817

11/7 **PRODUCTS LIABILITY: DEVELOPMENT OF THEORIES OF RECOVERY**

**Read** pages 819-840

11/11 **PRODUCTS LIABILITY: PRODUCT DEFECTS**

**Read** pages 840-866

11/13 **PRODUCTS LIABILITY: PROOF & DEFENSES**

**Read** pages 866-883

11/14 **PRODUCTS LIABILITY: DEFENDANTS OTHER THAN PRINCIPAL MANUFACTURER**

**Read** pages 884-907

11/18 **EXAM REVIEW**

11/20 **EXAM REVIEW**

11/21 **EXAM REVIEW**