

Welcome to Torts!

Agenda

1. Syllabus highlights
2. What is a tort?
3. Small group exercise: Litigating your first torts case

Syllabus highlights

Logistics

Contact information

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Office: Burns 315

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Class schedule

Tuesdays & Thursdays

8:15am to 9:30am

Hall of the 70s

Open office hours

Tentative Schedule:

Thursdays

12:00pm to 1:30pm

Outside the Robinson Moot Courtroom

Reading Assignments

Class Policies

Attendance

Preparation and participation

Qwickly Attendance App

The law school is piloting a new class attendance app called Qwickly.

To use Qwickly, you will need to download the app to your smartphone from the App Store or Google Play.

Once the app is downloaded, you will log in using your LLS/LMU email and password.

Recordings & Slides

Video

Audio with transcripts

Slides

Classroom Norms

Professionalism

Generosity

We can give each other
the opportunity to be wrong.

We can disagree with ideas,
not with people.

Accommodations

Student Accessibility Services in the Office of Student Affairs

I want this class to be accessible for you.

Exams and Grading

Midterm Exam (Fall Semester): 25%

Final Exam (Spring Semester): 75%

Questions about the syllabus

In-Class Exercise

Logistics

Small groups.

You will be lawyers for either the plaintiff or one of the potential defendants.

Be prepared to share with the class your strongest arguments.

The Facts

On a Tuesday afternoon, Thomas Jenner lost control of the car he was driving and crashed into the side of a bicycle shop. His car went through the wall of the bicycle shop, injuring the owner of the bicycle shop, Maxine Hammontree.

Thomas Jenner had a history of epilepsy. On this day, he lost control of his car because he had an epileptic seizure and became unconscious. Jenner has no memory of the incident. He remembers driving, and then he remembers being pulled from the vehicle by EMT's. Jenner reports that prior to the accident there were no warning signs that he was about to have a seizure.

Jenner first began receiving treatment for epilepsy fifteen years ago. He regularly takes anti-seizure medication and has done everything his doctors have advised him to do to address his epilepsy. As a result of his condition, he needs a doctor to sign off yearly with the DMV for him to have a license. His doctor has signed off with the DMV.

Many new cars have automatic collision avoidance systems that can help prevent these kinds of accidents from occurring. The car will automatically brake to prevent a forward collision from happening. Thomas Jenner was driving a 2020 GM Spark that did not have this anti-collision system as an available feature.

The Legal Questions

1. Who — if anyone — should be held liable for these injuries to the plaintiff?
2. What kind of remedy should the plaintiff receive?

Potential Defendants:

1. Thomas Jenner
2. Thomas Jenner's Doctor
3. General Motors

Group Assignments

Plaintiff's Lawyers

Groups 01 & 09: Suing Thomas Jenner

Groups 02 & 10: Suing Thomas Jenner's Doctor

Groups 03 & 11: Suing General Motors

Defendant's Lawyers

Groups 04 & 12: Defending Thomas Jenner

Groups 05 & 07: Defending Thomas Jenner's Doctor

Groups 06 & 08: Defending General Motors

The Lawyers for the Plaintiff

Why should this defendant be held liable for the injuries to Maxine Hammontree?

What remedy does the defendant owe Ms. Hammontree?

The Lawyers for the Defendants

Why should your client not be held liable for the injuries to Maxine Hammontree?

If your client is found liable, what remedy should they owe Ms. Hammontree?

Explain your reasoning

You must appeal to some kind of general rule or principle that would apply in similar cases.

In-Class Scratchpad

On the course website, link is on the bottom of the left sidebar

<https://www.colin-doyle.net/torts2023/scratchpad/>

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