Course: LAW 610 - Torts

Professor: Rhonda Magee

Course Materials: Franklin, Rabin, Green and Geistfeld (2016), Tort Law and Alternatives (Tenth Edition)

First Assignment:

I. Introduction to Negligence Law and Litigation:
   A. Intro to Torts, civil litigation, tort liability theory and the case method:
      Hammontree v. Jenner (1-9)
   B. A Brief Look at the Litigation Process (9-19 n.8)

Additional Notes

**Class Preparation Notes:**

Welcome to USF Law! I very much look forward to meeting, working with, and getting to know you as we explore Tort Law and its applications together this semester.

**Traditional preparation:** Read and brief the main case, Hammontree v. Jenner. Read the assigned notes following the case, and reflect on their implications for the main case that you read.

**Pre-class Reflection:** Read and reflect openly on the following discussion prompts (please note: we will probably not get the chance to discuss each of the following questions in class. The importance of these questions extends beyond what we are able to say about them when we meet. Reflecting on the discussion questions in advance AND AFTER class, alone and with study mates, will support you in working with the material this semester). In addition to bringing your case briefs, come to class (now and throughout the semester) ready to think about the cases and materials through a variety of lenses, reflecting deep engagement with, and critical thinking, about, the issues raised.

Below are examples of the kinds of learning goals and related questions you should ask yourself in advance of class. Thinking about them will enhance your critical thinking and assist you in answering questions that will be posed in our class discussions:
(1) **Synthesizing and Distinguishing:** what do the cases and issues you read (*Hammontree*, the main cases, and the cases in the numbered notes that follow) have in common? What are some of the differences do you notice among them?

(2) **Evaluation:** For each main case, what is one thing you appreciated about how it came out or was resolved? What one thing did you find frustrating about how each was resolved?

(3) **Integration:** What question or two do you have that, if answered, would clarify your understanding and help you integrate the materials that you read?

(4) **Connection:** What question or two do you have that would, if answered, help you see how these materials relate to other areas of law you have studied or will be studying this semester? What else are you now curious to know?

(5) **Contextualization:** What aspects of the relevant social/political context stand out for you? Think about: who or what groups benefit from the resolutions you’ve read? Who/what groups suffer as a result? And why any/all of this matters in the real world?

(6) **Self-Assessing:** what have you learned (already) about Tort law, Tort lawmaking and/or the Torts litigation process from this assignment? How might you confirm what you think you have learned? What one or two ways can you think of that would demonstrate what you’ve learned, already? And finally:

(7) **Professional Ethics and Justice:** how or what you would have decided, if you had been a judge ruling on the issues in the cases you read (*Hammontree*)? Why? How would you explain what you think should have be done, in one or two sentences of your own words? For example, imagine how you would feel if you were in the shoes of the Hammontrees, and then, those of Mr. Jenner. Upon reflection, what do you think is really at stake in this case, on each side? Based on these reflections, can you imagine deciding the case differently than you indicated in response to the above? If so, on what grounds?

**What to bring:** Computers will permitted, but are not necessary for note-taking in this class. Key points will be provided in Powerpoint Summaries, generally provided after each class discussion. So please bring a paper note pad and your most preferred handwriting utensil, and explore using your computer as your back-up.

**Seating and in-class presence:** Please plan to arrive in class early on the first day (and every day). Select your seat carefully. I will
pass out a seating chart on the first day, and so the seat you choose will likely be yours for the duration of the semester. Settle into the space with clear intent to listen well, think along as you follow the discussion, and make a positive contribution to our work as a learning community together. Your cell phones are to be turned off for the duration of class.