TORTS (SECTION 1)  
FALL 2018 ~ PROF. SAWICKI

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COURSE GOALS AND LEARNING OBJECTIVES

Every required course in the first-year law curriculum serves a dual purpose. First, it introduces you to the foundational principles of American law. Second, it offers you the opportunity to learn how to “think like a lawyer.”

In Torts, this means that you will be learning the language lawyers use when they talk about civil wrongs to persons and property. Whether in the context of a bar fight, medical malpractice, a car accident, or any other scenario, you will learn how to translate your own common-sense intuitions into the language of law so that you are equipped to make persuasive legal arguments. More importantly (because you will find that the law doesn’t always align with your intuitions), you will also learn how to predict, based on legal precedent, how a court might rule in such cases. Finally, you will learn how to evaluate the competing policy concerns faced by legislators and judges when deciding how far to extend civil liability. Learning these analytical skills will help you succeed in law school, on the bar exam, and in the real-world practice of law.

More specific learning objectives for each week are detailed on the course Sakai site.

COURSE REQUIREMENTS

Regular Attendance: Regular and punctual attendance at each of our in-person class sessions is mandatory. If an emergency or other conflict arises that prohibits you from attending a class session, you must submit documentation or your absence will be considered unexcused. Excessive absences – whether unexcused or excused – may result in a reduction in your final grade. A complete version of the Law School Attendance Policy can be found at http://www.luc.edu/law/resources/schooloflawpolicies/.

Careful Reading: Students are expected to attend each class having completed all assigned readings (the schedule of reading assignments is posted on Sakai). The required casebook for this course is the Second Edition of TORTS: CASES AND QUESTIONS (Aspen 2009), by Ward Farnsworth and Mark Grady. Some students find A CONCISE RESTATEMENT OF Torts (3rd Edition, American Law Institute 2013) to be helpful, although it is not required. Note: You may be surprised at how long it takes you to complete the reading for each class – this is to be expected, and you are not alone!
**Active Participation:** Because the success of this course is dependent on each student’s interest and active involvement, participation in discussion is mandatory. All students are expected to come to each class session prepared to answer questions about the cases and problems discussed in the week’s readings, and ready to contribute to group discussion and small group exercises.

**Respectful Discussion:** Given the sensitive nature of some of the material we will be studying, it is particularly important that students maintain a professional and respectful manner during class discussions. Our shared goal in this classroom is to learn from each other - and this can be done only in an atmosphere of trust and mutual respect. If you have any questions or concerns on this subject, please do not hesitate to speak with me.

**FURTHER OPPORTUNITIES FOR SKILLS DEVELOPMENT**

The best way to develop your legal reasoning skills and excel in Torts is to spend substantial time outside of class engaging with the course material. This may involve drafting sample answers to hypotheticals you encounter in class, preparing study outlines, taking practice quizzes, discussing complex issues with a study group, or bringing questions to office hours. Engaging in these opportunities for skills development and feedback outside of class has a secondary benefit as well – it helps you evaluate your progress through the course of the semester.

While none of the following (except the practice midterm) are mandatory, I strongly encourage everyone to take advantage of these resources for skills development:

**Quizzes:** Most weeks, the Sakai page will include one or more quizzes to test your knowledge of particular substantive areas of law. These quizzes are intended purely as self-assessment tools – they are ungraded, but they include detailed feedback on correct and incorrect answers. You are welcome to re-take the quizzes multiple times as you review the material throughout the semester.

**Practice Memos:** There will be three formal opportunities for you to write practice memoranda in response to hypothetical fact patterns. These practice memos test the same skills that are tested on the final exam, and your academic tutors will provide detailed written feedback on your work. You are also welcome to submit additional practice memos to me based on any hypotheticals you encounter in the casebook or in class discussion.

**Practice Midterm Exam:** The in-class practice midterm exam will take place on **Monday Oct. 8th.** While the practice midterm is ungraded, your tutors and I will provide personalized feedback on each exam. As this is an excellent opportunity to formally test your study habits and exam-taking skills, I strongly recommend that everyone approach the practice midterm as if it were a graded exam.

**Outline Drafts:** You will have several opportunities to submit drafts of your study outline for review by your tutors. Know that outlines are not only useful as a study tool for the final
exam—rather, it’s the iterative process of preparing an outline during the course of the semester that really helps you learn the material.

**Tortspotting Competition**: Throughout the semester, students are encouraged to post tort-related news stories to our Tortspotting forum. Your post should include a link to the original article, a brief description of the facts, and an explanation of what torts might be implicated and whether those claims would be likely to succeed (a fuller example is provided in the forum description). At the end of the semester, we will vote on the most egregious case, and the winner will receive a prize!

**EVALUATION AND GRADING**

**Final Exam**: If you have committed yourself to the goals of the course, you will be well-prepared for the final exam, which will take place on **Tuesday, December 4**. On the final exam, you will be given various hypothetical factual scenarios and asked to identify the pertinent legal issues, analyze these issues by applying the principles of tort law, and reach conclusions based on your analysis. The final exam will be fully open-book—you may rely on your casebook, the Restatement, your study outline and class notes, and any outside study materials you find helpful. That said, please know that time spent consulting these materials takes away valuable time that should be used developing the analysis upon which you will be graded. Further exam details will be provided near the end of the semester.

**Final Grades**: Your final grade in Torts is based on the final exam (which is graded anonymously and in accordance with the law school’s grade curve requirements), subject to grade reductions for unexcused or excessive absences. All grading is final, except to correct mathematical or clerical errors.

**Evaluation**: The following should serve a general guide as to how student work will be evaluated throughout the semester:

- **A+/A-**: The student demonstrates an *exceptional* understanding of the subject matter, is able to *carefully and thoroughly explain* legal doctrine, and presents *sophisticated, well-reasoned, and creative* legal analyses that stand up against *equally well-reasoned counter-arguments*.

- **B+/B**: The student demonstrates a *strong* understanding of the subject matter, is able to *clearly and accurately explain* legal doctrine, and presents *reasonable and consistent* legal analyses that stand up against *reasonable counter-arguments*.

- **B-/C+/C**: The student demonstrates a *basic* understanding of the subject matter, is able to *accurately describe* legal doctrine, and presents *reasonable* legal analyses that demonstrate *basic recognition of expected counter-arguments*.

- **C-/D/F**: The student demonstrates a *substandard* understanding of the subject matter, is *not able to accurately describe* legal doctrine, or presents legal analyses that demonstrate *logical inconsistencies, factual errors, or failure to recognize expected counter-arguments*. 

Sawicki Torts Syllabus, Page 3 of 4
**GENERAL INFORMATION AND POLICIES**

*Academic Integrity:* Students should familiarize themselves with the law school’s Code of Conduct (available at [http://www.luc.edu/law/registrar/exam_procedures.html](http://www.luc.edu/law/registrar/exam_procedures.html)), particularly the provisions relating to academic integrity. Violations will not be tolerated.

*In-Class Use of Technology:* Inappropriate use of technology in class is disruptive to your professors and fellow students. Laptops may be used in the classroom only to take notes and access course materials. Cell phones must be off. If a cell phone rings during class, its lucky owner will be invited to assist me in developing a new policy to ensure that devices do not disrupt class in the future.

*Course Feedback:* Throughout the semester, I look forward to receiving your feedback on what I can do to improve your learning experience. My goal is for you to come away from this class feeling that you are better prepared for your legal career. If you are having trouble doing that for any reason, from the simple (“We can’t hear you in the back of the class”) to the more serious, please discuss it with me sooner rather than later.

*Office Hours:* One of the most important parts of my job is being available to provide assistance and answer your questions outside the classroom. However, it can be difficult to find a fixed time for office hours that fits with students’ varied schedules. If you have any questions that you’d like to discuss outside of class, let me know and we can schedule a meeting at a time that works best with your schedule. You are also welcome to stop by my office any time my door is open.

*Take Advantage of Your Resources!* If you have any questions during the semester, I encourage you to e-mail me or meet with me outside of class. I look forward to getting to know everyone in the class personally, and welcome the opportunity to meet with groups of students informally over coffee or lunch.

You also have great resources in your academic tutors. Prathyusha and Payton are here to help you learn the substantive law of Torts, and to serve as mentors as you navigate your first year of law school. They will be hosting office hours and review sessions throughout the semester; you should consider them your first resources for course-related questions.

Finally, remember that there are resources throughout the Law School to assist you both academically and personally. Don’t hesitate to take advantage of them!