**Torts (4 Credits)**

L512-2, Fall 2025

Professor Rama H. Kim

Tuesday and Thursday, 10:00-11:40 am

Room LB0012

**Course Description**

Tort law considers injuries to persons and property, both intentional and unintentional, and may include physical, dignitary, and economic harms. The course examines the three basic theories of civil liability—intentional torts, negligence, and strict liability (liability without fault). We will examine the kinds of actions that the courts and legislatures classify as torts, the elements necessary for an injured party to receive remedies, and the defenses available to those accused of wrongdoing.

**Learning Objectives**

At the end of this course:

* You will have gained substantive *knowledge* of tort law; that is, you will understand and know the basic rules and doctrines of tort law.
* You will have improved your *analytical skills*; that is, you will be able to not only critically analyze legal cases but also work through a legal claim, including each step in a prima facie case and defenses, applying existing rules to new fact patterns.
* You will have developed your capacity for *legal argumentation*, using the rules, doctrines, and principles introduced in class.

**Office Hours**

I will hold drop-in office hours on Wednesdays and Thursdays from 3:55-5:00 pm. I am also very happy to arrange other times to meet if my regular office hours do not work for you.

**Communication**

The easiest way to reach me is by email at r.h.kim@csuohio.edu. Please include in your email subject line “Torts Sec 2” (*e.g.* [Torts Sec 2] Missing tomorrow’s class). Feel free to send me a reminder if you haven’t received a response after a week (or earlier if time is of the essence).

**Required Course Materials**

The casebook for this class is Goldberg, Kendrick, Sebok & Zipursky, Tort Law: Responsibilities and Redress (5th ed. 2021). **Please avoid the e-book versions**, since we will frequently refer to page numbers in class discussions. Used versions are perfectly adequate. You do not need the “Casebook Connect” digital content or any other add-ons included in the purchase. In addition, I will sometimes hand out additional materials in class or post them on the Blackboard page.

**Attendance**

Attendance is mandatory as per ABA guidelines, and it will be recorded at each class. If you need to miss a class, please let me know in advance.

**Assessment and Grading**

**Final Exam**. The course grade depends primarily on an open-book, in-class exam at the end of the semester. This exam will allow you to demonstrate the skills you have learned in this course (see the Learning Objectives above).

**Participation**. There are three forms of participation:

* *Blackboard Discussion Posts*: Starting with the second week of the semester, you will post thoughts on the reading in short, 3-5 sentence posts on Blackboard. You are required to submit a total of 7 posts between Week 2 and Week 15 (excluding the first and the last weeks). You may only submit one post for credit per week. While you are encouraged to post and engage with your classmates any time, to earn credit, your post must be submitted by 9 pm on the day before the class. These posts will help me gauge your interests and inform class discussions.
* *Practice Activities*: Occasionally, I will assign short activities to be completed during or outside class, such as outlining practice exams.
* *In-Class Discussions*: I try to call on students roughly randomly for each class, but I also keep track to ensure everyone is called on a roughly equal number of times over the semester. Cold calling offers a chance for you to practice and engage and is a tool for me to check your preparation and understanding of the material. I will *not* assess or grade your verbal performance. In addition, you may “pass” on a cold call.

As long as you complete all required discussion posts and assignments and regularly come to class prepared, your grade will be what you earn on the final exam.

Weak participation will negatively affect your final grade. A student will be considered to have weak participation if they regularly miss classes without valid reasons or fail to complete the required discussion posts and activities. Passing on some cold calls will not, on its own, constitute weak participation.

Exceptionally high-quality participation (not to be confused with quantity) may raise a final grade one-third of a letter (e.g. from A- to A), within the constraints of the mandatory curve. To qualify for this grade boost, students must consistently make thoughtful contributions that provide meaningful analysis and advance the conversation in class and on Blackboard.

**Classroom Rules**

* **Avoid using laptops and electronic devices**. I strongly recommend that you take notes by hand instead of on a laptop, as research shows it is generally better for student learning. Listening, rather than typing, may be especially important for this class, which often delves deeply into texts and involves discussions.

Nonetheless, those who disagree are permitted to use a laptop during class to take notes—and only to take notes. Any other activity, including browsing the web, checking emails, and instant messaging with humans or AIs, is prohibited. Such activities will inevitably distract you from class discussions, negatively impacting your learning. ~~They are also deeply disrespectful to your classmates and your professor~~.

* **Seat in assigned seats**. During our second class, I will circulate a seating chart. You will then be required to sit in your assigned seat for the remainder of the semester. This will help me learn your names and faces.
* **Names and name cards**. To help me pronounce your name correctly and, again, learn your names and faces, please do the following: 1) record your name at <https://namedrop.io/>; and 2) complete a very short survey at <https://forms.gle/CDuX5mFSde84qHws9>. In addition, please bring your name card to every class.
* **Recording policy**. Class sessions will be recorded. Access to these recordings is limited to the professor, students requiring an accommodation (see Students with Disabilities section below), and students who miss a live session and request access. All recordings will be permanently deleted at the end of the semester. Recordings may not be reproduced, shared, or distributed in any form. Students in the class are prohibited from recording of any kind.
* **AI policy**. Any unreasonable use of AI tools is prohibited, either to prepare for class generally or to complete class assignments.
* **Speaking in class**. As a general rule, please speak only when called upon. When I ask for volunteers to comment, please raise your hand if you would like to be called on, rather than immediately speaking. If you have questions or comments that do not address what is being asked at that moment, please make a note and I promise to discuss them with you after class, during office hours, or by appointment. However, if I misspeak or something is truly unclear, you can ask for clarification immediately.
* **Positions, Not People**. In class, I will sometimes ask you to articulate a particular argument or viewpoint, which may not be one you personally hold. When asked to defend an unpopular idea or person in a case, it is tempting to say, “Well, I do not actually believe this, but…” to ensure that your classmates or I do not get the mistaken idea that you are the wrong kind of person. Please try to resist that temptation. In the classroom environment, my goal is to split off arguments and ideas from the person articulating them so that we may have a full and robust discussion—exploring and criticizing views without criticizing each other.

**Students with Disabilities**

If you feel you may need accommodation based on the impact of a disability, please contact CSU’s Office of Disability and Testing Services.

**Reading Assignments & Course Outline**

This syllabus contains the course outline and the reading assignments for the first two weeks. This outline is tentative and subject to change. Assignments for subsequent weeks will be posted weekly on Blackboard. **Please pay close attention to these Blackboard posts**, as they will often include specific directions to guide your reading, specifying the required pages and sometimes even the exact paragraphs.

The assignments are carefully arranged in a specific order. Please read in that order. You do *not* need to read the “notes and questions” that follow each case in the casebook unless they are explicitly included in the assignment.

The time you spend preparing for class might vary depending on what kind of reader you are. If you’re a fast reader, you may want to learn how to do a close, analytical reading—it is highly unlikely that less than 1.5 hours of preparation per session will be sufficient for you to fully grasp the cases. Remember, preparation entails not only reading the assignment, but also digesting and reflecting. If the assignment is brief, it may require multiple readings to understand.

If you’re a slow reader, you may want to learn how to prioritize your mental energy and read with a purpose. It is unlikely that you will need more than 3.5 hours to be prepared enough to follow and engage in classroom discussion.

**Tentative Course Outline**

Part O. Introduction (Week 1)

Part I. Intentional Torts & Property Torts (Week 2- Week 6)

1. Torts
* Battery
* Trespass to Land, Conversion, Trespass to Chattel
* Assault
* Intentional Infliction of Emotional Distress (IIED)
1. Defenses
* Official Privilege (+ Constitutional Torts)
* Consent
* Self Defense, Defense of Others, Defense of Property
* The Defense of Necessity

Part II. Negligence (Week 7- Week 13)

1. Introduction & Injury
2. Breach
* The Reasonable Person
* Custom and Statutes
* The Calculus of Risk
* Res Ipsa Loquitur
1. Causation
* Actual Cause
* Proximate Cause
1. Duty (and the “No-Duty” Boundary of the Negligence System)
* Affirmative Duties
* Premises Liability
* Pure Economic Harm
1. Defenses
* Contributory Negligence
* Comparative Fault
* Assumption of Risk
* Immunities

Part III. Strict Liability (Week 14-16)

* Products Liability

**Reading Assignments (for the first three weeks)**

*Note: “CB” refers to casebook, and “BB” refers to supplemental materials uploaded on Blackboard. Optional readings are truly optional!*

Week 1. Introduction

* **Class 01 (Aug 21): Introduction** (approximately 6 pages)
	+ Rules versus Standards
		- Duncan Kennedy, *Form and Substance in Private Law Adjudication*, 89 Harv. L. Rev. 1685, 1687-1689 (1976) (start from “A. Dimensions of Form” on p. 1687; stop at “2. Generality” on p. 1689), BB (also available on the law school website’s first assignment page)
	+ Introduction to Torts, CB 3-5 (stop at II. An Example of a Tort Suit)
	+ *Paul v. Holbrook,* CB 671-673

Week 2.

* **Class 02 (Aug 26): Interests in Bodily Security - Battery (Continued)** (approximately 10.5 new pages)
	+ Review *Paul v. Holbrook*, CB 671-673
		- Notes 6, 9-11, 13, CB 675-679
	+ Restatement (Second) §§13, 16
		- (Optional) What is Restatement? CB 15 (Note 5)
	+ Additional facts of *Vosburg v. Putney*, BB
	+ *Vosburg v. Putney*,CB 680-683
	+ Restatement (Second) §§ 314, 314A, 321, Supp. 3
	+ *Hurley v. Eddingfield*, BB
		- Note 1, BB
* **Class 03 (Aug 28): Property Interests – Trespass to Land, Conversion, Trespass to Chattel** (approximately 15.5 pages)
	+ Restatement (Second) §§158, 162, 163, BB
	+ *Burns Philp Food, Inc. v. Cavalea Cont’l Freight, Inc.* CB 887-889
		- Note 3, CB 889-891
	+ *Jacque v. Steenberg Homes*, Note 11, CB 895-896 (stop at “Does *Jacque* go overboard…”)
	+ Restatement (Second) §§222A, 217, 218, BB
	+ Notes 1, 3, 4, CB 913-914, 915-916
	+ *State v. Shack*, BB