

American International School of Law

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Torts

Course Syllabus

5 Credit Hours • Minimum of 216 Study Hours • 48-52 Weeks

Course Description

This course is a survey of civil causes of action for which an injured party may seek redress and compensatory relief in court. Students will learn various theories of tort liability including intentional torts to person and property such as assault, battery, false imprisonment, infliction of emotional distress, trespass to land and chattel, and conversion. Students will also examine the law relating to causes of action for ordinary and professional negligence, wrongful death, products liability, and dignitary torts such as invasion of privacy, defamation, constitutional torts and nuisance. They will also examine strict liability causes of action such as animal and products liability. Finally, students will examine tort defenses of privilege, mistake, self-defense, consent, necessity, immunity, contributory and comparative negligence and assumption of the risk.

Course Delivery Method

There are several delivery methods for course content.

First, students must purchase the books required in the syllabus.

Second, students will use AISOL Dashboard as the technology platform for distance teaching and learning via the Internet. Students use this dynamic Internet-based course management system to access course material, collaborate and communicate online with fellow students and faculty members, and view and listen to live and recorded audio/video lectures from anywhere in the world. Students can access course content on the AISOL Dashboard at any time with use of the Username and Password that will be assigned. At the end of each live course the professor will give specific cases to brief and your reading assignments for the following week.

Third, students will use chat sessions to help understand what they are learning during the week and to ask questions on any material that may cause confusion.

Fourth, students may communicate with the school's administration, faculty, and with other students via email, AISOL Dashboard, box.com, and [fuzemeeting](http://fuzemeeting.com). This allows you to have one-on-one contact as needed to assist you with your studies.

Fifth, you are encouraged to supplement your studies with your own selection of materials. These include flash cards, hornbooks, local law libraries, West Law, CALI (Computer Assisted Legal Instruction), review courses, electronic law libraries, law study websites, etc. Many available resources are listed on our school website.

Methodology and Suggested Study Plan

AISOL approaches studying law in a different and unique way that helps students to succeed. We suggest that students take the following approach when creating their study plan:

1. Reading Gilberts Law Summaries. Should be completed by the end of 3 month.
2. While reading the summaries you must define each of the terms that we have provided and then give an example for each term. This allows a student to understand the principle that they are learning about. Should be completed by the end of 3 month.
3. After reading the Gilberts then start reading your Casebook. You are now familiar with the terms so as you go through each case it will be easier for you to understand the law and principal and how it is applied. Thus making case briefing easy and reinforcing the principles you read and learned about. Should be completed by the end of 6 month.
4. After you have completed the case briefing your next item is to watch the videos that we have provided. This again is a reinforcement principal that we believe will help you understand what you are learning. This should all be completed by the end of the 7 month.
5. After you watch the videos you will move on to the mini fact patterns. These fact patterns are there to help you apply the rule of law to the fact pattern and help with your writing skills. Being able to apply the rule of law with the facts is key as it is essential to being successful on the Bar and FYLSE. Should be completed by the end of 11 month.

At any time we are there to set up chat sessions for you as needed for you. Should you need the chat session every day we are there for you.

Submitting Assignments to AISOL

You must submit all assignments via AISOL Dashboard. Since you must study all courses concurrently, you must turn in each type of assignment (quizzes, definitions, case briefs, midterms, etc.) online as requested by the professor.

Keep a copy of all assignments you submit to the school, including answers to all examinations. The school will not be responsible for missing, lost or misplaced exam answers.

Required Books To Be Purchased By Student

Casebook: Cases and Materials on Torts, Eleventh Edition, by William Prosser, John Wade, and Victor Schwartz.

Gilbert Law Summaries on Torts, 24th, By Marc A. Franklin, W. Jonathan Cardi, Michael D. Green

Fleming Substantive Law Outline and CD Audio Lectures - Torts I Substantive Law Outline and Torts II Substantive Law Outline

<http://www.lawprepare.com/legal-test-aids-law-school-bar-essay-exams-mbe-multiple-choice-tests/outlines-exam-books/substantive-law-outlines-law-school-essay-exam-writing-mbe-tests/>

These books and materials may be available online or locally in your area at a law school bookstore. You may be able to obtain used materials from various online sellers.

Course Requirements

AISOL seeks to offer a program that is flexible enough to allow students to study using the methods that best meet their individual needs, taking into consideration the demands of family, career, and other commitments. Therefore, although there are abundant learning opportunities available, our requirements regarding assignments to be handed into the school are not, by any means, overwhelming. You will note, however, that there is a great deal of study that you must do in order to be equipped to pass the course.

The following requirements must be met:

1. Read the casebook.
2. Read and study Gilberts.
3. Brief the cases.
4. Listen to the recorded lectures after you have read Gilberts an Casebook.
5. Complete and submit the following items online
 - a. Quiz
 - b. Definitions Assignment
 - c. Case Briefs
 - d. Complete the Mini Fact Patterns
 - e. Other Assignments
 - f. Midterm Examination
 - g. Final Examination

More information on each of these requirements is included below.

Cases to Brief

- Rylands v. Fletcher, 3 H & C 774, 159 Eng.Rep. 737, L.R. 1 Ex. 265 (1866). (Strict Liability)
- Hackbart v. Cincinnati Bengals, Inc., 601 F.2d 516, 444 U.S. 931, 100 S.Ct. 275, 62 L.Ed.2d 188 (1979). (Consent)
- Larson v. St. Francis Hotel, 83 Cal.App.2d 210, 188 P.2d 513 (1948). (Negligence)
- Summers v. Tice, 33 Cal.2d 80, 199 P.2d 1, 5 A.L.R.2d 91 (1948). (Problems in Determining which Party Caused the Harm)
- Palsgraf v. Long Island Railroad Co., 248 N.Y. 339, 162 N.E. 99, 59 A.L.R. 1253 (1928). (Unforseeable Consequences)
- Tarasoff v. Regents of University of California, 17 Cal.3d 425, 551 P.2d 334, 131 Cal.Rptr. 14 (1976). (Failure to Act)
- Rowland v. Christian, 69 Cal.2d 108, 443 P.2d 561, 70 Cal. Rptr. 97 (1968). (Premise Liability)
- Li v. Yellow Cab Co. of California, 13 Cal.3d 804, 119 Cal.Rptr. 858, 532 P.2d 1226 (1975). (Comparative Negligence)
- MacPherson v. Buick Motor Co., 217 N.Y. 382, 111 N.E. 1050 (1916). (Privity)
- Henningsen v. Bloomfield Motors, Inc., 32 N.J. 358, 161 A.2d 69 (1960). (Products Liability: Implied Warranty)
- Philadelphia Electric Co. v. Hercules, Inc., 762 F.2d 303 (1985). (Nuisance)
- New York Times v. Sullivan, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964). (Defamation)
- Hustler Magazine v. Falwell, 485 U.S. 46, 108 S.Ct. 876, 99 L.Ed.2d 41 (1988). (Invasion of Privacy)

Definitions

While you read your Gilberts Law Summary you must define the following terms and give an example of each term. This assignment is due by the 7 month from your start date.

Please define the following terms:

Intentional Torts	The Andrews Rule on Duty	Last Clear Chance Doctrine
Assault	Owner Liability Statues	Assumption of the Risk
Battery	Duty Owed to a Guest	Vicarious Liability
Transferred Intent Doctrine	Passenger	Joint Tortfeasors
Substantial Certainty Doctrine	Duty Owed to Those Injured by	Concurrent Tortfeasors
False Imprisonment	Drunk Driver	Successive Tortfeasors
Intentional Infliction of	Family Purpose Doctrine	Joint and Several Liability
Emotional or Mental	Duty Owed to a Rescuer	Contribution
Distress	Duty Owed by a Good	Indemnity
Trespass to Land	Samaritan	Husband-W ife Immunity
Trespass to Chattel	Omission to Act	Parent-Child Immunity
Conversion	Business Invitee	Governmental Immunity
Trespass Ab Initio	Public Invitee	Charitable Immunity
Private Nuisance	Licensee	Wrongful Death Statutes
Public Nuisance	Trespasser	Survival Statutes
Defenses to Intentional Torts	Constant Trespasser Upon a	Wrongful Birth
Consent	Limited Area	Pre-Natal Injuries
The Defense of Self-Defense	Duty Owed to a Business	Negligent Supervision
The Defense of Defense of	Invitee	Strict Liability
Others	Duty Owed to Licensee	<i>Rylands v. Fletcher</i>
Step-in-Shoes Jurisdiction	Duty Owed to a Trespasser	Products Liability
(Defense of	Duty Owed to a Constant	<i>MacPherson v. Buick</i>
Others)	Trespasser Upon	Products Liability (Negligence)
Reasonable Appearances	a Limited Area	Products Liability (Breach of
Jurisdictions	Duty Owed to the Child	Warranty)
(Defense of Others)	Trespasser	Products Liability (Strict
The Defense of Defense of	Attractive Nuisance Doctrine	Liability)
Property	Duty Owed to Persons Off the	Misrepresentation
The Defense of Prevention of	Premises	Deceit
Crime	<i>Rowland v. Christian</i>	Negligent Misrepresentation
The Defense of Recovery of	Natural Conditions	Defamation
Property	Res Ipsa Loquitur	Inducement and innuendo
Re-entry Upon Land Aspect	Actual Cause or Cause in Fact	Colloquium
Recapture of Chattel Aspect	Proximate Cause	Libel
Shopkeeper's Rule Aspect	Independent Intervening Act	Libel Per Se
Fresh Pursuit	Dependent Intervening Act	Libel Per Quod
The Defense of Legal Authority	The "But For" Test	Slander
The Defense of Necessity	The "Substantial Factor"Test	Slander Per Se
Reasonableness	Negligence Per Se	Special Damages
Negligence	Contributory Negligence	Retraction Requirement
Elements of Negligence	Comparative Negligence	Absolute Privileges
General Duty	The Doctrine of Avoidable	Qualified Privileges
Cardozo Rule on Duty	Consequence	Fair Comment Privilege

<i>New York Times v. Sullivan</i>	Punitive or Exemplary Damages	Negligence
Invasion of Privacy	Out of Pocket Damages	Page 13
Malicious Prosecution	(Misrepresentation)	Nuisance--Public and private
Abuse of Process	Loss of the Benefit of the	Defamation
Disparagement	Bargain Theory	Privacy
Interference With an Economic Relation	(Misrepresentation)	Misrepresentation
Special Damages	Intentional Torts	
General Damages	Strict Liability	

Task List

The items in this list are incorporated into your study plan which follows. This list is intended to give you a means of charting your progress and to assist you in your time management.

- Order the required materials listed in Course Materials.
- Determine the date by which you must complete your first year of studies to comply with the State Bar of California requirements.
- Map out a calendar with numbered weeks. Week 1 is the first week beginning with your start date as listed on your enrollment contract. Week 52 ends exactly one year later. Choose a tentative date to take final exams during the four week window from Weeks 48-52.
- Complete the Quizzes that the professor posts.
- Complete the Definitions Assignment and post them in the assignment box.
- Read the your casebook.
- Read and study Gilberts.
- Complete the required case briefs and submit them online.
- Make flash cards of the terms which will help you study for the course and the First Year Law School Exam.
- While commercial flash cards are available, they are not as easily remembered as those you construct yourself.
- Take the Midterm Examination, posted by your professor.
- Locate a proctor for your final examinations.
- Submit your written request to have final examinations sent to your proctor.
- Take the Final Examination.
- Submit your study log.
- Complete the assignments submitted by your professor.
- Watch the archived lectures.

Study Plan

Since this is an independent Study plan you must create a study plan to fit within the State Bar of California's requirement for admission to take the FYLSE, Bar Exam, or to practice law in California must be completed in 48-52 weeks of study.

We suggest that you break your study plan into 12 modules, each to be completed in one month. During you can determine, when to take complete the task list. Plan accordingly so you have enough time to meet the State Bar requirements. You should work through each module which will consists of four weeks thereby finishing the course work in 48 weeks, thus giving you ample time to take final exams.

The plan is designed around a goal of 20-25 study hours per week for all four or five courses combined, or 80-100 hours per four-week module. The State Bar requires a minimum of 864 hours of study for each year, including all courses taken. It is required that you log or track your study hours online via the AISOL Dashboard; a weekly studies hours log shall be used and record must be kept to ensure that the 864 hours are met.

Please see our "Methodologies and Suggested Study Plan" to help in creating your study plan.