

Torts

§§ 1 & 2 • FALL 2025

PETER ORMEROD

Villanova University Charles Widger School of Law

COURSE SYLLABUS

MEETINGS: Monday & Wednesday, 10:15 AM – 12:15 PM

LOCATION: Room 302

INSTRUCTOR: Professor Ormerod (OR • MUR • ODD)

OFFICE: Room 244

EMAIL: peter.ormerod@law.villanova.edu

OFFICE HOURS: Mondays, 9 – 9:45 AM, 12:30 – 1:30 PM, 2:30 – 4 PM
Wednesdays, 9 – 9:45 AM

[SIGN UP](#)

1. OVERVIEW

Welcome to Torts. This course introduces first-year law students to the fundamental principles of tort law—the legal framework governing civil wrongs that harm persons, property, and other protected interests. Our principal topics include some classic intentional torts, negligence, and liability in the absence of fault. Through case analysis, hypotheticals, Socratic dialogue, policy discussions, and practice problems, students will develop the critical-thinking skills that are essential for identifying tort issues and doing legal analysis in the common-law tradition.

2. MATERIALS

2.1 TEXT

The main text is Victor E. Schwartz, David F. Partlett, W. Jonathan Cardi, and Alexandra Lahav, *Prosser, Wade, and Schwartz's Torts: Cases & Materials* (15th ed. 2024). Please make sure you obtain a physical copy of the fifteenth edition. Blackboard will host the supplemental reading assignments.

I recommend Joseph W. Glannon, *The Law of Torts, Examples & Explanation* (6th ed. 2020). Chapters from the E&E are listed next to some reading assignments in §§ 10.2 and 10.3 below. You have digital access to the E&E through the Aspen Learning Library. For reference and additional context, I encourage you to consult Dan B. Dobbs, Paul T. Hayden, and Ellen M. Bublick, *Hornbook on Torts* (2d ed. 2016). Physical copies of all three texts are available for a two-hour check-out in the Law Library's reserve room.

A few additional items of note about the materials:

1. You will encounter words you don't know. Look them up. I encourage you to query the web or use *Black's Law Dictionary*.
2. The reading assignments are usually not long, but don't let that deceive you: doing the readings and taking notes is a time-intensive undertaking—especially at the beginning of 1L. Consider legalese a foreign language and 1L an immersion course.
3. Just like legal writing, legal reading is a skill you develop over time. There's no shortcut to getting adept at reading cases. The best way to learn is to keep doing it, again and again, as lawyers in practice do all the time. Using generative artificial intelligence services to summarize or explain the readings shortchanges that process and is therefore ill-advised.
4. Reading and making sense of the principal cases is important for developing the skills of a lawyer. But it is equally important to be prepared to discuss the notes and questions that follow the principal cases.

2.2 BLACKBOARD

Our Blackboard page will host documents (e.g., PDF copies of the Syllabus, lecture slides, supplemental readings, &c.) and class recordings, and it may include occasional announcements.

3. OFFICE HOURS

My office hours will be held in person on Mondays and Wednesdays from 9 to 9:45 AM and on Mondays from 12:30 to 1:30 PM and from 2:30 to 4:00

PM. Use [this link](#) to sign up and reserve one of the 15-minute blocks. I encourage you to sign up in groups or to invite other students to join you during your reserved block. If you'd like to arrange an appointment at another time, please email me. You're also welcome to stop by without an appointment, but those who've booked time in advance take precedence.

4. PARTICIPATION

Participation during class is required and expected. I will be cold-calling students in most class meetings, and I will also at times ask for volunteers. You are expected to have done the reading assignment at least once, to have taken notes on it, and to be adequately prepared to answer my questions.

Before each class, I'll produce a randomly generated list of students to be cold-called during that class. These names are chosen by a computer algorithm. The algorithm selects names at random but favors students who have been cold-called fewer times. Specifically, someone who hasn't been cold-called yet is twelve times more likely to be cold-called than someone who's been cold-called once, is 144 times more likely to be cold-called than someone who's been cold-called twice, and so on. So being chosen on a given day may mean it's less likely you'll be chosen in the near future—but it's no guarantee.

You begin the semester with two waivers. If you decide to use a waiver, you won't be cold-called during that class.¹ You can use a waiver for any reason or no reason. To use a waiver, you must email me at least one hour before class begins. There is no need to provide an excuse when you elect to use a waiver, and I'd rather you not volunteer one.

5. MIDTERM EXAM

There will be an ungraded 60-minute midterm exam proctored in lieu of class on Monday, Sept. 29. Additional details about the proctoring will be forthcoming. The purposes of the midterm are to preview the final exam's format and expectations, to give you an early opportunity to practice legal analysis, and to provide an avenue for formative feedback on your analysis.

1. Using a waiver exempts you *only* from being cold-called and has no effect on attendance. The attendance policy is articulated in § 8.1.

6. FINAL EXAM

The final exam is scheduled and proctored by the Law School. Additional details about the proctoring will be forthcoming. The exam will include one or more essay questions and may also include short-answer questions, multiple-choice questions, or some combination thereof. The exam is closed note and closed book, comprehensive, and will have a word limit.

7. GRADES

Final course grades will be based on your performance on the final exam. I reserve the right to change any student's final course grade by one-third of a letter grade based on participation, attendance, behavior, conduct, effort, and professionalism.

8. POLICIES

8.1 ATTENDANCE

Academic Rule 3 articulates the Law School's attendance policy, and it is hereby incorporated by reference. Attendance is mandatory and anyone who misses more than four class meetings will be referred to the Assistant Dean of Students and Academic Success, who may impose the sanction of exclusion from the course. If you know about an absence in advance or if absences result from extraordinarily circumstances beyond your control, I recommend that you arrange an office hours meeting with me to discuss the particulars of your situation.

8.2 PROFESSIONALISM

As a member of a professional graduate school community, your conduct is expected to conform to the norms of the legal profession.² Failures of professionalism may subject the offending student to discretionary grade

2. Conduct that falls below this baseline expectation includes (without limitation) arriving to class late; packing up or leaving class early; failing to observe proper decorum in interactions with faculty, staff, or other students; and engaging in other forms of misconduct as defined by the Student Handbook.

penalties articulated in § 7 and referral to the Law School's student misconduct process.

8.3 ACADEMIC INTEGRITY

The Student Handbook's Academic Code of Conduct is hereby incorporated by reference. You are presumed to know and understand the contents of the Code of Conduct.

8.4 ELECTRONICS

Using a laptop in the classroom is strongly discouraged. Empirical research has shown that keyboards ease the rote transcription of facts but they prove counterproductive when pupils are tasked with understanding and recording complex subjects and concepts.³ Students who use paper & pen(cil) or stylus & tablet are necessarily practicing and refining several important skills: deciding which aspects of the classroom discussion are sufficiently important to record and recording them most efficiently. Those who use keyboards, I've found, spend far more time attempting to record everything and spend far less time following the discussion and contemplating what's important. The notes produced by keyboard are thus less useful after class ends.

Using a laptop in class also creates opportunities for distraction that many students cannot resist. Importantly, using a laptop for purposes unrelated to class not only distracts those using the laptop but also those who can see the screen.

Please silence your phones before class begins, and do not use them during class. Using other electronics (including laptops) for purposes unrelated to class is also prohibited.

8.5 SEATING

I will be generating a seating chart based on your seat during our second

3. See, e.g., Colleen P. Murphy, CJ Ryan & Yajni Warnapala, *Note-Taking Mode and Academic Performance in Two Law School Courses*, 69 J. LEGAL EDUC. 207 (2019), ssrn.com/abstract=3134218; Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier than the Keyboard: Advantages of Longhand over Laptop Note Taking*, 25 PSYCH. SCI. 1159 (2014), doi.org/10.1177/0956797618781773.

class meeting.

8.6 RECORDING

Our class meetings are automatically recorded, and I will post the recordings on Blackboard. You may not save, retain, or rerecord any portion of any recording. The Student Handbook provides: “Any authorized course recording is solely for the student’s educational use for personal study for the course; a course recording may not be 1) reproduced or uploaded to publicly or privately accessible web environments or networks; 2) shared with others; or 3) exchanged or distributed for commercial or non-commercial purposes, with or without compensation, for any purpose.” I understand this prohibition to include sharing or uploading any portion of any recording—including transcriptions—to generative AI services.

8.7 ACCOMMODATIONS

If you wish to request academic accommodations, please contact [Matthew Carluzzo](#), Director of Academic Success and Bar Support Programs.

9. OUTCOMES

By the end of this course, students will be able to:

1. Identify the basic principles in the law of torts.
2. Solve a variety of problems posed in tort law involving intentional torts, negligence, and strict liability.
3. Develop an appreciation for historical and jurisprudential sources in tort law.

10. OUTLINES & ASSIGNMENTS

A few items of note:

1. Lectures are organized by subject—*not by class meeting*. In other words, some lectures will span multiple class meetings, while others will take less than a class meeting to cover. I will communicate my expectations in class about when to complete which reading assignments.
2. All supplemental reading assignments will be on Blackboard in PDF format.
3. The initial distribution of the Syllabus (v.1) supplies everything that will be covered on the midterm. I will post periodic updates to the Syllabus on Blackboard and announce them in class throughout the semester. I reserve the right to make other changes to this Syllabus as necessary and appropriate with reasonable notice.

10.1 TENTATIVE OVERVIEW

- o. Introduction**
 - o.1 Development of Liability Based on Fault
- 1. Intentional Torts**
 - 1.1 Intent
 - 1.2 Battery
 - 1.3 Assault
 - 1.4 False Imprisonment
 - 1.5 Intentional Infliction of Emotional Distress
 - 1.6 Trespass to Land
 - 1.7 Trespass to Chattels
 - 1.8 Conversion
- 2. Privileges**
 - 2.1 Consent
 - 2.2 Defenses of Self, Others & Property
 - 2.3 Necessity
- 3. Negligence & Breach of Duty**
 - 3.1 Introduction to Negligence & Reasonable Care
 - 3.2 The Reasonable Person
 - 3.3 Violation of Statute
 - 3.4 Res Ipsa Loquitur
- 4. Factual Cause**
 - 4.1 The But-For Test & Proof of Causation
 - 4.2 Concurrent Causes & Identifying the Cause
- 5. Proximate Cause**
 - 5.1 Scope of Liability
 - 5.2 Intervening Causes
- 6. Duty**
 - 6.1 Introduction & Affirmative Duties
 - 6.2 Premises Liability
 - 6.3 Emotional Harm
- 7. Remedial Issues**
 - 7.1 Damages
 - 7.2 Joint Tortfeasors
 - 7.3 Vicarious Liability
- 8. Affirmative Defenses**
 - 8.1 Contributory & Comparative Negligence
 - 8.2 Assumption of Risk
- 9. Strict Liability**
 - 9.1 Animals & Abnormally Dangerous Activities
 - 9.2 Limits

10.2 READINGS

UNIT	LECTURE	PROSSER	GLANNON
o. Introduction	1. Introduction & Liability Based on Fault	SUPP. o.1; 1–21	
1. Intentional Torts	1. Intent	21–38; 42–45	
	2. Battery	45–55; SUPP. 1.2	CH.1
	3. Assault	56–61	CH.2
	4. False Imprisonment	61–71	CH.5
	5. Intentional Infliction of Emotional Distress	75–96	
	6. Trespass to Land	97–107	CH.3
	7. Trespass to Chattels	107–14	CH.4
	8. Conversion	114–26	
2. Privileges	1. Consent	137–57	
	2. Defenses of Self, Others & Property	162–75	
	3. Necessity	180–87	CH.6
3. Breach	1. Intro. & Reasonable Care	193–212	
	2. The Reasonable Person	212–40	CH.7
	3. Violation of Statute	283–303	CH.8
	4. Res Ipsa Loquitur	303–07; 309–35	CH.9
4. Factual Cause	1. But-For Test & Proof	337–44	CH.10
	2. Concurrent & Identifying	345–59	CH.11
5. Proximate Cause	1. Scope of Liability	395–433; SUPP. 5.1	
	2. Intervening Causes	434–44; 449–58	CH.12
6. Duty	1. Intro. & Affirmative Duties	SUPP. 6.1; 505–07; 565–75	CH.13
	2. Premises Liability	625–50	
	3. Emotional Harm	589–607	CH.14
7. Remedies	1. Damages	669–700	CH.18
	2. Joint Tortfeasors	463–76; 489–92; 499–503	CH.21–22
	3. Vicarious Liability	843–56; 868–76	CH.23

8. Defenses	1. Contributory & Comparative Negligence	749–65	CH.25
	2. Assumption of Risk	765–81	CH.24
9. Strict Liability	1. Animals & Abnormally Dangerous Acts	883–909	CH.15
	2. Limits	909–17	

10.3 LECTURE OUTLINES

LECTURE 0.1

Course Syllabus; Supplement 0.1; PROSSER: 1–21

Introduction; Development of Liability Based on Fault

1. Welcome & Administration
 - 1.1 Course Syllabus
 - 1.2 Orin Kerr, *How to Read a Legal Opinion*
 - 1.3 Introduction to Torts
2. Development of Liability Based on Fault
 - 2.1 *Brown v. Kendall* (1850)
 - 2.2 *Cohen v. Petty* (1933)
 - 2.3 *Spano v. Perini Corp.* (1969)

LECTURE 1.1

PROSSER: 21–38, 42–45

Intent

1. *Garratt v. Dailey* (1955)
2. *Wagner v. State* (2005)
3. *Ranson v. Kitner* (1889)
4. *Talmage v. Smith* (1894)

LECTURE 1.2

PROSSER: 45–55; Supplement 1.2; GLANNON: CH.1

Battery

1. *Wallace v. Rosen* (2002)
2. Restatement (Third) of Torts
3. *Fisher v. Carrousel Motor Hotel, Inc.* (1967)
4. *Wishnatsky v. Huey* (1998)
5. *Picard v. Barry Pontiac–Buick* (1995)

LECTURE 1.3

PROSSER: 56–61; GLANNON: CH.2

Assault

1. *I de S et ux. v. W de S* (1348)
2. *Western Union Telegraph Co. v. Hill* (1933)
3. REPRISE: *Wishnatsky & Picard*

LECTURE 1.4

PROSSER: 61–71; GLANNON: CH.5

False Imprisonment

1. *Big Town Nursing Home, Inc. v. Newman* (1970)
2. *Parvi v. City of Kingston* (1977)
3. *Hardy v. LaBelle's Distributing Co.* (1983)

LECTURE 1.5

PROSSER: 75–96

Intentional Infliction of Emotional Distress

1. *State Rubbish Collectors Ass'n v. Siliznoff* (1952)
2. *Slocum v. Food Fair Stores of Florida* (1958)
3. *Harris v. Jones* (1977)
4. *Taylor v. Vallelunga* (1959)

LECTURE 1.6

PROSSER: 97–107; GLANNON: CH.3

Trespass to Land

1. *Dougherty v. Stepp* (1835)
2. *Herrin v. Sutherland* (1925)
3. *Rogers v. Board of Road Commissioners for Kent County* (1947)

LECTURE 1.7

PROSSER: 107–14; GLANNON: CH.4

Trespass to Chattels

1. *Glidden v. Szybiak* (1949)
2. *CompuServe Inc. v. Cyber Promotions, Inc.* (1997)

LECTURE 1.8

PROSSER: 114–26

Conversion

- > *Pearson v. Dodd* (1969)

LECTURE 2.1

PROSSER: 137–57

Consent

1. Actual Consent
 - 1.1 *Hackbart v. Cincinnati Bengals, Inc.* (1979)
 - 1.2 *De May v. Roberts* (1881)
2. Apparent Consent: *O'Brien v. Cunard S.S. Co* (1891)
3. Presumed Consent: *Mohr v. Williams* (1905)

LECTURE 2.2

PROSSER: 162–75

Defenses of Self, Others & Property

1. Self Defense
2. Defense of Others
3. Defense of Property: *Katko v. Briney* (1971)

LECTURE 2.3

PROSSER: 180–87; GLANNON: CH.6

Necessity

1. Public Necessity: *Surocco v. Geary* (1853)
2. Private Necessity: *Vincent v. Lake Erie Transport Co.* (1910)

LECTURE 3.1

PROSSER: 193–212

Introduction to Negligence & Reasonable Care

1. History & Elements
2. *Lubitz v. Wells* (1955)
3. *Blyth v. Birmingham Waterworks Co.* (1856)
4. *Pipher v. Parsell* (2007)
5. *Chicago, B. & Q.R. Co. v. Krayenbuhl* (1902)
6. *Davison v. Snohomish County* (1928)
7. *United States v. Carroll Towing Co.* (1947)

LECTURE 3.2

PROSSER: 212–40; GLANNON: CH.7

The Reasonable Person

1. *Vaughan v. Menlove* (1837)
2. *Delair v. McAdoo* (1936)
3. *Cordas v. Peerless Transportation Co.* (1941)
4. *Roberts v. State of Louisiana* (1981)
5. *Robinson v. Lindsay* (1979)
6. *Breunig v. American Family Ins. Co.* (1970)
7. *Trimarco v. Klein* (1982)

LECTURE 3.3

PROSSER: 283–303; GLANNON: CH.8

Violation of a Statute

1. *Osborne v. McMasters* (1889)
2. *Stachniewicz v. Mar–Cam* (1971)
3. *Martin v. Herzog* (1920)
4. *Zeni v. Anderson* (1976)

LECTURE 3.4

PROSSER: 303–07, 309–35; GLANNON: CH.9

Res Ipsa Loquitur

1. Proving Negligence
 - 1.1 *Goddard v. Boston & Maine R.R. Co.* (1901)
 - 1.2 *Anjou v. Boston Elevated Railway Co.* (1911)
 - 1.3 *Joye v. Great Atlantic & Pacific Tea Co.* (1968)
 - 1.4 *Ortega v. Kmart Corp.* (2001)
2. Res Ipsa Loquitur
 - 2.1 *Byrne v. Boadle* (1863)
 - 2.2 R2d, § 328D
 - 2.3 *Larson v. St. Francis Hotel* (1948)
 - 2.4 *Akiona v. United States* (1993)
 - 2.5 *James v. Wormuth* (2013)
 - 2.6 *Sullivan v. Crabtree* (1953)

LECTURE 4.1

PROSSER: 337–44; GLANNON: CH.10

The But-For Test & Proof of Causation

1. The But-For Test: *Perkins v. Texas & New Orleans Ry. Co.* (1962)
2. Proof of Causation: *Kramer Service, Inc. v. Wilkins* (1939)

LECTURE 4.2

PROSSER: 345–59; GLANNON: CH.11

Concurrent Causes & Identifying the Cause

1. Concurrent & Overdetermined Causes
 - 1.1 *Hill v. Edmonds* (1966)
 - 1.2 *Anderson v. Minneapolis, St. P. & S. St. M. R.R. Co.* (1920)
2. Substantial Factor: *Doull v. Foster* (2021)
3. Identifying the Cause: *Summers v. Tice* (1948)

LECTURE 5.1

PROSSER: 395–433; Supplement 5.1

Scope of Liability

1. Introduction
 - 1.1 *Atlantic Coast Line R. Co. v. Daniels* (1911)
 - 1.2 *Ryan v. New York Central R.R. Co.* (1866)
2. Foreseeability
 - 2.1 *Bartolone v. Jeckovich* (1984)
 - 2.2 *Palsgraf v. Long Island R.R. Co.* (1928)
 - 2.3 *In re Arbitration Between Polemis & Furness* (1921)
 - 2.4 *Wagon Mound Nos. 1 & 2* (1961, 1966)
 - 2.5 *Marshall v. Nugent* (1955)
3. Increased Risk: *Hoyt v. Gutterz Bowl & Lounge* (2013)
4. Judge & Jury: *Yun v. Ford Motor Co.* (1994)

LECTURE 5.2

PROSSER: 434–44, 449–58; GLANNON: CH.12

Intervening Causes

1. *Derdiarian v. Felix Contracting Corp.* (1980)
2. *Watson v. Kentucky & Indiana Bridge & R.R. Co.* (1910)
3. *McCoy v. American Suzuki Motor Corp.* (1998)
4. *Barry v. Quality Steel Products* (2003)

LECTURE 6.1

Supplement 6.1; PROSSER: 505–07, 565–75; GLANNON: CH.13

Introduction & Affirmative Duties

1. Introduction
 - 1.1 Conceptual Framework
 - 1.2 *Satterfield v. Breeding Insulation Co.* (2008)
2. Affirmative Duties
 - 2.1 *Farwell v. Keaton* (1976)
 - 2.2 *Montgomery v. National Convoy & Trucking Co.* (1938)
 - 2.3 *Tarasoff v. Regents of University of California* (1976)

LECTURE 6.2

PROSSER: 625–50

Premises Liability

1. Outside the Premises
 - 1.1 *Taylor v. Olsen* (1978)
 - 1.2 *Salevan v. Wilmington Park, Inc.* (1950)
2. Trespassers: *Sheehan v. St. Paul & Duluth Ry. Co.* (1896)
3. Licensees: *Barmore v. Elmore* (1980)
4. Invitees
 - 4.1 *Campbell v. Weathers* (1941)
 - 4.2 *Whelan v. Van Natta* (1964)
5. Persons Outside the Established Categories

LECTURE 6.3

PROSSER: 589–607; GLANNON: CH.14

Emotional Harm

1. *Daley v. LaCroix* (1970)
2. *Thing v. La Chusa* (1989)

LECTURE 7.1

PROSSER: 669–700; GLANNON: CH.18

Damages

1. Personal Injuries
 1. *Anderson v. Sears, Roebuck & Co.* (1974)
 2. *Richardson v. Chapman* (1997)
 3. *Montgomery Ward & Co. v. Anderson* (1998)
2. Physical Harm to Property

LECTURE 7.2

PROSSER: 463–76, 489–92, 499–503; GLANNON: CH.21–22

Joint Tortfeasors

1. Liability & Joinder of Defendants
 - 1.1 *Bierczynski v. Rogers* (1968)
 - 1.2 *Coney v. J.L.G. Industries, Inc.* (1983)
 - 1.3 *Bartlett v. New Mexico Welding Supply, Inc.* (1982)
2. Contribution & Indemnity: *Knell v. Feltman* (1949)
3. Apportionment of Damages: *Bruckman v. Pena* (1971)

LECTURE 7.3

PROSSER: 843–56, 868–76; GLANNON: CH.23

Vicarious Liability

1. Respondent Superior
 - 1.1 *Bussard v. Minimed* (2003)
 - 1.2 *O'Shea v. Welch* (2003)
 - 1.3 *Murrell v. Goertz* (1979)
2. Joint Enterprise: *Popejoy v. Steinle* (1991)
3. Bailments: *Malchose v. Kalfell* (2003)

LECTURE 8.1

PROSSER: 749–65; GLANNON: CH.25

Contributory & Comparative Negligence

1. Contributory Negligence
 - 1.1 *Butterfield v. Forrester* (1809)
 - 1.2 *Davies v. Mann* (1942)
2. Comparative Negligence: *McIntyre v. Balentine* (1992)

LECTURE 8.2

PROSSER: 765–81; GLANNON: CH.24

Assumption of Risk

1. Express: *Seigneur v. National Fitness Institute* (2000)
2. Implied: *Schott v. South Dakota Wheat Growers Assoc.* (2017)

LECTURE 9.1

PROSSER: 883–909; GLANNON: CH.15

Strict Liability: Animals & Abnormally Dangerous Activities

1. Animals
2. Abnormally Dangerous Activities
 - 2.1 *Rylands v. Fletcher* (1868)
 - 2.2 *Miller v. Civil Constructors, Inc.* (1995)
 - 2.3 *Indiana Harbor Belt R.R. Co. v. American Cyanamid Co.* (1990)

LECTURE 9.2

PROSSER: 909–17

Strict Liability Limits

1. *Foster v. Preston Mill Co.* (1954)
2. *Golden v. Amory* (1952)
3. *Sandy v. Bushey* (1925)

[TO BE ANNOUNCED]