

# Course Overview

# Recap

Before you begin your law school assignments:

1. Connect with your purpose.
2. Discern your immediate goal.

# Internal logic and mechanics of a case

1. Procedural posture
2. Legal question(s)
3. Relevant facts
4. Holding
5. Reasoning(s) behind the holding

# Reasoning behind the holding

# Three lines of reasoning

1. Precedent binds us. (Strict liability doesn't apply for automobile accidents.)
2. Analogy to products liability falls apart. (Not the same kind of power imbalance / control as products manufacturers.)
3. Supreme Court reasoning in analogous case applies here. (Slippery slope, domain of the legislature)

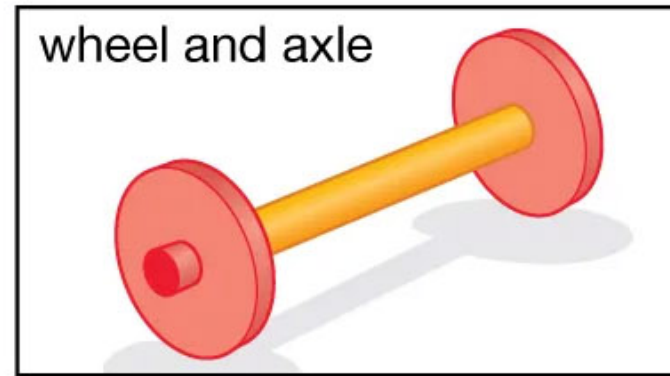
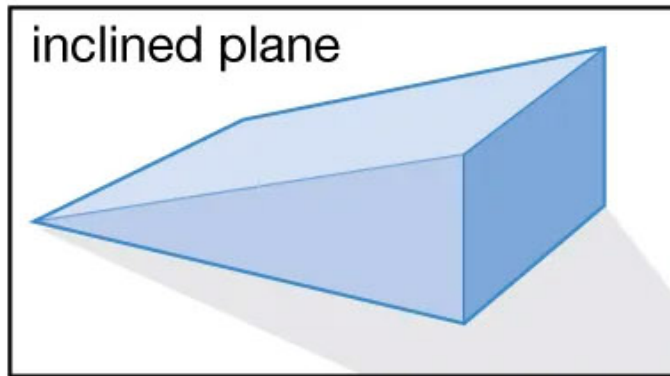
# Vosburg v. Putney

## Internal logic and mechanics of a case

1. Procedural posture
2. Legal question(s)
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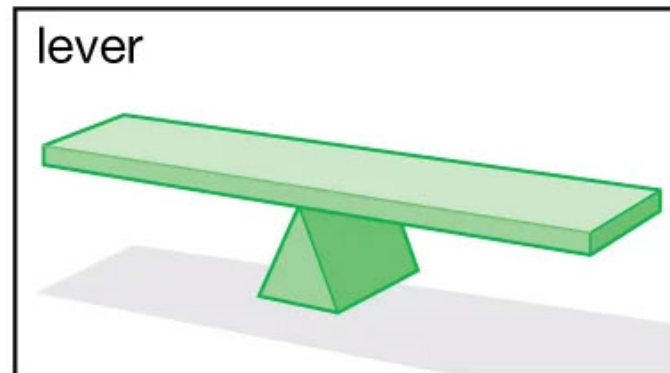
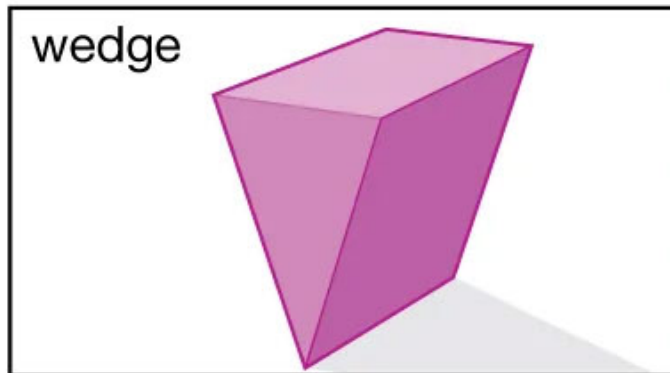
## Cases

## Exam Questions



**Get a heavy box onto a truck.**

**Make a doorknob.**

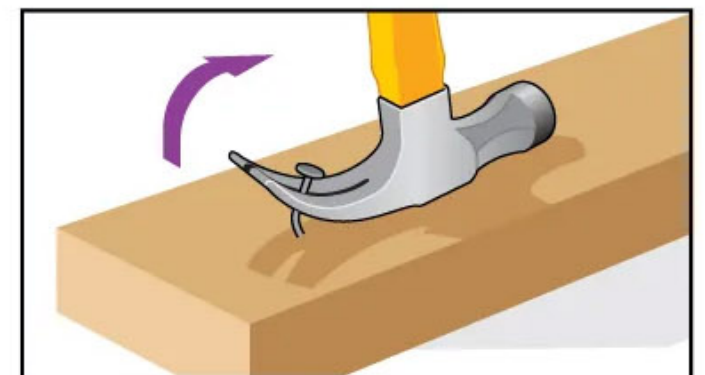
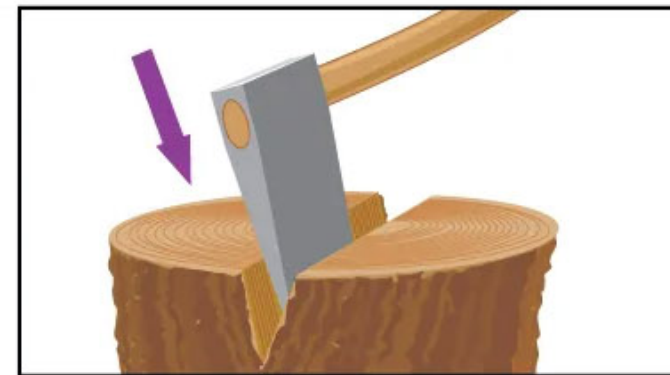
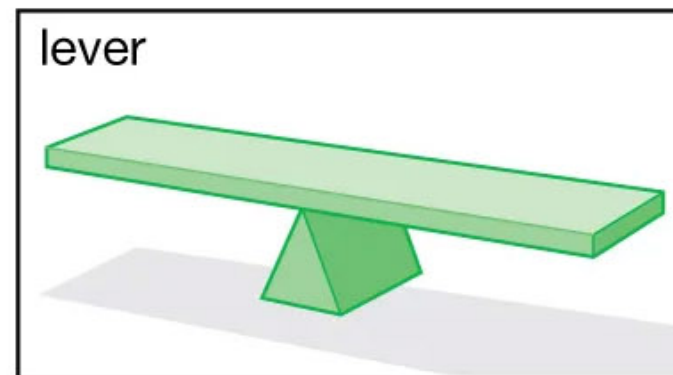
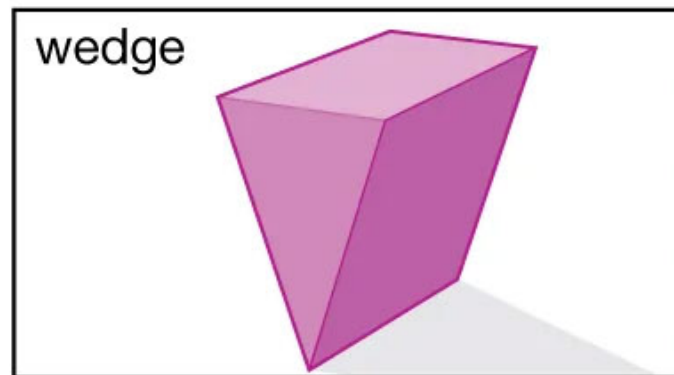
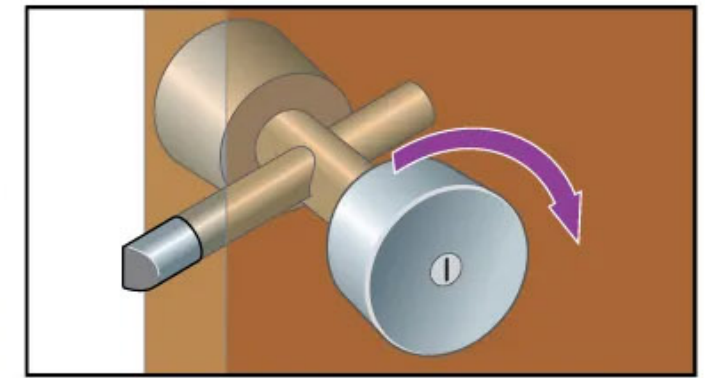
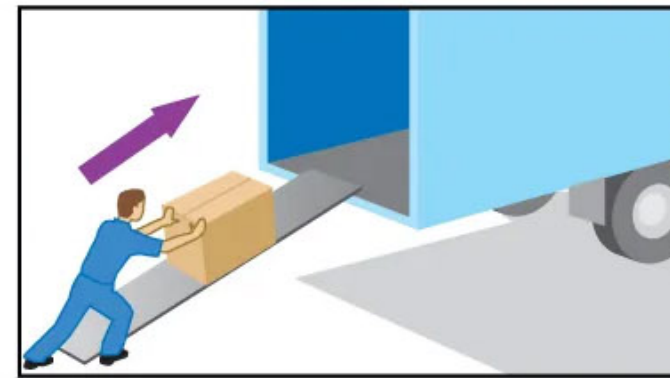
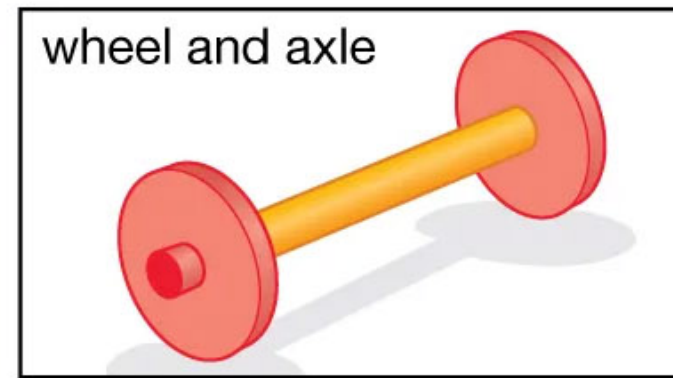
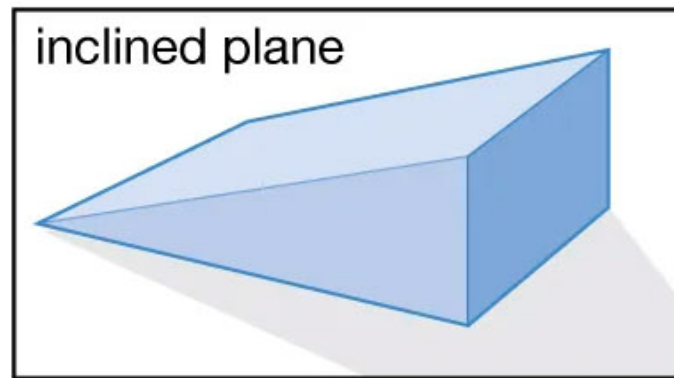


**Split a log.**

**Remove a nail.**

# Cases

# Exam Answers





# Exam question

You are a judge in the state of Loyola tasked with writing the opinion of the court in the following case. No precedent binds you on the legal issues here, but it is customary to reference the reasoning of decisions from other jurisdictions when deciding an issue of first impression. The facts of the case are as follows:

Luna Adams found that her car's brakes were squeaking. She brought the car in to be seen by her mechanic, Naomi Donald. Donald replaced the brake pads. A week later, Adams was driving when the brakes on her car failed, causing her to run off the road and crash into a tree. Adams sued Donald for personal injuries and property damages. The case went to a jury trial. Adams motioned for summary judgment, under the legal theory that when a car mechanic fixes a part of a car, that mechanic is strictly liable for all injuries proximately caused by that part of the car failing. The trial judge denied the motion, ruling that negligence, not strict liability, governed. The plaintiff appeals the denial of that motion.

# Course overview

# What is torts?

# Scope of tort law

# What is tort law all about?

# Some of Tort Law's Concerns

1. Corrective justice: determining liability based on the wrongfulness of the defendant's actions within this particular case
2. Efficiency: determining liability based on what will promote overall societal welfare (balancing costs and benefits)
3. Power: determining liability based upon who is best positioned to prevent harm

# Course roadmap

On the course website under *Course Content*



# I. Introduction

*What are we here to learn? How can we do that well?*

# II. Remedies

*What are the stakes? What do I get when I win? What do I lose when I lose?*

## A. Compensatory Damages

*Making the plaintiff whole*

## B. Punitive Damages

*Punishing the wrongdoer*

# III. Negligence

*Tort law's major contribution*

## A. The Fault Standard

*When should someone be held liable for unintentional harm?*

## B. The Existence of a Legal Duty

*No legal duty, no liability*

## D. Causation

*The link between the defendant's actions and the plaintiff's harm*

- Factual cause
- Proximate cause
- Joint and several liability

## D. Defenses

*Even when your client is negligent, here's how you can still win...*

- Contributory and comparative negligence
- Assumption of risk

# IV. Strict Liability

*Liability without fault*

## A. Traditional view

*If you play with dynamite, you pay damages*

## B. Products liability

# V. Intentional Torts

## A. Intent

## B. Types of Intentional Tort

## C. Defenses

# VI. Alternatives to Tort

- Insurance
- Workers compensation
- No-fault and beyond