

LAW-UH2501L01, Tort Law

NYU London: Spring 2020

Instructor Information

TBA

Course Information

- Tuesdays 10:30 – 12:00 & Thursdays 10:30 – 12:00.
- Room G05
- This course has no formal prerequisites but it is desirable to have completed a module on legal systems and/or had some practical experience.

Course Overview and Goals

The course aims to examine the effectiveness of the tort system in compensating individuals suffering personal injury, injury to reputation, psychological damage, economic loss or incursions on private property as a result of accidents, disease or intentional acts. Focusing on the tort of negligence, the course explores the social, economic and political contexts in which the rules and principles of tort are applied.

Upon Completion of this Course, students will be able to:

- Demonstrate understanding of the basic rules and principles relating to tort law
- Demonstrate familiarity with various theories pertaining to the nature and functions of tort law
- Write critically and analytically about key concepts of tort law
- Display knowledge and understanding of key cases in tort law

- Display knowledge and understanding of academic literature relating to tort law
- Demonstrate an ability to apply the law to analyse legal problems

Course Requirements

Class Participation

- The module will be taught through lectures and are intended to provide a broad overview, or map of a subject area which will then be developed through independent study.
- Students are expected to have prepared for their lectures in order to fully participate.
- A significant part of a student's learning experience occurs outside of the classroom. It is estimated that for every hour of time allocated for lectures, students will need 2-3 hours of preparation time reading and working through course material.
- Students will also need to manage their time to prepare their coursework and revise for exams.
- NYU Classes the virtual learning environment, any uploaded texts or additional learning materials, updates and news about the class.

Grading of Assignments

The grade for this course will be determined according to these assessment components:

Assignments/ Activities	Description of Assignment	% of Final Grade	Due
Assignment 1	Problem question: Negligence	20	End of Part One
Assignment 2	Essay question: Vicarious Liability or Defenses	20	TBA
Assignment 3	Problem question: Nuisance	20	End of Part Two
Exam	Open book exam on topics covering the entire module	40	TBA

Failure to submit or fulfill any required course component results in failure of the class

Grades

Letter grades for the entire course will be assigned as follows:

Letter Grade	Percent	Description
A	Example: 93.5% and higher	An excellent answer in all or nearly all areas; in areas where excellence is not achieved, a

Letter Grade	Percent	Description
		high degree of competence must be shown. Displays exceptional knowledge of the subject, clear well - organised argument and substantial evidence of independent thought.
B	Example: 82.5% - 87.49%	A very good answer. Very competent in all or most areas, or showing moderate competence in some and excellence in others. Generally well-planned and well argued, showing a solid ability to develop logical and persuasive arguments. Treats the issues in a critical and balanced way and shows an awareness of context, sources and different explanations.
C	Example: 72.5% - 77.49%	A good answer. Answer is good in all areas or strong in some and adequate in others. Shows an awareness of the major issues, shows knowledge of the sources and of alternative approaches to the subject but may not show a clear understanding of alternative arguments or makes uncritical use of sources
D	Example: 62.5% - 67.49	An answer that meets the minimum criteria to pass. Shows a grasp of basic relevant information and displays a superficial understanding of relevant issues, presents an adequate argument and is satisfactorily organised with little or no awareness of awareness of different approaches to the subject.
F	Example: 59.99% and lower	Inadequate answer in all or most aspects, displaying very little knowledge or understanding.

Course Materials

Required Textbooks & Materials

- Elliott & Quinn. 2019. *Tort Law* (12th ed.) Harlow: Pearson.
- Horsey & Rackley. 2019. *Kidner's Casebook on Tort* (15th ed.) Oxford: Oxford University Press.

Optional Textbooks & Materials

- Horsey & Rackley. 2019. *Tort Law* (6th ed.) Oxford: Oxford University Press
- Additional optional reading together with citations for relevant reported cases is provided in the module reading list on NYU Classes

Resources

- **Access your course materials:** [NYU Classes](http://nyu.edu/its/classes) (nyu.edu/its/classes)
- **Databases, journal articles, and more:** [Bobst Library](http://library.nyu.edu) (library.nyu.edu)
- **Assistance with strengthening your writing:** [NYU Writing Center](http://nyu.mywconline.com) (nyu.mywconline.com)
- **Obtain 24/7 technology assistance:** [IT Help Desk](http://nyu.edu/it/servicedesk) (nyu.edu/it/servicedesk)

Course Schedule

Each session will be in two equal parts, which will both relate to the relevant topic. The first part will primarily be teacher-led with class discussion as appropriate. The second part will be centered on student-led activities, which are denoted in a supplementary document. Assigned readings are to be completed each week prior to attendance at the first session.

Topics and Assignments

Session/Date	Topic	Reading & Key Case Law
Week One Sessions 1 & 2, Tuesday, 4 th February & Thursday, 6 th February.	Overview & the Duty of Care	Elliott & Quinn 2019 <i>Tort Law</i> Chapters 1 & Chapter 2 <i>Donoghue v Stevenson</i> [1932] AC 562 <i>Caparo Industries plc v Dickman</i> [1990] 2 AC 605
Week Two Sessions 3 & 4, Tuesday 11 th February & Thursday 13 th February	Breach of duty	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 2 <i>Bolam v Friern Hospital Management Committee</i> [1957] 1 WLR 582 <i>Bolitho v City and Hackney HA</i> [1998] AC 232 <i>Montgomery v Lanarkshire Health Board</i> [2015] UKSC 11
Week Three Sessions 5 & 6, Tuesday 18 th February & Thursday 20 th February	Psychiatric injury & Pure economic loss	Elliott & Quinn 2019 <i>Tort Law</i> Chapters 4 & 5 <i>Alcock v Chief Constable of South Yorkshire Police</i> [1992] 1 AC 310 <i>White and Ors v Chief Constable of South Yorkshire</i> [1998] UKHL 45 <i>Hedley Byrne & Co Ltd v Heller & Partners</i> [1963] UKHL 4

Session/Date	Topic	Reading & Key Case Law
		<i>Commissioners of Customs and Excise v Barclays Bank plc</i> [2007] 1 AC 181
Week Four Sessions 7 & 8, Tuesday 25 th February & Thursday 27 February	Causation (in fact): simple & complex	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 3 <i>Barnett v Chelsea & Kensington Hospital Management Committee</i> [1969] 1 QB 428 <i>Fairchild v Glenhaven Funeral Services</i> [2002] UKHL 22
Week Five Sessions 9 & 10, Tuesday 3 rd March & Thursday 5 th March	Loss of a Chance & Remoteness (causation in law)	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 3 <i>Overseas Tankship (UK) v Morts Dock & Engineering Co (The Wagon Mound) (No. 1)</i> [1961] AC 388
Week Six Sessions 11 & 12, Tuesday 10 th March & Thursday 12 th March	Defenses & Legal Skills	Elliott & Quinn 2019 <i>Tort Law</i> , Chapter 3 <i>Jones v Livox Quarries Ltd</i> [1952] 2 QB 608 <i>Froom v Butcher</i> [1976] QB 286 <i>Morris v Murray</i> [1991] 2 QB 6
Week Seven Sessions 13 & 14, Tuesday 17 th March & Thursday 19 th March	Vicarious liability	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 18 <i>Lister v Hesley Hall Ltd</i> [2001] UKHL 22 <i>Mohamud v WM Morrison Supermarkets plc</i> [2016] UKSC 11
Week Eight Sessions 15 & 16, Tuesday 24 th March & Thursday 26 th March.	Private nuisance	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 13 <i>Hunter v Canary Wharf</i> [1997] AC 655 <i>St Helens Smelting Co v Tipping Ltd</i> (1865) 11 ER 1483
Week Nine Sessions 17 & 18, Tuesday 31 March & Thursday 2 April	Occupiers' Liability	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 8 <i>Wheat v E Lacon & Co Ltd</i> [1966] AC 552 <i>Tomlinson v Congleton Borough Council</i> [2003] UKHL 47

Session/Date	Topic	Reading & Key Case Law
Week Ten Session 19 & 20, Tuesday 7 th April & Thursday 9 th April	Defamation	Elliott & Quinn 2019 <i>Tort Law</i> Chapter 11 <i>Derbyshire County Council v Times Newspapers</i> [1992] QB 770 <i>Reynolds v Times Newspapers</i> [2001] 2 AC 127
Week Eleven Sessions 21 & 22, Tuesday 21 st April & Thursday 23 rd April	Course review	Elliott & Quinn 2019 <i>Tort Law</i>
Exam Week, commences 18 th May		

Classroom Etiquette

In seminars, students will be allowed to use books, materials, as well as laptops and mobile devices in order to complete the activities and the assignments.

NYUL Academic Policies

Attendance and Tardiness

- Key information on NYU London's absence policy, how to report absences, and what kinds of absences can be excused can be found on our [website](http://www.nyu.edu/london/academics/attendance-policy.html) (<http://www.nyu.edu/london/academics/attendance-policy.html>)

Assignments, Plagiarism, and Late Work

- You can find details on these topics and more on this section of our NYUL [website](https://www.nyu.edu/london/academics/academic-policies.html) (<https://www.nyu.edu/london/academics/academic-policies.html>) and on [the Policies and Procedures section of the NYU website](https://www.nyu.edu/academics/studying-abroad/upperclassmen-semester-academic-year-study-away/academic-resources/policies-and-procedures.html) for students studying away at global sites (<https://www.nyu.edu/academics/studying-abroad/upperclassmen-semester-academic-year-study-away/academic-resources/policies-and-procedures.html>).

Classroom Conduct

Academic communities exist to facilitate the process of acquiring and exchanging knowledge and understanding, to enhance the personal and intellectual development of its members, and to advance the interests of society. Essential to this mission is that all members of the University

Community are safe and free to engage in a civil process of teaching and learning through their experiences both inside and outside the classroom. Accordingly, no student should engage in any form of behavior that interferes with the academic or educational process, compromises the personal safety or well-being of another, or disrupts the administration of University programs or services. Please refer to the [NYU Disruptive Student Behavior Policy](#) for examples of disruptive behavior and guidelines for response and enforcement.

Disability Disclosure Statement

Academic accommodations are available for students with disabilities. Please contact the Moses Center for Students with Disabilities (212-998-4980 or mosescsd@nyu.edu) for further information. Students who are requesting academic accommodations are advised to reach out to the Moses Center as early as possible in the semester for assistance.

Instructor Bios

Dr Frederick Cowell completed his PhD in postcolonial theory and the law of International Organizations at Birkbeck where he was an associate lecturer in Tort Law for several years before starting his current post. Dr Cowell has worked as a legal advisor for NGOs specializing in International Human Rights Law. Prior to working at Birkbeck he was a lecturer in law at Greenwich School of Management where he was the head of Tort Law on the LLB Programme and lectured in Human Rights.

Dr Pilcher began his legal career in New Zealand as a Crown prosecutor before moving on to work in commercial litigation. After moving to England, he qualified as a Solicitor and worked in both the public and private sectors as a fraud investigator. Dr Pilcher's academic research builds on qualifications he holds in fields including cultural research and art law as well as his professional experience as a lawyer and fraud investigator. He is particularly interested in the deployment of real-time technologies to critique the way that legal systems structure and organize societies.