

Advanced Torts

Law 6930-13642

Spring 2024

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Office: Room 313, Holland

Office Hours: Tuesday 10-12

Classroom: HH 270, MoTuW 3:30-4:25

Course Description:

The torts we will focus on in this course rarely involve physical injuries or even property damage, and they often arise in commercial or other settings in which the parties are not strangers to one another when the alleged tortious conduct arises. Our topics will include:

Intangible Harms to Dignitary Interests. We will study defamation, misappropriation of name or likeness, intrusion, public disclosure of private facts, false light.

Intangible Harms to Economic Interests. We also will address the torts that sometimes arise when business relationships, such as partnerships, break down, or when competitive behavior is thought to exceed the bounds of what society considers fair or appropriate. The torts contained in this part of the course reflect assumptions about the role and limits of tort law in regulating competitive behavior. In this context, we will examine the Economic Loss Rule, Tortious Interference with Contractual Relationships and Economic Expectancies, Breach of Fiduciary Duties, Fraud, Misrepresentation, and Injurious Falsehood. Most of the torts studied here predominantly result in pecuniary (that is, monetary) losses, and we will inquire whether wrongful conduct that causes solely pecuniary losses should be governed by special principles not applicable in other tort contexts.

Casebook and Canvas. Your required textbook is “Dobbs on Economic and Dignitary Torts: Cases and Materials,” 2nd edition. The authors are Professor Jane Bambauer (of UF Law), Ellie Bublick, and Daniel Arellano. Please be sure to register for the Canvas page for this course. Please bring the materials for class with you to aid the quality of our discussion.

Weekly Assignments. Reading assignments are broken down by week and appear below. I will let you know if I plan to deviate from this. I reserve the right to bring in current events and assign readings related to those. Note that the reading assignments are not onerous. This book is very densely packed, which means that the notes to the readings are very important. It also

means that your lecture notes will be very important. You'll want to pay close attention in class and take good notes.

Class Participation and Professionalism:

Participation in classroom discussion is crucial to your success in learning. I will employ various strategies to encourage and incentivize your participation, but it is not part of your grade in the course. I am a "soft" Socratic teacher, meaning I will call on students randomly to answer questions. You can notify me before class if you do not want to be called on for a particular class; just make sure you do not do it often. If I call on you and you say you are unprepared, I will circle back to you the following day. I employ this method to encourage you to read the material carefully. I also strive to model the legal reasoning process, generate discussion of the type you might have with a colleague or partner in your law firm, and allow the class to gain from the insights of those who may be reticent to volunteer. I have high expectations for your performance in this class and your eventual performance as attorneys.

Grading Evaluation--Methods by which students will be evaluated:

I will evaluate your performance in this class based on your performance on the final exam (90%) and one in-class quiz (10%).

Final Exam Format: Your final exam in this course will be a 3-hour, open-book, in-class exam. It will consist of two essay questions worth 45 points each. I will provide you with the instructions for the final exam on the Canvas Page for this course approximately one week before the final exam date.

Class Attendance:

Please let me know if you will miss class or have missed class. You may miss two classes without an excuse. If you miss more than three classes without a valid excuse, you will be dropped from the class. Please do not arrive late to class if you can avoid it. Let me know if you must leave early. Please turn off your cell phone during class and focus on what is happening in the classroom. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

Learning Outcomes:

In this course you will learn to:

- (1) identify and explain the substantive law governing the most common business torts and dignitary harm torts;
- (3) apply the substantive law to new factual scenarios;
- (4) predict how courts are likely to resolve new factual scenarios implicating the tort law and principles we study;

- (5) Make sound legal arguments and counterarguments concerning application of the law to new factual scenarios;
- (6) Make sound arguments based on the policy issues underlying the torts we study in this class;
- (5) Read torts cases carefully and identify important legal rules and policy issues;
- (6) Read pleadings in torts cases and assess the viability of the claims asserted;
- (7) Improve your ability to summarize torts cases clearly, succinctly, and accurately both orally and in writing.

Information on UF Law Grading Policies

This course follows the Levin College of Law's grading policies found [here](#).

Letter Grade Point Equivalent

A 4.0

A- 3.67

B+ 3.33

B 3.0

B- 2.67

C+ 2.33

C 2.0

C- 1.67

D+ 1.33

D 1.0

D- 0.67

E (Failure) 0.0

Online Course Evaluation Process:

Students are expected to provide feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>.

Recordings of Class Discussions.

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. According to ABA Standard 310, given that we will have three "classroom hours" per week, at least 6 hours of preparation are required outside of class.

Statement on Academic Honesty:

UF Law's Honor Code is located [here](#). As future members of the legal profession, I expect you to conduct yourself with the highest degree of integrity, truthfulness, professionalism, and respect for the rules and the dignity of others. Any dishonesty or attempt to gain unfair advantage while in law school will be scrutinized by the Bar in determining whether you will gain admission. Act accordingly.

Health and Wellness Resources:

- U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit U Matter, We Care website to refer or report a concern and a team member will reach out to the student in distress.
- Counseling and Wellness Center: Visit the Counseling and Wellness Center website or call 352-392-1575 for information on crisis services as well as noncrisis services.
- Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need or visit the Student Health Care Center website.
- University Police Department: Visit UF Police Department website or call 352- 392-1111 (or 9-1-1 for emergencies).

Basic Needs Assistance:

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. We care about you, and we can help.

UF LEVIN COLLEGE OF LAW POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ASSIGNMENTS

Week	Topic	Pages
1	Defamation: The Prima Facie Case	1-35
2	Defamation: Truth and Privilege, Free Speech	37-96

3	Defamation: The Clash with Free Speech, The Internet & Remedies	96-129, 141-164
4	Privacy: Intrusion and Public Disclosure Torts	165-203
5	Privacy: Misappropriation and False Light	203-233
6	Recent Issues (TBD); Quiz administered in class	TBD readings (likely a complaint in a very recent case)
7	Tortious Litigation	235-268
8	Nominate Torts for Pure Economic Loss, Injurious Falsehood, Bad Faith Breach of Contract, Breach of Fiduciary Duty	287-324
9	Intentional Interference with Contract or Economic Opportunities	347--396
10	Negligent Interference with Economic Opportunities	419-462

11	Misrepresentation, Intentional and Negligent	473-515
12	Misrepresentation Defenses and Unfair Competition Statutes	521-561; 563-583
13	Consumer Protection Statutes, Malpractice	593-611, 651-683
14	TBD; Review	

