TORTS (TOGL)

TOGL 0108. TORTS. (4,5 Credits)
A study of the causes of action arising from breaches of legally recognized duties relating to the protection of person, and property, including the traditional tort actions and new and developing areas of tort liability. Various defenses, immunities and privileges are discussed. The course includes a critical analysis of the fault concept of liability. Four-credit courses that meet for 150 minutes per week require three additional hours of class preparation per week on the part of the student in lieu of an additional hour of formal instruction.

Attributes: LMCO.

TOGL 0226. ADV. TORTS: DEFAMATION. (3 Credits)
Tort law recognizes that words and images can injure, and through causes of action libel, slander, and the rights of privacy, it attempts to compensate the victims of those injuries. This course begins with traditional tort law of defamation, traces the development of that through key Supreme Court cases of the 1960s, and provides a close examination of current defamation law. Some of the contemporary controversies to be addressed include: the existence and scope of the "fact/opinion" distinction; the use of defamation causes of action in employment-related litigation; the developing "neutral reportage" principle and the proper accommodation of defamation principles to new technologies of communication. Notes: Take-home exam or paper option.

Attributes: IPIE, LLM.

TOGL 0227. CONSTITUTIONAL TORTS. (2 Credits)
This course will explore issues concerning how private individuals obtain remedies against governmental actors for violation of their constitutional (and sometimes statutory) rights. The class will address prerequisites to relief, such as the state action doctrine, and will touch on substantive rights such as substantive and procedural due process, the 4th Amendment right to be free from unreasonable search and seizure, and the 8th Amendment right not be subjected to cruel and unusual punishment.

Attributes: INLJ, LMCO.

TOGL 0360. CONSUMER FINANCIAL PROTECTION LAW. (2-4 Credits)
Consumer spending is a multi-trillion dollar sector that drives the U.S. economy. This course provides an overview of the consumer finance system—the way in which consumers finance and manage their consumption—and examines the business, economics, politics, and regulation of this sector of the economy. Consumer finance is a business-to-consumer industry, and this course focuses on both consumer and financial institution concerns in transactions. The course examines the regulatory structure and methods of consumer finance regulation, as well as the specific economics and regulation of major consumer financial products. Considerable attention will be given to the new Consumer Financial Protection Bureau and its powers and politics. The course’s coverage will roughly track the authority of the CFPB: deposit accounts, payment products (debit and credit cards), credit products (credit cards, mortgages, payday, and auto loans as well as debt collection and restructuring services), some insurance products; and advice and restructuring services. Attention will also be given to how financial institutions finance their operations, access to financial services, and to the special role of consumer finance in the socioeconomics of the middle class.

Attributes: BFE, CRCP, INLJ, LAWB, LLM.

TOGL 0378. PRODUCTS LIABILITY. (2,3 Credits)
This course explores the concepts of product defect and strict liability in tort; manufacturing and design defects, and inadequate warning claims particularly as they arise in drug and medical device contexts. What does it mean for a drug to be declared “safe and effective” given the limited power of both pre-approval clinical trials and the post-market approval passive adverse event reporting system. The course will address the relationship of product liability claims to the principal doctrinal issues in tort law (warranty, strict liability, negligence). Drawing on the record of recent trials, decisional, regulatory, and statutory law this course focuses on the complex field of drug and medical products liability and will explore claims such as those involving the Cox-2 inhibitor class of anti-arthritis drugs (Vioxx) which resulted in substantial settlements; and claims arising from defective implantable cardiac defibrillators which the Supreme Court found to be barred by federal preemption law. Attention will also be given to vaccine liability and the schemes which replace tort liability with narrow administrative remedies.

Attributes: JD, LLM.

TOGL 0609. CONTEMPORARY PROTECTIONISM: FROM CUSTOM DUTIES TO ECONOMIC PATRIOTISM. (2 Credits)
The purpose of this course is to explain and analyze how the origins of the 2011 European crisis were discernible from the beginning of the European Monetary Union. We will study warning reports issued by European Founding Fathers, identify deficiencies and wrong strategies that eventually led to the Euro crisis through the examination of treaties and European reports. We will analyze all the barriers to the success of the Euro, the key role played by the European Central Bank whose limited missions have been criticized and the long process to the achievement of a better monetary stability through new treaties as well as the harmonization of economic governance which remain an unfinished task.

Attributes: LAWI, LLM.

TOGL 0780. BUSINESS TORTS. (2 Credits)
Students will demonstrate a basic understanding of commonly litigated business torts, including the basics of the economic loss rule, misappropriation, fiduciary duties, deceptive marketing, business disparagement, misappropriation of trade secrets and trademark. Students will be able to recognize situations in which these causes of action are available and analyze those causes of action.

Attributes: LAWB, LLM.