SYLLABUS:


Other supplemental handouts will be provided.

Objectives:

1) To be able to describe how “fault” based claims are handled under the American legal system.
2) To gain familiarity with the U.S. statutes that address Tort-based claims for acts involving foreign nationals or for certain, specific proscribed tort-like acts.
3) To be able to differentiate how the Civil Law system addresses Tort claims from how those claims are covered under Common Law systems.
4) To gain familiarity with how tort-like claims are handled are some selected legal systems.
5) To be able to demonstrate an understanding of the relevant distinctions of legal systems as applied to fault-based claims.

Testing and Grading:  Your grade will consist of two components.

50% of your grade:  
Each student is to work in a team of 2 or 3 students.  Each team is to submit on or before June 26 a paper of no more than 8 pages (double spaced, 12 pt font).  In that paper the group is to construct a hypothetical situation in which a person is injured or suffers property damage due to the acts or omissions of one or more parties.  The “hypothetical” can be based on a real case or incident.  The paper should set out the basic facts but not have an established physical location.  The paper should then discuss how two different legal systems would address whether such a person could recover, what would be relevant in that determination and, if the person can recover, the nature of the damages that could be recovered.  If the person cannot recover the paper should explain what acts as an obstacle to recovery.  You can pick two different countries (e.g., U.S. and Spain) or you can pick different legal systems (e.g. common law vs. civil law) for your comparison.  You can also select other legal systems not covered in the class (e.g. Canon Law, Sharia Law).  You should pick two systems to compare that do not lead to the exact same result.

All students in the group will receive the same number of points on the paper submitted.  The papers will be submitted using the anonymous grading numbers of all the students involved.

The total points available are as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of Hypothetical</td>
<td>10</td>
</tr>
<tr>
<td>Analysis</td>
<td>30</td>
</tr>
<tr>
<td>Conclusion</td>
<td>5</td>
</tr>
<tr>
<td>Overall quality of paper</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
</tr>
</tbody>
</table>
Global Perspectives on Tort Recovery - Professor Hernandez
St. Thomas Law/Barry Summer-in-Spain Program June 1-26, 2015

50% of your grade:
On June 26 (the last day of class) you will be given a 25 question multiple choice exam. This exam will test only what is covered in the class and/or in the readings specifically assigned for the class. This exam is designed to be completed in 50 minutes, but all students will be given 2 hours, so time is not a component of the exam and no special accommodations for time will be given. This exam will be open note (i.e. you can bring in handwritten or printed copies of your notes or outline but not the book or other materials provided in the class). Each question will be worth two points.

Class Assignments:

June
01 Review of Basic American Tort Law (no reading assignment)
02 Alien Tort Statute & Torture Victim Protection Act (Chapter 3)
03 Anti-Terrorism Act (Chapter 4)
04 Domestic Tort Claims against Foreign Nations (Chapter 10)
05 Global Torts: Comparing the Major Systems (Chapter 1) and Supplement A
08 Governmental Liability (Chapter 9)
09 Privacy (Chapter 12)
10 Defamation (Chapter 13), Verbal Insults (Chapter 2)
11 Defective Products (Chapter 11)/ Medical Malpractice (Chapter 8)
12 Nonfeasance and Duty to Rescue (Chapter 7)
15 Liability of Parents and Children (Chapter 5)
16 The Warsaw Convention (Chapter 6)
17 Global Tort Litigation/Conflict of Law (Chapter 14), Supplement B
18 Cruise Ship Liability, Supplement C
19 Japanese Tort Law, Spanish Tort Law Supplement D
23 Chinese Tort Overview Supplement E
24 Other Jurisprudential Perspectives Supplement F
25 Visit to Spanish Senate
26 Multiple Choice Component- Final Exam

Chapter/reading assignments reference the assigned text. The “Supplements” are additional reading materials assembled for that topic. The Supplements will be emailed to all students and also available on Blackboard. A limited number of copies of the supplements will also be available in the reading room in Spain.