

本科全英语课程采用如下英文版教学大纲

Syllabus Sample of Fudan University

(2024)

Department: Fudan Law School

Date: 8 November 2024

Course Code	LAWS130081						
Course Title	Tort Law						
Credit	2	Experiment (including Computer) Credit	N/A	Practice Credit	N/A	Aesthetic Education Credit	N/A
Credit Hours Per Week	2	Education on The Hard-Working Spirit Credit Hours	N/A	Language of Instruction	Engl ish	Honors Course	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Course Type	<input type="checkbox"/> Core General Education Course <input type="checkbox"/> Specific General Education Course <input type="checkbox"/> Basic Course in General Discipline <input type="checkbox"/> Others			2+X Major : <input type="checkbox"/> Professional Core Course <input type="checkbox"/> Professional Advanced Course			
				Non 2+X Major : <input type="checkbox"/> Professional Compulsory Course <input checked="" type="checkbox"/> Professional Elective Course			
Course Objectives	<p>(Including value, knowledge and ability objectives)</p> <p>The objectives of the Tort Law course are designed to provide students with a comprehensive understanding of the principles, theories, and applications of tort law. The course aims to develop students' knowledge, skills, and values essential for their future legal careers. The objectives are categorized into three main areas: value objectives, knowledge objectives, and ability objectives.</p> <p>1. Value Objectives</p> <ul style="list-style-type: none"> • Ethical Understanding: Foster an appreciation for the ethical considerations in tort law, including the balance between individual rights and societal interests. • Social Responsibility: Encourage students to recognize the role of tort law in promoting justice and accountability within society. • Commitment to Justice: Instill a commitment to advocating for the rights of individuals harmed by wrongful acts and understanding the importance of legal remedies. 						

	<p>2. Knowledge Objectives</p> <ul style="list-style-type: none"> • Foundational Knowledge: Equip students with a solid understanding of the fundamental concepts and principles of tort law, including negligence, intentional torts, and strict liability. • Legal Framework: Familiarize students with the statutory and case law that governs tort actions, including landmark cases and contemporary issues in tort law. • Critical Analysis: Develop the ability to critically analyze tort law cases and apply legal principles to various factual scenarios. <p>3. Ability Objectives</p> <ul style="list-style-type: none"> • Legal Research Skills: Enhance students' ability to conduct thorough legal research using primary and secondary sources relevant to tort law. • Analytical Thinking: Cultivate strong analytical skills to evaluate legal arguments, assess evidence, and formulate sound legal conclusions. • Effective Communication: Improve students' written and oral communication skills, enabling them to articulate legal concepts clearly and persuasively in both presentations and research papers. • Practical Application: Prepare students to apply tort law principles in real-world contexts, including the ability to draft legal documents and engage in negotiations related to tort claims. <p>By achieving these objectives, students will be well-prepared to navigate the complexities of tort law and contribute meaningfully to the legal profession.</p>
<p>Course Description</p>	<p>The Tort Law course provides an in-depth exploration of the principles, theories, and applications of tort law within the legal framework. This course is designed for law students who seek to understand the complexities of tortious conduct and the legal remedies available for wrongs committed against individuals.</p> <p>Throughout the course, students will engage with a variety of topics, including the historical development of tort law, the classification of torts, and the underlying policies that shape tortious liability. The curriculum covers essential areas such as negligence, intentional torts, strict liability, and products liability, as well as contemporary issues in tort law, including defamation and privacy rights.</p> <p>The course is structured into 16 weeks, each focusing on a specific aspect of tort law, from foundational concepts to advanced topics. Students will learn to analyze case law, apply legal principles to hypothetical scenarios, and understand the implications of tort</p>

	<p>law in a globalized and digitized world.</p> <p>Key components of the course include:</p> <ul style="list-style-type: none"> • Historical Context: Understanding the evolution of tort law from the writ system to modern reforms. • Legal Framework: Familiarization with statutory and case law governing tort actions. • Critical Analysis: Developing the ability to critically assess tort law cases and apply legal reasoning. • Practical Application: Engaging in group presentations and writing research papers to demonstrate mastery of the subject matter. <p>By the end of the course, students will have a comprehensive understanding of tort law, its societal implications, and the skills necessary to navigate legal challenges related to tortious conduct. This course aims to prepare students for successful careers in law, equipping them with the knowledge and analytical abilities required to advocate for justice and accountability in various legal contexts.</p>
<p>Course Requirements:</p> <p>To successfully complete the Tort Law course, students are expected to meet the following requirements:</p> <p>1. Attendance and Participation</p> <ul style="list-style-type: none"> • Regular Attendance: Students must attend all scheduled classes to engage with the material and participate in discussions. • Active Participation: Students are encouraged to contribute to class discussions, ask questions, and share insights related to the weekly topics. <p>2. Readings and Preparation</p> <ul style="list-style-type: none"> • Assigned Readings: Students are required to complete all assigned readings before each class. • Preparation for Discussions: Students should come prepared to discuss the readings, including key concepts, case law, and relevant legal principles. <p>3. Group Presentation</p> <ul style="list-style-type: none"> • Collaboration: Students will work in groups to prepare and deliver a presentation on a selected tort law case or topic. Each group must demonstrate a thorough understanding of the subject matter and engage the class during the presentation. • Submission of Presentation Materials: Groups must submit any presentation materials (e.g., slides, handouts) in advance for review. 	

4. Research Paper

- **Research Requirements:** Each student must write a research paper on a tort law topic of their choice, demonstrating original thought and thorough legal analysis. The paper should include a comprehensive review of relevant case law and statutory provisions.
- **Formatting and Citation:** The research paper must adhere to specified formatting guidelines and citation styles, ensuring academic integrity and proper attribution of sources.
- **Submission Deadline:** The final research paper must be submitted by the designated deadline, as late submissions may incur penalties.

5. Assessments and Grading

- **Evaluation Criteria:** Students will be assessed based on their performance in group presentations (30% of final mark) and the research paper (70% of final mark). Detailed evaluation criteria will be provided to guide students in meeting expectations.

By fulfilling these requirements, students will gain a comprehensive understanding of tort law and develop the analytical and practical skills necessary for their future legal careers.

Teaching Methods:

The Tort Law course employs a variety of teaching methods designed to enhance student engagement, facilitate deep understanding of the material, and develop practical skills essential for legal practice. The following methods will be utilized throughout the course:

1. Lectures

- **Structured Learning:** Lectures will provide a foundational understanding of tort law principles, historical context, and key concepts. Instructors will present core material, supplemented by real-world examples and case studies.
- **Interactive Elements:** Lectures will include opportunities for student questions and discussions to encourage active participation and clarify complex topics.

2. Case Studies

- **Practical Application:** Students will analyze landmark tort law cases to understand the application of legal principles in real-world scenarios. This method will help students connect theoretical knowledge with practical implications.
- **Group Discussions:** Case studies will be discussed in small groups, allowing students to collaborate, share perspectives, and develop critical thinking skills.

3. Group Presentations

- **Collaborative Learning:** Students will work in groups to research and present on specific tort law topics or cases. This method fosters teamwork, communication skills, and the ability to synthesize

information.

- **Peer Feedback:** Presentations will include opportunities for peer evaluation, encouraging constructive feedback and enhancing learning through collaboration.

4. Research Assignments

- **Independent Inquiry:** The research paper assignment will require students to conduct independent legal research, promoting self-directed learning and critical analysis of tort law issues.
- **Writing Workshops:** Workshops may be held to guide students in legal writing, citation practices, and structuring their research papers effectively.

5. Class Discussions and Socratic Method

- **Engaged Learning:** Class discussions will encourage students to articulate their thoughts, challenge assumptions, and engage with their peers. The Socratic method will be employed to stimulate critical thinking and deeper understanding of legal concepts.
- **Real-Time Feedback:** Instructors will provide immediate feedback during discussions, helping students refine their arguments and legal reasoning.

6. Online Resources

- **Supplementary Materials:** The course will utilize online resources, including articles and legal databases, to enhance learning and provide diverse perspectives on tort law.

By employing these diverse teaching methods, the Tort Law course aims to create a dynamic and interactive learning experience that prepares students for successful careers in the legal field.

Course Director's Academic Background:

Nuannuan Lin is Assistant Professor in Law at the School of Law, Fudan University. Before joining Fudan University, she was an assistant professor working at the School of Law, Deakin University, and the School of Law, University of Newcastle. Dr. Lin's research interests include Health Law, Big Data in Healthcare, Comparative Tort Law, and Alternative Dispute Resolution. Her articles have been published in leading legal journals, including The Social Sciences in China, Harvard Negotiation Law Review, Columbia Journal of Asian Law, Federal Law Review, Journal of Bioethical Inquiry, and Journal of Law and Medicine. Dr. Lin is a manuscript reviewer for the Medical Law Review (SSCI, journal impact 1.5), Journal of Bioethical Inquiry (SSCI, journal impact 1.4), Asia Pacific Law Review (SSCI, journal impact 0.79), BMC Health Services Research (SCI, journal impact 2.0).

Instructor's Academic Background:

(see above)

Members of Teaching Team

Name	Gender	Professional	Department	Responsibility
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		Title		
Nuannuan Lin	Female	Dr.	Law school	Teaching

Course Schedule (Please supply the details and objectives about each lesson):

Week 1: Introduction to Tort Law

- **Objectives:**
 - Understand the definition of torts and tort law.
 - Discuss the significance of tort law in the legal system.
 - Explore the political and social implications of tort law.

Week 2: Historical Development of Tort Law

- **Objectives:**
 - Examine the evolution of tort law from the writ system to modern practices.
 - Identify key historical milestones in the development of tort law.
 - Discuss the impact of historical context on current tort law principles.

Week 3: Understanding Wrongs and Recourse

- **Objectives:**
 - Define the concept of wrongs in tort law.
 - Explore the various forms of recourse available to victims.
 - Analyze the trial-centered account of recourse.

Week 4: Basics of Negligence

- **Objectives:**
 - Introduce the elements of negligence: duty, breach, causation, and damages.
 - Discuss the standard of care and its application in negligence cases.
 - Explore the concept of fault-based liability.

Week 5: Advanced Negligence Topics

- **Objectives:**
 - Delve into limited-duty rules and affirmative duties.
 - Discuss the implications of pure economic loss and emotional distress.
 - Analyze causation issues and defenses in negligence claims.

Week 6: Battery and Related Torts

- **Objectives:**

- Define battery and its elements: act, intent, and touching.
- Discuss defenses available in battery cases.
- Explore related torts such as assault and false imprisonment.

Week 7: Property Torts

- **Objectives:**

- Understand the structure and elements of property torts.
- Discuss trespass to land, nuisance, and conversion.
- Analyze defenses applicable to property torts.

Week 8: Strict Liability

- **Objectives:**

- Define strict liability and its application to abnormally dangerous activities.
- Discuss the rationale behind strict liability.
- Explore case studies illustrating strict liability principles.

Week 9: Products Liability

- **Objectives:**

- Examine the history and evolution of products liability law.
- Discuss the types of product defects: manufacturing, design, and failure to warn.
- Analyze the legal standards and rationales for products liability claims.

Week 10: Defamation and Privacy Torts

- **Objectives:**

- Define defamation and its elements: libel and slander.
- Discuss contemporary issues in defamation law, including the actual malice standard.
- Explore privacy torts and their implications for individual rights.

Week 11: Damages in Tort Law

- **Objectives:**

- Understand the types of damages available in tort cases: compensatory and punitive.
- Discuss the principles of make-whole compensation and the eggshell skull rule.
- Analyze the apportionment of liability among multiple defendants.

Week 12: Tort Reform and Contemporary Issues

- **Objectives:**

- Explore the current trends in tort reform and their implications.
- Discuss the impact of globalization and digitization on tort law.

- Analyze case studies reflecting contemporary tort issues.

Week 13: Tort Law and Human Rights

- **Objectives:**
 - Examine the intersection of tort law and human rights.
 - Discuss the role of tort law in protecting individual rights in a global context.
 - Analyze case studies involving tort claims related to human rights violations.

Week 14: The Role of Insurance in Tort Law

- **Objectives:**
 - Understand the relationship between tort law and liability insurance.
 - Discuss the implications of insurance on tort claims and defenses.
 - Analyze the role of insurance in promoting accountability.

Week 15: Emerging Trends in Tort Law

- **Objectives:**
 - Explore emerging trends and challenges in tort law.
 - Discuss the impact of technology and social media on tort claims.
 - Analyze potential future developments in tort law.

Week 16: Course Review and Final Exam (Research Paper) Preparation

- **Objectives:**
 - Review key concepts and principles covered throughout the course.
 - Discuss research paper format and expectations.
 - Engage in a Q&A session to clarify any remaining questions.

This course schedule provides a comprehensive overview of tort law, ensuring students gain a solid understanding of both foundational concepts and contemporary issues in the field.

The design of class discussion or exercise, practice, experience and so on:

In the study of Tort Law, engaging students through collaborative projects and structured class discussions is vital for deepening their understanding and honing their analytical skills. This approach not only facilitates a comprehensive grasp of tort principles but also fosters teamwork and critical thinking—skills that are essential in the legal profession.

Collaborative Projects

The collaborative projects will serve as a cornerstone of the Tort Law course, promoting teamwork and

collective inquiry. Students will form teams, which will encourage them to work closely with their peers, fostering a sense of camaraderie and collaborative spirit. Each team will be tasked with searching for one or several interesting cases in tort law, with the stipulation that these cases must fall within a specific research topic or field, such as negligence, defamation, or strict liability.

Once the cases are selected, teams will critically examine them to construct a clear research question that guides their analysis. For instance, if a team chooses to focus on negligence, they might examine cases related to medical malpractice. Their research question could center on the evolution of the standard of care in medical negligence cases and its implications for patient safety. This process encourages students to delve deeply into their chosen topic, fostering analytical skills as they explore the nuances of tort law and its application in the judicial system.

Furthermore, each team will prepare a presentation that articulates their findings, effectively communicating their research question, analysis of the selected cases, and any conclusions drawn from their examination. This presentation will be an opportunity for students to practice legal reasoning and public speaking, both of which are crucial skills for future lawyers.

After the presentations, a structured Q&A session will engage the entire class. This interactive component will allow students to ask questions, seek clarifications, and challenge their peers' analyses, fostering a vibrant academic dialogue. Encouraging questions will promote critical thinking and allow students to reflect on both the content of their own research and the insights shared by their classmates.

Class Discussion Design

Alongside collaborative projects, the design of class discussions will play a crucial role in creating an engaging learning environment. Each week, discussions will be framed around a particular tort law topic relevant to the course schedule. Following an introductory lecture, students will be prompted with open-ended questions designed to challenge their understanding and stimulate debate. For example, after discussing the principles of negligence, students might be encouraged to consider how the standard of care has evolved in various contexts, whether in professional scenarios or everyday situations.

The discussions will be structured to ensure that all voices are heard. Techniques such as think-pair-share can be employed to allow students to formulate their thoughts individually before sharing them with a partner. This structured approach can help instill confidence in quieter students, ensuring a diversity of perspectives. Additionally, case studies will be integrated into the discussions, allowing students to connect theoretical concepts with real-world applications.

As the course progresses, students will be encouraged to relate their collaborative project findings to the broader class discussions, fostering an interconnected understanding of tort law. By creating a partnership between collaborative work and class discussions, students will not only deepen their comprehension of tort law concepts but also develop essential skills that will serve them well in their future legal careers.

In conclusion, the combination of collaborative projects and dynamic class discussions will enhance the learning experience in Tort Law, nurturing a collaborative spirit while ensuring that students engage critically with the material and with one another.

If you need a TA, please indicate the assignment of assistant:

The candidate for the teaching assistant position has been determined.

Grading & Evaluation (Provide a final grade that reflects the formative evaluation process):

The grading and evaluation process is crucial in assessing students' understanding and application of tort law. For this course, the final grade will be based on two main components: group presentations and a research paper. Below is a detailed breakdown of how these components will contribute to the final mark.

1. Group Presentation (30% of Final Mark)

- **Objective:** To assess students' ability to research, collaborate, and communicate their findings on tort law cases effectively.
- **Evaluation Criteria:**
 - **Content (50%):** Depth of analysis, understanding of the selected case(s), and clarity in presenting the research question and findings.
 - **Delivery (30%):** Clarity of speech, engagement with the audience, teamwork dynamics, and effective use of visual aids.
 - **Q&A Performance (20%):** Ability to answer questions thoughtfully, demonstrating an understanding of the topic and the relevance of their research.

2. Research Paper (70% of Final Mark)

- **Objective:** To evaluate individual students' capacity to conduct comprehensive legal research, analyze tort law principles, and present their findings in writing.
- **Evaluation Criteria:**
 - **Originality (25%):** The uniqueness of the research angle, the formulation of the thesis, and overall contribution to the field of tort law.
 - **Research Quality (30%):** Thoroughness of literature review, use of primary and secondary sources, and adherence to academic standards of citation.
 - **Legal Analysis (25%):** Quality of legal reasoning, depth of analysis of cases, and application of tort law principles.
 - **Writing Quality (20%):** Clarity, organization, coherence, grammar, and adherence to formatting guidelines.

Final Grade Calculation

The final grade will be calculated by combining the scores from both components:

- **Total Score from Group Presentation** = (Score out of 100) \times 0.30

- **Total Score from Research Paper** = (Score out of 100) × 0.70

Usage of Textbook: ☐ Yes (complete textbook information form below) ☒ No

Textbook Information (No more than two textbooks) :

Title	Author	ISBN	Publishing Time	Publisher	Type I	Type II
					<input type="checkbox"/> Self-compiled Textbook (Published) <input type="checkbox"/> Non-mainland Textbook <input type="checkbox"/> Other Textbook (Published)	<input type="checkbox"/> National Planning Textbook <input type="checkbox"/> Provincial and Ministerial Planning Textbook <input type="checkbox"/> School Level Planning Textbook <input type="checkbox"/> Others
					<input type="checkbox"/> Self-compiled Textbook (Published) <input type="checkbox"/> Non-mainland Textbook <input type="checkbox"/> Other Textbook (Published)	<input type="checkbox"/> National Planning Textbook <input type="checkbox"/> Provincial and Ministerial Planning Textbook <input type="checkbox"/> School Level Planning Textbook <input type="checkbox"/> Others

Teaching References (Including author, title, publisher, publishing time, ISBN):

N/A

Table column size can be adjusted according to the content.