

# ADVANCED TORTS

The first-year *Torts* course provides a basic introduction to the three major areas of tort liability: intentional torts, negligence and strict liability. It also focuses on the tensions between the major goals of tort liability, deterrence and compensation.

The curriculum cluster on advanced torts builds upon this foundation by offering students an opportunity to delve in depth into some of the more controversial and important issues now facing the tort system. It also permits students to explore aspects of tort liability not covered in first-year *Torts* courses.

Professor Heidi Li Feldman teaches a three-credit course in *Advanced Torts: Theory and Practice*. The course includes an intensive survey of recent torts scholarship and examines the major theoretical issues raised by the literature. It looks at histories of modern tort law; efficiency analysis of tort problems; and tort liability, insurance, and tort reform. The course delves into three substantive areas of tort law – mass toxic torts, workers accidents, and libel and defamation – and considers these areas in a comparative context.

The institution of insurance is essential to the functioning of the tort system, and the course in *Insurance Law* provides students with a comprehensive understanding of not only liability insurance but also property, casualty, life and health insurance. It also takes up the tort liability of agents and brokers, and the liability of insurers for failing to settle tort claims.

The *Class Action Law and Practice Seminar* explores the emerging issues surrounding the class action device in a variety of contexts, including mass torts cases. The seminar covers all phases of a class action suit.

Search Advanced Torts Courses ([http://curriculum.law.georgetown.edu/course-search/?cluster=cluster\\_3](http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_3))

**LAW 1602 v00 Advanced Topics in Torts: Products Liability, Guns, and Drugs** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201602%20v00>)

J.D. Course (cross-listed) | 3 credit hours

This upper level course will cover the law of products liability generally and take a close look at the state of products liability litigation and liability in relation to guns and to opioids. The goal is to combine a survey of the complicated field of products liability law with a sophisticated deep dive into two areas of cutting edge products liability litigation. The first part of the course will familiarize students with major topics applicable to all products manufacturers including: a product distributor's liability for defect-caused harm, allocating responsibility inside and outside the commercial chain of distribution, causation, affirmative defenses, approaches to design defect litigation, and federal preemption of products liability claims. Later in the course, we will examine gun manufacturer liability, currently and prior to the passage of the Protection of Lawful Commerce in Arms Act, which reshaped the landscape of gun litigation. Finally, we will end with a consideration of the growing litigation related to the opioids, litigation inflected by doctrines peculiar to prescription drug manufacturer liability. The final examination will be a self-scheduled 48 hour take home exam. Attendance and participation are crucial to the course, and significant credit will be given to those students who contribute thoughtfully and constructively to class discussion of cases and issues.

**LAW 1426 v00 Medical Malpractice Seminar** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201426%20v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar focuses on the empirical literature on medical malpractice, medical malpractice litigation, and tort reform. We will cover physician and institutional liability, health care quality and medical error, the economics of litigating medical malpractice cases, the market for representation, the causes of malpractice crises, and the effect of the reforms that have resulted (and been proposed).

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 364 v07 Public Health Law and Ethics** (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20364%20v07>)

J.D. Course (cross-listed) | 3 credit hours

This course explores the interwoven dynamics of law, ethics, and science in public health through examination of core legal theory and practice-based examples. With COVID-19 ushering law, policy, and decision-making around public health into broad public awareness, this class will draw upon current issues in society, enabling students to apply legal and ethical concepts to real-world scenarios. By spotlighting recent and historical examples of public health law in action, including COVID-19, opioids, obesity, tobacco, and the environment, this course will be valuable for students interested in health law and equity, as well as students seeking to deepen their expertise in public policy.

Students will learn the conceptual foundations of public health law in the United States, with particular attention to the statutory and regulatory powers and duties of federal and state governmental entities to protect the health and safety of the population and the judicial decisions that shape them. Sources of tension between public health goals and objectives and civil liberties will be interactively contemplated, including, among others: disease surveillance and privacy; labeling and advertising restrictions and free speech; and considerations around individual versus population-based conceptions of health. Discussions of recent major legislative developments and court decisions impacting jurisprudence, public health authority, and individual rights will be incorporated alongside primary themes. Throughout the course, students will engage with public health law through applied learning—case studies and class exercises—focused on analyzing emerging issues, comparing national and global responses, understanding ethical implications, and developing legal and policy strategies that integrate health equity and address social determinants of health.

## Full-time and Visiting Faculty

Heidi Li Feldman

David Hyman

Franz Werro