Class Hours: 3.0  Credit Hours: 3.0
Laboratory Hours: 0.0  Revised: Spring 03

NOTE: This course is not designed for transfer credit.

**Catalog Course Description:**

Survey of state and federal law treating civil injury or damage to persons or property; worker's compensation; intentional torts; negligence; product liability; malpractice; and wrongful death. Emphasis on the legal assistant's role in personal injury and worker's compensation cases.

**Entry Level Standards:**

College-level competencies in logic, reading, and English are required.

**Prerequisites:**

LAW 1000

**Corequisite:**

LAW 1060

**Textbook(s) and Other Reference Materials Basic to the Course:**


**I. Week/Unit/Topic Basis:**

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction and Overview of Torts and Related Causes of Action: distinguish between tort and crime, tort and contract (1.0 hour); intentional tort and negligence (.5 hour); remedies (.5 hour); elements ; WWW (.25 hour); procedural overview (.25 hour); legal ethics (.5 hour)</td>
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<tr>
<td>2</td>
<td>Foreseeability: objective v. subjective standard (2.5 hours); terminology (.5 hour)</td>
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<tr>
<td>3</td>
<td>Intentional Torts introduction: Battery: elements of battery (.25 hour); defenses (.25 hour); researching battery (.25 hour); terminology (.25 hour); transferred intent (.25 hour); paralegal’s role (.25 hour); Assault: identification of elements of assault (.25 hour); defenses (.25 hour); researching assault (.25 hour); terminology (.25 hour); transferred intent (.25 hour); paralegal’s role (.25 hour)</td>
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</table>
| 4    | False Imprisonment and False Arrest: elements and defenses (.5 hour); fact finding (.25 hour), file management (.25 hour), assistance with litigation (.25 hour); terminology (.25 hour); privilege to arrest (.25 hour); legal ethics (.25 hour); Misuse of Legal Proceedings: malicious prosecution (.25 hour), abuse of process (.25 hour);
research (.25 hour); paralegal’s role (.25 hour)

5 Infliction of Emotional Distress: elements and defenses (.25 hour); related actions (.25 hour); damages (.25 hour); research (.25 hour); requirement of physical harm (.25 hour); relationship to other torts (.25 hour); paralegal’s role (.25 hour); Conversion and Trespass to Chattels: torts to property (.25 hour); elements and defenses (.25 hour); paralegal’s role (.25 hour); research (.25 hour); relationship to other torts (.25 hour)

6 Strict Liability: categories of harm when fault of defendant is irrelevant (.25 hour); abnormally dangerous activities (.25 hour); wild animals (.25 hour); damages (.25 hour); defenses (.25 hour); Negligence: summary (.75 hour); Negligence: Duty (.5 hour). Foreseeability, special relationships, Good Samaritan (.5 hour)

7 Negligence: Breach of Duty (.25 hour). Unreasonable v. reasonable person and objective v. subjective standard (.25 hour); child tortfeasor and adult tortfeasor (.25 hour); negligence per se (.25 hour); gross negligence (.25 hour); vicarious liability (family purpose doctrine; respondeat superior; imputed negligence) (.75 hour); medical malpractice, informed consent, damage caps (.5 hour); legal malpractice (.25 hour); paralegal liability (.25 hour)

8 Negligence: Proximate Cause (.5 hour); cause in fact (but for and substantial factor tests) (.5 hour); connection between cause and effect (.25 hour); evidence; “Eggshell Skull” Rule; unforeseeable plaintiff (.5 hour); Negligence: Damages: compensatory (general v. special), Consequential (.5 hour); nominal; punitive; pain and suffering; hedonic; property damage; avoidable consequences; collateral source rule; joint tortfeasors; persons acting in concert; release, contribution, indemnity (.75 hour)

9 Negligence: Defenses: comparative negligence (pure v. restricted) (1.0 hour), contributory negligence (objective standard) (.5 hour); last clear chance, elements of assumption of the risk (subjective standard) (1.5 hours)

10 Products Liability: negligence; misrepresentation (.75 hour); breach of express warranty (.25 hour); breach of implied warranty of merchantability (.5 hour); breach of implied warranty of fitness for a particular purpose (.5 hour); strict liability in tort (.5 hour); research; relationship to other torts; defenses (.5 hour)

11 Survival and Wrongful Death: common law v. statutory law (.75 hour); characteristics of actions that survive (.25 hour); double recovery (.25 hour); Torts Against and Within the Family: loss of consortium (.25 hour); alienation of affections, criminal conversation, enticement of spouse, abduction or enticement of a child, seduction (1.0 hour); wrongful life, birth, pregnancy, prenatal injuries; wrongful adoption; familial tort immunity (.5 hour)

12 Torts Connected With Land: trespass: elements, defenses, relationship to other torts, research (1.0 hour); nuisance (private and public); premises liability (trespasser, licensee, invitee); landlord/tenant (.75 hour); Defamation: elements, defenses, relationship to other torts, research, damages (.5 hour); paralegal’s role; statement (fact or opinion); falsity; publication and republication; cyberspace defamation; privilege (absolute v. qualified); slander; libel (.75 hour)

13 Invasion of Privacy: Intrusion, Appropriation, Public Disclosure of Private Facts, False Light: elements, defenses, research, damages, relationship to other torts, paralegal’s role; media defendants (1.0 hour); Misrepresentation, Tortious Interference and Other Torts: elements, defenses, research, damages, relationship to
other torts, paralegal’s role; negligent misrepresentation, justifiable reliance; interference with contract, with prospective advantage, with employment; injurious falsehood; prima facie tort; bad faith; dram shop liability (2.0 hours)

14 Workers’ Compensation. Tennessee statutes; injuries and diseases covered (3 hours)

15 Workers’ Compensation: In the course of and arising out of employment (2 hours); filing a claim (1.0 hour)

16 Final Examination

II. Course Objectives*:

A. Understand and be able to apply basic principles of tort and compensation law when assisting attorney with civil litigation. I, II, III, IV, V

B. Understand the role of the paralegal in tort and compensation litigation. I, II, III, IV, V

C. Prepare basic documents used in tort and compensation cases. I, II, III, IV, V

D. Continue developing a legal vocabulary. I, II, IV

*Roman numerals after course objectives reference goals of the Paralegal Studies program.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. 
   Personal Development Outcome, Cultural Diversity and Social Development Outcome, Transitional Strategy

2. Refine their reading skills and expand their legal vocabularies through completion of weekly guided reading exercises that allows them to communicate more effectively with lawyers and legal professionals. Communication Outcome, Transitional Strategy

3. Strengthen analytical skills by locating court cases and statutes in the Educational Resource Center and on Westlaw to determine the application of the rules of law to specific facts. Information Literacy Outcome, Problem Solving and Decision Making Outcome, Cultural Diversity and Social Adaptation Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

4. Examine ethical issues related to legal representation, unauthorized practice of law, confidentiality, duty of legal professional to provide legal services, etc. Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy, Active Learning Strategy

5. Listen to guest speakers from the legal community to learn the demands for legal assistants who possess basic knowledge of legal topics in the work world. Personal Development Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy.

6. Develop investigative skills using the Internet, library, and other resources to find relevant information for writing a report on an assigned topic. Problem Solving and Decision Making Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy
Strategies and outcomes listed after instructional processes reference Pellissippi State’s goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

IV. Expectations for Student Performance*:

Upon successful completion of this course, the student should be able to:

1. Demonstrate a complete and thorough understanding of legal ethics. A,B,C
2. Analyze fact patterns to ascertain "cause in fact" and "proximate cause." A,D
3. Identify and compute damages which may be recovered. A,B,C,D
4. Distinguish between intentional, reckless, and negligent conduct. A,D
5. Identify and understand the elements of intentional torts. A,D
6. Analyze application of negligence defenses. A,D
7. Recognize required elements of claims for compensation for on-the-job injuries. A,B,C,D
8. Understand the basic principles of product liability law. A,D

*Letters after performance expectations reference the course objectives listed above.

V. Evaluation:

A. Testing Procedures:

Students are evaluated primarily on the basis of tests. The instructor will provide full details the first week of class via a syllabus supplement.

B. Laboratory Expectations:

N/A

C. Field Work:

Students will complete several out-of-class skills projects. These may include:
- Legal writing exercises
- Drafting complaint for negligence
- Drafting settlement statement
- Drafting worker's compensation complaint
- Interview a paralegal or other non-lawyer professional who works with personal injury or other tort-related work (i.e. insurance agent, adjuster, personnel manager who handles worker's comp) and make oral report
- Preparing deposition summary
- Preparing witness for depositions

D. Other Evaluation Methods:

1. All tests and papers will be graded for spelling and English usage in addition to content and format.
2. Students are partially evaluated on the basis of in-class projects requiring use of the stated skills. Class participation is important and will be considered in the final grade.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet
with the instructor to discuss options and solutions.

E. Grading Scale:

A  93-100  
B+  88-92  
B  83-87  
C+  78-82  
C  73-77  
D  65-72  
F  64 and below

VI. Policies:

A. Attendance Policy:

Pellissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. (*Pellissippi State Catalog*).

B. Academic Dishonesty:

Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course.

C. Other Policies:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.