

PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE  
MASTER SYLLABUS

**TORTS  
LAW 2100**

**Class Hours: 3.0**

**Credit Hours: 3.0**

**Laboratory Hours: 0.0**

**Revised: Spring 05**

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 Course Materials:**

Edwards, Linda L. and J. Stanley Edwards, *Tort Law for Legal Assistants*, 3d ed., Thomson/Delmar, 2004.

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

<b>Week</b>	<b>Topic</b>
1	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 (.25 hour); remedies (.25 hour); elements; procedural overview (.25 hour); legal ethics (.25 hour); foreseeability: objective v. subjective standard (.5 hours); terminology (.5 hour)
2	Intentional Torts introduction: elements and defenses of battery (.25 hour); elements and defenses of assault (.25 hour); elements and defenses of false imprisonment and false arrest (.25 hour); elements and defenses of infliction of emotional distress (.25 hour); related actions (.25 hour); damages (.25 hour); research (.25 hour); terminology (.25 hour); transferred intent (.25 hour); requirement of physical harm (.25 hour); relationship to other torts (.25 hour); paralegal's role (.25 hour)
3	False Imprisonment and False Arrest: elements and defenses (.75 hour); fact finding (.25 hour), assistance with litigation (.25 hour); terminology (.25 hour); privilege to arrest (.25 hour); legal ethics (.25 hour); Torts Connected With Land: trespass: elements, defenses, relationship to other torts (.75 hour); research (.25 hour)
4	Negligence: summary (.25 hour); Duty – foreseeability (.25 hour); special relationships, Good Samaritan (.25 hour); premises liability (trespasser, licensee,

- invitee) (.5 hour); landlord/tenant (.5 hour); elements and defenses to conversion and trespass to chattels (.5 hour); Breach of Duty 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)
- 5 Proximate Cause (1.0 hour); cause in fact (but for and substantial factor tests) (.5 hour); connection between cause and effect (.5 hour); intervening causes (1.0 hour)
- 6 Damages: compensatory (general v. special), consequential (1.0 hour); nominal; punitive; pain and suffering; hedonic; property damage; avoidable consequences; collateral source rule; joint tortfeasors; persons acting in concert (1.0 hour); survival and wrongful death: common law v. statutory law (.50 hour); characteristics of actions that survive (.25 hour); double recovery (.25 hour)
- 7 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) (1.0 hour); statutes of limitation (.5 hour)
- 8 Professional Liability: medical malpractice, informed consent, damage caps (.5 hour); legal malpractice; paralegal liability (.5 hour); Misrepresentation: elements, defenses, research, damages, relationship to other torts, paralegal's role; intentional v. negligent misrepresentation, justifiable reliance (.5 hour); interference with contract, with prospective advantage, with employment; (.25 hours); nuisance (private and public) (.25 hour); malicious prosecution (.25 hour), abuse of process (.25 hour); research (.25 hour); paralegal's role (.25 hour)
- 9 Strict Liability: categories of harm when fault of defendant is irrelevant (.25 hour); abnormally dangerous activities, wild animals (.25 hour); damages (.25 hour); defenses (.25 hour); Product Liability: negligence; misrepresentation (.25 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); research; relationship to other torts; defenses (.5 hour)
- 10 Defamation: elements, defenses, relationship to other torts, research, damages (.5 hour); paralegal's role; statement (fact or opinion); falsity; publication and republication (.5); cyberspace defamation (.25 hour); privilege (absolute v. qualified); slander; libel (.75 hour); 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)
- 11 Vicarious liability: employer-employee (.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); vicarious liability (family purpose doctrine; respondeat superior; imputed negligence) (.25 hour); Joint liability: joint and several, satisfaction, release, contribution, indemnity (.75 hour)
- 12 Tort reform: history; who is calling for tort reform? (1.0 hour); Insurance: liability, medical, comprehensive, collision coverage (.5 hour); Tennessee's requirements (.25 hour); UM, no-fault (.25 hour); Bad faith: what is bad faith and how is it committed (1.0 hour)
- 13-14 Workers' Compensation: background; Tennessee's statutes (3.0 hours) filing claims, eligibility and determinations (3.0 hours)
- 15 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. [NOTE: No differentiation is noted for excused/unexcused absences. These will be treated as an absence.] (*Pellissippi State, 2004-2006 Catalog, page 83*)

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. (*Pellissippi State, 2004-2006 Catalog, pages 62-63*)

C. Accommodations for disabilities:

If you need accommodation because of a disability, if you have emergency medical information to share, or if you need special arrangements in case the building must be evacuated, please inform the instructor immediately. Privately after class or in the instructor's office. To request accommodations students must register with Services for Students with Disabilities: Goins 127 or 131, Phone: (865) 539-7153 or (865) 694-6751 Voice/TDD.

D. Other Policies:

Computer Usage Guidelines:

College-owned or –operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State's computing resources in an effective, efficient, ethical and lawful manner. (*Pellissippi State, 2004-2006 Catalog, pages 67-70*)

Late Work:

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