

PELLISSIPPI STATE COMMUNITY COLLEGE
MASTER SYLLABUS

**TORTS
LAW 2100**

Class Hours: 3.0

Credit Hours: 3.0

Laboratory Hours: 0.0

Revised: Spring 2011

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

Textbook(s) and Other Course Materials:

Schaffer, Lisa, *McGraw-Hills Torts for Paralegals*, McGraw-Hill Higher Education, 2009. ISBN: 978-0-07-337693-6

I. Week/Unit/Topic Basis:

Week	Topic
1	Introduction and Overview of Torts and Related Causes of Action: distinguish between tort and crime, tort and contract (1.0 hour); intentional torts (.25 hour); negligence (.25 hour); strict liability (.25 hour); elements (.50 hour); procedural overview (.25 hour); legal ethics (.25 hour); terminology (.25 hour)
2	Intentional torts against the person: elements of battery (.50 hour); elements of assault (.50 hour); elements of false imprisonment and false arrest (.50 hour); elements of infliction of emotional distress (.50 hour); elements of defamation (.50 hour); elements of invasion of privacy: intrusion, appropriation, public disclosure of private facts, false light (.25 hour); transferred intent (.25 hour)
3	Intentional torts against property: elements of trespass to land (1.0 hour); elements of trespass to chattels (.50 hour); elements of conversion (.50 hour); trespass in cyberspace (.25 hour); fact finding (.25 hour), assistance with litigation (.25 hour); terminology (.25 hour)
4	Defenses to intentional torts (3.0 hours)
5	Negligence: Duty and breach of duty (.75 hour); elements of negligence (.25 hour); the reasonable person (.50 hour); objective v. subjective standard (.50 hour); <i>res ipsa loquitur</i> (.50 hour); negligence per se (.50 hour)

- 6 Negligence: Proximate cause (1.0 hour); causation in fact (.50 hour); but for causation (.50 hour); intervening causes (1.0 hour)
- 7 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) (1.0 hour); statutes of limitation (.5 hour)
- 8 Negligence: Damages: compensatory (1.0 hour); punitive (.50 hour); mitigation (.50); joint tortfeasors (1.0 hour)
- 9 Vicarious liability: employer-employee (1.0 hour); torts against and within the family: loss of consortium (.50 hour); family purpose doctrine (.50 hour); respondeat superior (.50 hour) ; imputed negligence (.50 hour)
- 10 Premises Liability and Nuisance: duties of landowner (.50 hour); trespasser, licensee, invitee (1.0 hour); landlord/tenant (.50 hour); private nuisance (.25 hour); public nuisance (.25 hour); defenses (.50 hour)
- 11 Strict Liability: categories of harm when fault of defendant is irrelevant (.50 hour); abnormally dangerous activities (1.0 hour), wild animals (1.0 hour); defenses (.50 hour)
- 12 Product Liability: Negligence: manufacturer, retailer, defenses (1.0 hour); warranty (express and implied) (1.0 hour); design defects (1.0 hour)
- 13 Professional Liability: medical malpractice, informed consent, damage caps (1.0 hour); legal malpractice, paralegal's liability (1.0 hour); misrepresentation, other torts (1.0 hour)
- 14 Workers' Compensation: background; Tennessee's statutes (1.5 hours) filing claims, eligibility and determinations (1.5 hours)
- 15 Final Examination

II. Course Goals*:

The course will:

- A. Expand student understanding of legal ethics. I, III, IV
- B. Increase the capacity of students to understand basic principles of tort and compensation law when assisting an attorney with civil litigation. I, II, III, IV, V
- C. Develop an awareness of the paralegal in tort and compensation litigation. I, II, III, IV, V
- D. Foster the ability of students to draft basic documents used in tort and compensation cases. I, II, III, IV, V
- E. Enhance student understanding of legal terminology. I, II, III, IV

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

III. Expected Student Learning Outcome*:

The student will be able to:

- 1. Demonstrate a complete and thorough understanding of legal ethics. (A)

2. Examine fact patterns to ascertain “cause in fact” and “proximate cause.” (B,C,D,E)
3. Identify and compute damages which may be recovered. (A,B,C,D,E)
4. Distinguish between intentional, reckless, and negligent conduct. (B,D,E)
5. Identify and understand the elements of intentional torts, negligence and strict liability. (B,D,E)
6. Analyze application of defenses to torts. (B,C,D,E)
7. Recognize required elements of claims for compensation for on-the-job injuries. (B,C,D,E)
8. Understand the basic principles of product liability law. (B,C,D,E)

* Capital letters after Expected Student Learning Outcomes reference the course goals listed above.

IV. 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

V. Policies:

A. Attendance Policy:

Pellissippi State expects students to attend all scheduled instructional activities. As a minimum, students in all courses (excluding distance learning courses) must be present for at least 75 percent of their scheduled class and laboratory meetings in order to receive credit for the course. Individual departments/programs/disciplines, with the approval of the vice president of the Learning Division, may have requirements that are more stringent. In very specific circumstances, an appeal of the policy may be addressed to the head of the department in which the course was taken. If further action is warranted, the appeal may be addressed to the vice president of the Learning Division.

B. Academic Dishonesty:

Academic misconduct committed either directly or indirectly by an individual or group is subject to disciplinary action. Prohibited activities include but are not limited to the following practices:

- Cheating, including but not limited to unauthorized assistance from material, people, or devices when taking a test, quiz, or examination; writing papers or reports; solving problems; or completing academic assignments.
- Plagiarism, including but not limited to paraphrasing, summarizing, or directly quoting published or unpublished work of another person, including online or computerized services, without proper documentation of the original source.
- Purchasing or otherwise obtaining prewritten essays, research papers, or materials prepared by another person or agency that sells term papers or other academic materials to be presented as one's own work.
- Taking an exam for another student.
- Providing others with information and/or answers regarding exams, quizzes, homework or other classroom assignments unless explicitly authorized by the instructor.
- Any of the above occurring within the Web or distance learning environment.

C. Accommodations for disabilities:

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins 127, 132, 134, 135, 131 or by phone: 539-7153 or TTY 694-6429. More information is available at www.pstcc.edu/departments/swd/.

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 Online Catalog*)

Late Work:

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

the instructor.