

Pellissippi State Community College
Master Syllabus

TORTS
LAW 2100

Class Hours: 3.0

Laboratory Hours: 0.0

Credit Hours: 3.0

Date Revised: 01-14-10

Instructor:

Office No.:

Phone No.:

E-mail:

Catalog Course Description:

Survey of state and federal law treating civil injury or damage to person 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.

Prerequisite; Corequisite: LAW 1000; LAW 1060

Textbooks and Other Supplies:

Schaffer, Lisa, *McGraw-Hills Torts for Paralegals*, McGraw-Hill Higher Education, 2009.

I. WEEK, UNIT TOPIC BASIS:

Week Unit Topic

- | | | |
|---|--------------|--|
| 1 | Chapter
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 | Chapter
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 | Chapter
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 | Chapter
4 | Defenses to intentional torts (3.0 hours) |
| 5 | Chapter
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 Chapter Negligence: Proximate cause (1.0 hour); causation in fact (.50 hour); but for causation (.50 hour); intervening causes (1.0 hour)
- 7 Chapter 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 Chapter Negligence: Damages: compensatory (1.0 hour); punitive (.50 hour); mitigation (.50); joint tortfeasors (1.0 hour)
- 9 Chapter 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 Chapter 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 Chapter 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 Chapter Product Liability: Negligence: manufacturer, retailer, defenses (1.0 hour); warranty (express and implied) (1.0 hour); design defects (1.0 hour)
- 13 Chapter 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 OBJECTIVES:

- A. Understand and be able to apply basic principles of tort and compensation law when assisting an 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

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. *Active Learning Strategy, 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, Active Learning Strategy, Transitional Outcome*

3. Strengthen their 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. *Communication 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. *Communication 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. *Transitional Strategy.*
6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

IV. EXPECTATIONS FOR STUDENT PERFORMANCE:

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)

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
- 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 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 Catalog)

- B. **Academic Dishonesty:** Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which 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 Catalog)

C. **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 Catalog)

D. **Accommodation for Disabilities:**

If you need accommodations 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. Please see the instructor privately after class or in his/her 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 or 131 or by phone: 694-6751 (Voice/TTY) or 539-7153.

E. **Late Work:**

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