

LAW C161: TORT LAW

Item	Value
Curriculum Committee Approval Date	04/18/2008
Top Code	140200 - Paralegal
Units	3 Total Units
Hours	54 Total Hours (Lecture Hours 54)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S), • Pass/No Pass (B)

Course Description

The substantive and procedural law of tort law principles in intentional tort, negligence, and strict liability in tort in a study, and instruction developed for paralegals. ADVISORY: LAW C100, LAW C127, and LAW C105. Transfer Credit: CSU.

Course Level Student Learning Outcome(s)

1. Evaluate and apply elements of tort law in a legal setting.
2. Analyze client-fact situations, spot issues, propose application of the appropriate tort law, and propose appropriate economic and non-economic civil remedies for a given wrong to a person.
3. Distinguish between a civil wrong and a criminal act and apply the appropriate rules in a legal setting.
4. Evaluate and apply the appropriate defenses to specific tort law actions in a legal setting.

Course Objectives

- 1. Explain the foundations of tort law.
- 2. Distinguish between tort law and other areas of law.
- 3. Describe the differences between tort law and criminal law.
- 4. Identify the basic elements of intentional torts.
- 5. Explain how intentional torts differ from torts of negligence.
- 6. Describe the types of information a paralegal should obtain from a client in an intentional tort claim.
- 7. Describe the elements of intentional torts to property.
- 8. Explain proof of an intentional tort at trial.
- 9. Explain the various defenses to intentional torts.
- 10. Describe under what circumstances a particular defense applies.
- 11. Describe the circumstances in which self-defense is available.
- 12. Explain how age or mistake can affect liability for an intentional tort.
- 13. Explain the insanity defense.
- 14. Identify the elements of a negligence claim.
- 15. Explain how negligence is differentiated from other types of torts.
- 16. Identify the important aspects of a negligence complaint.
- 17. Explain the procedure used to gather information from a client for a negligence claim.
- 18. Describe when a legal duty arises and describe the consequences from such a duty.
- 19. Compare the duty created with specified special relationships to the typical duty in a negligence claim.
- 20. Explain the concept of premises liability.
- 21. Differentiate the duties imposed on laypersons, professionals, and specialists.
- 22. Explain the doctrine of attractive nuisance.
- 23. Determine when a breach has occurred under negligence law.
- 24. Describe the concept of reasonableness within the context of negligence.
- 25. Describe how a defendant's action, or inaction, can breach the standard of reasonableness under tort law.
- 26. Compare and contrast objective and subjective standards of care.
- 27. Define the concepts of *res ipsa loquitur* and negligence per se.
- 28. Explain the meaning of the legal concept proximate cause.
- 29. Determine whether a defendant's actions, or omissions, are the proximate cause of a plaintiff's injuries.
- 30. Explain the concept of foreseeability.
- 31. Describe the court tests used to establish the existence of proximate cause.
- 32. Describe the significance of the *Palsgraf v. New York* case.
- 33. Define the concepts of intervening and superseding causes.
- 34. Describe the differences between compensatory, punitive, and nominal damages.
- 35. Explain the difference between general and special damages.
- 36. Explain how a plaintiff proves damages at trial.
- 37. Describe the concept of pain and suffering in a negligence claim.
- 38. Compare and contrast contributory negligence and comparative negligence.
- 39. List and explain exceptions to contributory negligence, including the last clear chance and rescuer doctrines.
- 40. Describe the various types of comparative negligence systems in place in the United States.
- 41. Explain the difference between strict liability and negligence.
- 42. Describe the characteristics of a products liability claim.
- 43. Explain the three theories upon which a strict liability claim can be based.
- 44. Discuss important historical cases in the area of strict liability.
- 45. Define defamation and apply it to various factual situations.
- 46. Distinguish between libel and slander.
- 47. Explain slander per se.
- 48. Describe how damages are assessed in slander and libel claims.
- 49. Describe the importance of "publication" as it relates to defamation.
- 50. Describe the importance of the concept of "public figure" in a defamation claim.
- 51. Define medical malpractice.
- 52. Explain how medical malpractice can be based on theories of contract law or negligence.
- 53. Describe the standard of care for professionals.
- 54. Explain informed consent.
- 55. Explain the role of insurance in personal injury cases.
- 56. Describe how policy limits affect negotiations.

- 57. Explain the "duty to defend" and describe when the duty is applicable.
- 58. Describe the concept of no-fault insurance.
- 59. Define negligent misrepresentation
- 60. Identify the elements of a claim for negligent misrepresentation.
- 61. Explain the basis for a fraud claim.
- 62. Identify the elements of fraud.
- 63. Explain the tort of interference with contract.

Lecture Content

Introduction to Tort Law (3.5 hours) Tort Case Introduction Tort Law v. Other Areas of Law History Litigation Discovery Trial ADR Appeals Intentional Torts (3.5 hours) Assault and Battery False Imprisonment Alienation of Affection Intentional Inflict of Emotional Distress Malicious Prosecution Immunity Trespass Nuisance Trespass to Chattels Defenses to Intentional Torts (3.5 hours) Self Defense Consent Duress, Necessity, Compulsion, Coercion Intoxication Mistake Age Insanity Immunity Privilege Statute of Limitations Joint and Several Liability Vicarious Liability Negligence (3.5 hours) History Elements Types of Firms Client Information Duty (3.5 hours) Definition Court Determination Social Relationship Premises Liability Third Parties Breach of Duty (3.5 hours) Defined Professionals Court Doctrines Expert Evidence Proximate Cause (5.5 hours) Defined Development Court Tests Multiple Defendants Intervening Causes Damages (2 hours) Compensatory Punitive Nominal Evaluation Defenses to Negligence (3.5 hours) Contributory Negligence Comparative Negligence Strict Liability and Products Liability (3.5 hours) Strict Liability Activity Product Liability Defined Public Policy Defamation (3.5 hours) Defined Slander Libel Publication Public Figure Damages Malpractice (3.5 hours) Elements Informed Consent Discovery Defenses Legal v. Medical Insurance (2 hours) Impact Negotiation Policy Limits Fraud, Misrepresentation, and Business Torts (3.5 hours) Fraud Negligent Misrepresentation Interference with Contract Deceptive Trade Practices Consumer Protection Dram Shop Examinations (6 hours)

Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

Instructional Techniques

Multiple methods of instruction will be used to enhance student understanding of the paralegal profession. Lectures, discussions, forums, interactive activities, and group projects will be utilized to facilitate the learning process. This class requires the use of various methods of audio visuals such as PowerPoint presentations, audio presentations, and video presentations.

Reading Assignments

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

Writing Assignments

Students will be required to complete written homework assignments, write essays on the exams, and prepare a semester project on a topic as assigned by the instructor.

Out-of-class Assignments

Outside of the classroom, students will complete the required readings; work on assigned papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, or virtual chat.

Demonstration of Critical Thinking

Students will analyze and apply the law to a set of facts to determine the appropriate outcome.

Required Writing, Problem Solving, Skills Demonstration

Analysis of tort law to specific fact situations in oral and written assignments.

Eligible Disciplines

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

Textbooks Resources

1. Required Morissette, E. L. PERSONAL INJURY and THE LAW OF TORTS FOR PARALEGALS, 5 ed. Aspen, 2020

Other Resources

1. Coastline Library 2. or other similar textbook selected by the instructor.