

<b>Course Title:</b> Torts	<b>Course Number:</b> PL115	<b>Effective Date:</b> 01/18/2012 <b>Revision Date:</b> 01/13/2012 <b>Applies to:</b> All Campuses <b>Online available for approved campuses</b>	
<b>Quarter Credit Hours:</b> 4	<b>Course Length:</b> 12 weeks	<b>Lecture Hours:</b> 48 <b>Laboratory Hours:</b> 0 <b>Externship/Clinic Hours:</b> 0 <b>Study/Prep/Review Hours:</b> 96	
<b>Instructor's Name:</b> William Martin Sloane, Attorney at Law; <a href="mailto:william.sloane@mccann.edu">william.sloane@mccann.edu</a>	<b>Instructor's Office Hours:</b> 10:20-10:35am/2:05-2:20pm	<b>Meeting Days/Times:</b> M/Tu/W/Th, 9:15-10:20am <b>Term Dates/Year:</b> Spring, 17 April–3 July 2012	
<b>Course Catalog Description:</b> A study of civil liability for accidental and intentional harm to property and physical and/or emotional injury to persons, this course focuses on negligence actions and intentional torts, including such topics as insurance law, false imprisonment, fraud and misrepresentation, assault and battery, product liability, and infliction of emotional distress.			
<b>Course Prerequisite(s):</b> PL100  <b>Course Corequisite(s):</b> None	<b>Challenge Examination available?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Research Component included?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Portfolio Piece(s) included?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Required Media/Equipment/Software:</b>  Custom ISBN: 9781256646105 <u>Tort Law: Concepts and Applications</u> , 1 <sup>st</sup> ; Michaud, Pearson, 2011, ISBN: 9780135071052  Note book, pen, and computer disk.			
<b>Resources:</b> Library materials, periodicals, newspapers, and Internet resources may be used for research and other purposes. Bookmark these free online legal dictionaries: <a href="http://jurist.law.pitt.edu/dictionary.htm">http://jurist.law.pitt.edu/dictionary.htm</a>			
<b>Teaching Strategies:</b> Instructors utilize a variety of teaching strategies and methods in the instruction process. These may include, but are not limited to, lectures, group projects, guest speakers, field trips, audio-visual presentations, on-line activities, and simulated work experiences.			
<b>Additional Hours Outside of Class:</b> Hours currently identified as Lecture, Laboratory or Externship hours are identified on the syllabus as calculated time required for delivery of content, demonstration of skill, and practical application required for reinforcement of course competencies. Additionally students will be assigned specific activities to incorporate out-of-class hours in achievement of course objectives. Out-of-class assignments will be graded as part of the overall course grade.  <b>Outside Hours:</b> For converted clock hour programs, assigned outside hours may be used in the calculation of total credits awarded in the class. For specific assignments, see attached course outline.  <b>Study/Prep/Review Hours:</b> Students are expected to be prepared for the distribution of information from their instructor through utilization of their required textbook, workbook, web resources or other outside materials. Time spent in preparation for or reflection of course lecture will approximate two hours outside of class for each lecture contact hour utilized by the instructor in delivery of the material and 1/4 hour outside of class for each hour of structured lab time. This outside preparation time may include the reading/skimming of textbook material, homework assignments, preparation for lab assignments, workbook activities, awareness/review of any safety precautions, or research of relevant supplemental information. Additionally, students are expected to record notes from course lecture to be reviewed as background for subsequent lessons, homework, or in preparation for exams. Review and reflection of classroom discussions, demonstrations, or presentation are included in the recognition of the additional outside course hours.			

**Course Objectives:**

Upon successful completion of this course, the student will be able to do the following:

1. Identify the sources and history of tort law;
2. Define and compare negligence, intentional torts, and strict liability;
3. List and discuss the elements required for a case of negligence;
4. Explain the defenses to negligence;
5. List and discuss the elements required for a case of an intentional tort;
6. Explain the defenses to intentional torts;
7. Identify and explain strict liability tort actions: abnormally dangerous activities, wild animal ownership, and toxic torts;
8. Identify and explain the elements of a product liability action;
9. Identify and explain the special tort actions: nuisances, negligence per se, wrongful death, and wrongful life;
10. List and explain tort immunities: governmental or sovereign immunity, immunity of public officers, and doctrine of tender years;
11. Identify the role, responsibilities, and ethical concerns of the paralegal in tort actions;
12. Describe the importance of tort case investigation.

**Topical Outline:**

The key topics/concepts in this course are as follows:

1. The Personal Injury Paralegal and Tort Case Investigation
2. Torts and Legal Analysis
3. Negligence
4. Intentional Torts: Property and Persons
5. Absolute Liability, Strict Liability, and Product Liability
6. Tort Immunities

**Course Completion Requirements:**

Complete all required homework/assignments, quizzes, examinations, and projects with a passing grade.

**Grading and Evaluation:**

Course requirements include evaluation in the areas of class participation (including attendance), homework, quizzes, examinations, and projects as follows:

<i>Final Grades will be determined by:</i>		<i>Grading Scale:</i>	
Class Participation	10%	90-100%	A
Homework/Assignments	10%	80-89%	B
Quizzes	10%	70-79%	C
Examinations	40%	60-69%	F
Project	25%		
Portfolio	<u>5%</u>		
Total	100%		

**Class Participation:** This portion of the grade includes evaluation of self-directed work habits such as attendance, class preparedness, communication, and (where appropriate) professional vocabulary, dress, or grooming. Students are expected to have read the assigned chapter(s) as identified on the syllabus and be prepared to discuss the content during class hours. Class participation may include group activities, peer review, and demonstration. Class preparation will require additional study/preparation time outside of scheduled class hours. Instructor facilitated discussions may be used in verification of course objectives.

**Homework/Assignments:** Homework will be assigned in this course. Assignments are due at the beginning of class on the assigned due date. Assignments turned in after the scheduled due date and time for any reason may be assessed as late credit by the instructor. Homework is assigned as indicated on the course syllabus. Homework assignments will require outside preparation on the part of the student to execute activities in assessment of course objectives.

**Quizzes:** There will be both announced and unannounced quizzes. Quizzes missed for any reason will receive grades of zero (0) and cannot be made up. The lowest recorded quiz will not be counted in the final grade. Announced and unannounced quizzes will be used as a means to verify attainment of course objectives. Students will be expected to spend time outside of class studying materials in preparation for any quiz as well as time spent reviewing quiz results in preparation for homework, class discussion or examination.

**Examinations:** The number of examinations will be equivalent to the credit hours earned in this course and may include a comprehensive final examination. There is no makeup of examinations missed. Extreme cases of absence due to documented mitigating circumstances will be handled at the discretion of the instructor. Students are expected to utilize time outside of class in preparation for assessments. Assessments will be utilized to verify acquisition of course objectives.

**Projects:** Project requirements will be outlined in detailed separate instructions and will reflect the practical application of fundamentals and principles discussed in this course. Projects include library research and may also include classroom/laboratory, clinic/externship/practicum, and/or other activities. Project assignments require utilization of course materials and resources in demonstration of course objectives. Students are expected to incorporate time outside of class to research, create, and prepare projects for demonstration and assessment.

**Portfolio:** Instructor-identified portfolio assignments will require additional time outside of class in preparation for final submission of course portfolio. Portfolio assignments are an integral part of the recognition of attainment of course objectives.

**Attendance Policy:**

Because of the intensive nature of this course, attendance is mandatory. Students are expected to comply with the school's attendance policy as published in the school's catalog. All absences, late arrivals, and early departures are recorded and become a part of the student's permanent record. No distinction will be made between excused and unexcused absences. Failure to comply with the attendance policy can result in reduction of the final grade, course failure, suspension, or dismissal. Externship and clinic courses and programs which are considered clock hour programs for Title IV purposes, have their own specific attendance criteria and may require make-up of all hours missed.

**Make-up Policy:**

Students are accountable for all work missed during periods of absence. Students are responsible for contacting their instructors about any make-up of class work. All make-up is at the sole discretion of the instructor. Make-up of missed classes does not erase an absence from a student's record. See Grading, above, for additional information.

**Special Needs:**

Students in need of special accommodation should notify the instructor in writing by the second class session.

**Course Outline:**

See attached.

PL115  
**TORTS**  
 COURSE OUTLINE

SESSION	DISCUSSION TOPICS	ASSIGNMENTS FOR <u>THIS</u> CLASS	NOTES DUE DATES
#1 Tuesday 17 April	Welcome & Introductions Course Overview (Syllabus, Course Outline) <b>Chapter 1. Introduction to Tort Law, 1</b> Definition of Tort, 1 Tort Law Distinguished from Other Areas of Law, 2 Sources of Tort Law, 4 Classification of Torts, 4 Essential Elements of Torts, 5	Read Chapter 1	<b>Announced and unannounced quizzes will be given.</b>
#2 Wednesday 18 April	The Concept of "Foreseeability" in Tort Law, 6 Legal Ethics and Tort Law, 6 Tort Reform, 8	Complete the Critical Thinking Exercises at the end of Chapter 1 as assigned by your instructor	
#3 Thursday 19 April	<b>Chapter 2. Tort Practice and Applications, 13</b> Researching Tort Law, 14 How to Read and Brief Tort Cases, 17 Drafting Tort-Related Documents, 20 Conducting Interviews, Factual Investigations, and Negotiations, 24 Interviewing, 24	Read Chapter 2	
#4 Monday 23 April	Investigating, 26 Negotiating, 27 Careers in Tort Law, 28 The Role of Paralegals in Tort Law, 30	Complete the Critical Thinking Exercises at the end of Chapter 2 as assigned by your instructor	<b>Research Project Assignment</b>
#5 Tuesday 24 April	<b>PART II. INTENTIONAL TORTS, DEFENSES AND REMEDIES, 36</b> <b>Chapter 3. Intentional Torts, 36</b> The "Intent" Requirement, 36 The Doctrine of Transferred Intent, 38 Intentional Torts Against the Person, 39	Read Chapter 3	
#6 Wednesday 25 April	Battery, 39 Assault, 42 False Imprisonment, 43 False Arrest, 46 Intentional Infliction of Emotional Distress, 47 Malicious Prosecution, 50 Abuse of Process, 51 Intentional Torts Against Property, 52 Trespass to Land, 52 The Common Law Doctrine of Nuisance Liability, 54 Conversion, 55 Trespass to Chattels, 57	Complete the Critical Thinking Exercises at the end of Chapter 3 as assigned by your instructor	
#7 Thursday 26 April	<b>Ch. 4. Defenses to Intentional Torts &amp; Remedies, 63</b> Definition of Defense, 63 Major Defenses to Intentional Torts, 64 Consent, 64 Self-Defense, 65 Defense of Others, 67 Defense of Property, 67 Reentry onto Land, 69 Recapture of Chattels, 70 Necessity, 70 Discipline, 72 Justification, 72 Statutes of Limitations, 73 Definition of Remedies, 74 Remedies for Intentional Torts, 74	Read Chapter 4	

#8 Monday 30 April	Review for exam	Complete the Critical Thinking Exercises at the end of Chapter 4 as assigned by your instructor	
#9 T 1 May	<b>Exam #1</b> on Chapters 1, 2, 3, 4		<b>Exam</b>
#10 Wednesday 2 May	<b>PART III. NEGLIGENCE, DEFENSES AND REMEDIES, 82</b> <b>Chapter 5. Negligence, 82</b> Definition of Negligence, 82 Essential Elements of the Tort of Negligence, 82 Duty of Care, 83 The Unforeseeable Plaintiff, 84 Malfeasance and Nonfeasance, 86 The Good Samaritan Rule & Gratuitous Undertakings, 86 Danger Invites Rescue Doctrine, 88 Premises Liability: The Duty Owed by Landholders, 88 Trespasser Rule, 88 Trespass and the Attractive Nuisance Doctrine, 89 Licensee Rule, 90 Invitee Rule, 90 Common Areas, 91	Read Chapter 5	
#11 Thursday 3 May	Breach of Duty of Care/Reasonable Person Standard, 91 <i>Res Ipsa Loquitur</i> Doctrine, 94 Negligence <i>Per Se</i> , 94 Gross Negligence, 96 Willful, Wanton, and Reckless Conduct, 97 The Causation Element, 97 Cause in Fact, 98 Proximate Cause, 99 The Eggshell Skull Rule, 100 Foreseeable Harm/Unforeseeable Manner, 101 Intervening and Superseding Causes, 101 The Damage Element, 102 Avoidable Consequences Doctr./Mitigation of Dam., 103 Collateral Source Rule, 103 Malpractice, 104 <i>A Prima Facie</i> Case, 105	Complete the Critical Thinking Exercises at the end of Chapter 5 as assigned by your instructor	
#12 Monday 7 May	<b>Chapter 6. Defenses to Negligence &amp; Remedies, 111</b> 3 Major Defenses Specific to the Tort of Negligence, 111 Contributory Negligence, 111 The Last Clear Chance Doctrine, 113 Comparative Negligence, 113	Read Chapter 6	
#13 Tuesday 8 May	Assumption of the Risk, 114 Remedies for Negligence, 115	Complete the Critical Thinking Exercises at the end of Chapter 6 as assigned by your instructor	
#14 Wednesday 9 May	<b>PART IV. STRICT LIABILITY AND PRODUCTS LIABILITY, DEFENSES AND REMEDIES, 123</b> <b>Chapter 7. Introduction to Strict Liability: Harm Caused by Animals and Other Abnormally Dangerous Conditions or Activities, 123</b> Definition of Strict Liability, 123 Applying Strict Liability Theory, 124 Application to Harm Caused by Animals, 125	Read Chapter 7	
#15 Thursday 10 May	Wild Animals, 126 Domestic Animals, 127 Trespassing People Rule, 130 Trespassing Animals Rule, 130 Application to Harm Caused by Abnormally Dangerous Conditions or Activities, 132	Complete the Critical Thinking Exercises at the end of Chapter 7 as assigned by your instructor	
#16 Monday 14 May	<b>Chapter 8. Products Liability, 139</b> Definition of Products Liability, 139 The Relationship Between Products Liability and Strict Liability Tort Theory, 144 Five Products Liability Causes of Action, 145 Negligence, 145 Misrepresentation, 147 Breach of Express Warranty, 148 Breach of Implied Warranty, 152 Strict Liability, 155 Strict Liability Theory Election, 156	Read Chapter 8	

#17 Tuesday 15 May	Essential Elements of Strict Products Liability Claim, 156 A Seller, 157 A Defective Product That is Unreasonably Dangerous to Persons or Property, 157 Product, 157 Defect, 157 Unreasonably Dangerous, 158 A User, Consumer, or Bystander, 160 Damages, 160 Causation, 161	Complete the Critical Thinking Exercises at the end of Chapter 8 as assigned by your instructor	
#18 We 16 May	Review for exam	Study for exam	
#19 Thursday 17 May	<b>Exam #2</b> on Chapters 5, 6, 7, 8		<b>Exam</b>
#20 Monday 21 May	<b>Chapter 9. Strict Liability Defenses &amp; Remedies, 169</b> Defenses to Strict Liability, 169 Assumption of the Risk, 170 Commonly Known Dangers, 171 Knowledgeable User, 172 Unforeseeable Product Misuse, 172	Read Chapter 9	
#21 Tuesday 22 May	Immunity, 174 Statutes of Limitations and Repose, 174 Comparative Negligence, 175 Remedies in Strict Liability Actions, 176 Part V. Other Torts and Miscellaneous Tort Matters, 182	Complete the Critical Thinking Exercises at the end of Chapter 9 as assigned by your instructor	
#22 Wednesday 23 May	<b>Chapter 10. Defamation and Disparagement, 182</b> Definition of Defamation, 182 Distinguishing Slander and Libel, 182 Essential Elements of Defamation, 184 The Actual Malice Requirement, 187	Read Chapter 10	
#23 Thursday 24 May	Defamation Defenses and Remedies, 189 Definition of Disparagement, 190 Two Types of Disparagement, 191 Essential Elements of Disparagement of Property, 193 Disparagement Defenses and Remedies, 193	Complete the Critical Thinking Exercises at the end of Chapter 10 as assigned by your instructor	
#24 Tue 29 May	Review for exam	Study for exam	
#25 We 30 May	<b>Exam #3</b> on Chapters 9, 10		<b>Exam</b>
#26 Thursday 31 May	<b>Chapter 11. Invasion of Privacy, 198</b> Definition of Invasion of Privacy, 198 Intrusion, 200 Appropriation, 203 Public Disclosure of Private Facts, 204 False Light, 206 Defenses and Remedies Applicable to the Invasion of Privacy Torts, 208	Read Chapter 11; complete the Critical Thinking Exercises at the end of Chapter 11 as assigned by your instructor	
#27 Monday 4 June	<b>Chapter 12. Misrepresentation, Tortious Interference, and the <i>Prima Facie</i> Tort Doctrine, 213</b> Misrepresentation, 213 Defenses and Remedies Applicable to Misrepresentation, 216 Tortious Interference, 217 Tortious Interference with Contractual Relationship, 217 Tortious Interference with a Business Relationship, 219	Read Chapter 12	
#28 Tuesday 5 June	Tortious Interference with Employment, 220 Defenses and Remedies Applicable to the Tortious Interference Torts, 221 The <i>Prima Facie</i> Tort Doctrine, 221	Complete the Critical Thinking Exercises at the end of Chapter 12 as assigned by your instructor	

#29 Wednesday 6 June	<b>Chapter 13. Survival, Wrongful Death, and Wrongful Birth and Life, 228</b> Survival, 228 Wrongful Death, 230 Wrongful Birth, Life, Pregnancy, Adoption, and Other Family Tort Matters, 232 Wrongful Birth, 232 Wrongful Life, 232 Wrongful Pregnancy, 233 Wrongful Adoption, 234 Other Family Tort Matters, 234 Heart Balm Actions, 234 Loss of Consortium, 235	Read Chapter 13; complete the Critical Thinking Exercises at the end of Chapter 13 as assigned by your instructor	
#30 Thursday 7 June	<b>Chapter 14. Joint Tortfeasors and Vicarious Liability, 240</b> Joint Tortfeasors, 240 Joint and Several Liability, 241 Vicarious Liability, 242 The Doctrine of <i>Respondeat Superior</i> , 243	Read Chapter 14	
#31 Monday 11 June	Joint Enterprise Liability, 246 Automobile Consent Statutes, 247 The Family Purpose Doctrine, 248 Vicarious Liability of Parents for Their Children's Torts, 249	Complete the Critical Thinking Exercises at the end of Chapter 14 as assigned by your instructor	
#32 Tue 12 Jun	Review for exam	Study for exam	
#33 We 13 Jun	<b>Exam #4</b> on Chapters 11, 12, 13, 14		<b>Exam</b>
#34 Monday 18 June	<b>Chapter 15. Immunity from Tort Law, 255</b> Definition of Immunity, 255 Public Policy Behind Tort Immunity, 257 Family Immunity, 257 Immunity for Children of Tender Years, 259 Governmental, or Sovereign, Immunity, 260 Charitable Immunity, 263 Official and Diplomatic Immunity, 265	Read Chapter 15; complete the Critical Thinking Exercises at the end of Chapter 15 as assigned by your instructor	<b>Research projects due; Presentations</b>
#35 Tuesday 19 June	<b>Chapter 16. Mass Torts, the Role of Insurance, and Workers' Compensation, 272</b> Mass Torts, 272 Mass Tort Litigation, 273 The Role of Insurance in Tort Law, 274 Workers' Compensation, 278 Workers' Compensation's Relationship to Tort Law, 282 Endnotes, 287	Read Chapter 16; complete the Critical Thinking Exercises at the end of Chapter 16 as assigned by your instructor	<b>Research projects due; Presentations</b>
#36 Wednesday 20 June	Student presentations of research projects		<b>Research projects due; Presentations</b>
#37 Thursday 21 June	Student presentations of research projects		<b>Research projects due; Presentations</b>
#38 Mon 25 Jun	Review for final exam		
#39 Tue 26 Jun	Review for final exam	Study for final exam	
#40	<b>Final Examination</b> on Chapters 1 through 16		