

MERCER COUNTY COMMUNITY COLLEGE

COURSE OUTLINE

LEG 130
Course Number

Civil Litigation I
Course Title

3
Credits

3
Class Hours

0
Laboratory Hours

Text: Title: Tort Law for Legal Assistants
Authors: Linda L. Edwards & J. Stanley Edwards
Publisher: Thomson/Delmar Learning
Edition: Third

Catalog Description:

Study of the law of torts designed to acquaint the paralegal with the various forms of tort actions encountered in the law office. Fall and spring offering.

Prerequisite: None

Corequisite: None

Eric M. Perkins
Course Coordinator

Instructor's Name _____
Class Time/Room # _____
Office Hours _____
Office #/Phone # _____
E-mail _____

Aug. 2007

Method of Evaluation:

The course will be divided into three units. The first unit will cover an introduction and overview of a tort case, and intentional torts and defenses to intentional torts. Unit one will be followed by an exam. Unit two will cover negligence, duty, breach of duty, causation, damages, and malpractice. Unit two will be followed by an exam. Unit three will cover misrepresentation, nuisance, strict liability, product liability, defamation, vicarious liability and joint liability. Unit three will be followed by an exam.

Grading:

Each exam will be worth one third of one's grade. There will be a comprehensive final exam, but the score will be used only if it helps to raise the student's overall course grade. The final exam will be given during the final exam schedule after the end of classes.

The following scale will be used:

- A - 90-100%
- B - 80- 89%
- C - 70 - 79%
- D - 60 - 69%
- F - below 60%

Instructional Method:

The teaching methods employed will be a combination of lectures and discussion with related materials integrated into the course whenever appropriate.

Unit One General Objectives (Exam I Material) (Chapters 1-3)

The student will be able to understand the concept and purpose of tort law and the overview of a tort case and various intentional torts and the defenses to intentional torts.

Unit One Specific Objectives

Chapter 1 – Introduction - Specific Objectives

In this chapter you will learn to:

1. Define a tort and distinguish between a tort and a crime as well as a tort and a contract.

Chapter 1 (continued)

2. Trace the evolution of tort law.
3. Recognize the philosophical principles and arguments underpinning tort law.

Chapter 2 – Overview of a Tort Case - Specific Objectives

In this chapter you will be given a procedural overview of a tort case and will learn the terminology associated with:

1. The initiation of a complaint and a response to that complaint.
2. The conducting of the discovery process.
3. The preparation for trial.
4. The conducting of a trial.
5. The implementation of post-trial procedures.

Chapter 3 – Intentional Torts - Specific Course Objectives

In this chapter you will learn to:

1. Identify the elements of assault, battery, false imprisonment, and infliction of mental distress.
2. Identify the elements of trespass to land, trespass to chattels, and conversion.
3. Recognize those circumstances in which it is appropriate to raise the defenses of consent or necessity.
4. Recognize when force can be used to defend self, others, property, to regain possession of chattels, or to reenter land.

Unit Two General Objectives (Exam II Material) (Chapters 4-10)

The student will be able to understand the elements of a negligence action and the various negligence defenses and the concept of malpractice.

Chapter 4 – Negligence: An Overview - Specific Objectives

In this chapter you will learn to:

1. Recognize the elements of negligence, which include duty, breach of duty, causation, and damages.
2. Recognize the concepts of negligence *per se*, *res ipsa loquitur*, and objective versus subjective standards.

Chapter 4 (continued)

3. Classify damages.
4. Recognize the mechanics of proving a case in terms of burdens of proof and functions of the judge and jury.

Chapter 5 – Negligence: Duty - Specific Objectives

In this chapter you will learn to:

1. Describe the standard of care expected of a possessor of land toward those who enter the land.
2. Describe the standard of care that arises out of certain special relationships (e.g., employer-employee) and special situations (e.g., rendering emergency care).
3. Describe the standard of care expected of landlords, tenants, and sellers of land.
4. Recognize the concepts of vicarious liability and the family purpose doctrine.

Chapter 6 – Negligence: Breach of Duty - Specific Objectives

In this chapter you will learn to:

1. Identify the criteria used to assess the reasonableness of a person's conduct.
2. Distinguish between objective and subjective standards.
3. Use the Learned Hand formula.
4. Apply the concepts of negligence *per se* and *res ipsa loquitur*.

Chapter 7 – Negligence: Causation - Specific Objectives

In this chapter you will learn to:

1. Distinguish between actual cause and proximate cause.
2. Prove the element of actual cause.
3. Distinguish between the Cardozo and Andrews approach to proximate cause.
4. Identify the exceptions to the Cardozo rule of foreseeability.
5. Distinguish between an intervening and a superseding cause.

Chapter 8 – Negligence: Damages - Specific Objectives

In this chapter you will learn to:

1. Categorize damages.
2. Recognize the various components of damages.
3. Appreciate the practical problems inherent in calculating damages.
4. Recognize the limitations on what a plaintiff can recover.
5. Appreciate the controversy surrounding punitive damages.
6. Distinguish between wrongful death and survival actions.

Chapter 9 – Negligence: Defenses - Specific Course Objectives

In this chapter you will learn to:

1. Identify the elements of contributory negligence, comparative negligence, and assumption of risk.
2. Recognize the exceptions to the contributory negligence rule.
3. Recognize the problems that arise in the administration of a comparative negligence system.
4. Differentiate between contributory negligence and assumption of risk.
5. Identify situations in which immunity can be raised as a defense.
6. Recognize the purpose behind the problems inherent in a statute of limitations defense.

Chapter 10 – Malpractice - Specific Course Objectives

In this chapter you will learn to:

1. Explain the standard of care to which a professional is held.
2. Identify ways in which professional negligence is committed.
3. Explain the informed consent doctrine.
4. Recognize defenses that can be raised in response to a professional negligence claim.
5. Appreciate the reasons for the increase in professional negligence claims.

Unit Three General Objectives (Exam III Material) (Chapters 11-16)

The student will be able to understand the tort of misrepresentation, strict liability, products liability, and defamation, and the concepts of vicarious liability and joint liability.

Chapter 11 – Misrepresentation, Nuisance, and Other Torts - Specific Course Objectives

In this chapter you will learn to:

1. Distinguish among intentional, negligent, and innocent misrepresentation and identify the elements of each.
2. Identify those situations in which one is entitled to rely on the representations of another.
3. Identify the two ways in which a plaintiff's damages can be measured.
4. Distinguish between public and private nuisance and identify the elements of both.
5. Distinguish among the four torts that are considered an invasion of privacy and identify the elements of each.
6. Recognize the torts involving interference with family relations.
7. Distinguish among the torts involving interference with business relations and identify the elements of each.
8. Distinguish among the torts involving misuse of the legal process and identify the elements of each.

Chapter 12 – Strict Liability - Specific Course Objectives

In this chapter you will learn to:

1. Identify those circumstances in which animal owners are strictly liable for damages caused by their animals.
2. Describe abnormally dangerous activities.
3. Describe the defenses that can be raised in response to a strict liability claim.

Chapter 13 – Product Liability - Specific Course Objectives

In this chapter you will learn to:

1. Differentiate between negligence, warranty, and strict liability causes of action.
2. Appreciate the importance of classifying losses as personal injury losses, property damage, or economic losses.
3. Identify characteristics and examples of manufacturing defects, design defects, and defective warnings.
4. Recognize when it is appropriate to sue on the basis of negligence, strict liability, and breach of warranty.
5. Identify the characteristics of express and implied warranties.

Chapter 13 (continued)

6. Explain the rationale behind strict liability.
7. Outline the elements of a strict liability claim.
8. Identify the defenses that can be raised in negligence, strict liability, and warranty causes of action.

Chapter 14 – Defamation and Related Torts - Specific Course Objectives

In this chapter you will learn to:

1. Distinguish between libel and slander.
2. Identify the elements of defamation and the damages that can be recovered.
3. Recognize the importance of distinguishing between private and public figures.
4. Distinguish between absolute and qualified privileges of defendants.
5. Distinguish among the four torts that are considered an invasion of privacy and identify the elements of each.
6. Identify the tort of injurious falsehood and distinguish between slander of title and trade libel.

Chapter 15 – Vicarious Liability - Specific Course Objectives

In this chapter you will learn to:

1. Identify the circumstances in which an employer is vicariously liable for the acts of an employee or an independent contractor.
2. Distinguish between an employer-employee relationship and an employer-independent contractor relationship.
3. Identify the exceptions to the bailor nonliability rule as applied to the owners of automobiles.
4. Recognize situations in which contributory negligence is imputed.
5. Identify the circumstances in which parents are vicariously liable for the acts of their children.

Chapter 16 – Joint Liability - Specific Course Objectives

In this chapter you will learn to:

1. Identify those situations in which tortfeasors are jointly and severally liable for their acts.

Chapter 16 (continued)

2. Apply the concepts of contribution, satisfaction, and indemnification.
3. Distinguish between releases and covenants not to sue.
4. Recognize the problems associated with releases in light of contribution.