Course Number  | Course Title       | Credits
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LEG 130        | Civil Litigation I | 3

Hours:  
Lecture/Lab/ Others  | None
3/0/0

Pre-Requisites:  
None

Catalog Description (2011-2013 Catalog)

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.

Required texts/other materials:

Text:  
Title: Tort Law for Legal Assistants
Authors: Linda L. Edwards & J. Stanley Edwards, Patricia Kirtley Wells
Publisher: Thomson/Delmar Learning

Revision date: August 2011  
Course Coordinator: Eric M. Perkins
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(609) 570-3649

Instructor’s Name  
Francis E. Schachtele, Esq.

Class Time/Room #  

Office Hours  

Office #:Phone #  

E-mail  

August 2011
Course Competencies/Goals:

The student will be able to:

1) Define a tort and distinguish between negligence, intentional and strict liability torts and other legal actions.
2) Prepare a draft tort complaint based on various different causes of action and liability.
3) Prepare a draft Answer to various tort complaints.
4) Prepare draft interrogatories in various types of tort actions.

Course Specific General Education Knowledge Goals and Core Skills

General Education Knowledge Goals

Goal 1. Communication: Students will communicate effectively in both speech and writing.

Goal 9. Ethical Reasoning and Action: Students will understand ethical issues and situations.

MCCC Core Skills

Goal A. Written and Oral Communication in English: Students will communicate effectively in speech, writing and demonstrate proficiency in critical reading.
Goal B. Critical Thinking and Problem solving: Students will use critical think and problem solving skills in analyzing information.
Goal C. Ethical Decision Making: Students will recognize, analyze and assess ethical issues and situations.
Goal D. Information Literacy. Students will recognize when information is needed and have the knowledge and skills to locate, evaluate, and effectively use information for college level work.

Instructional Method:

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

Units of Study in Detail

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 – Overview of Tort Law- 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.
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 role of the judicial system within the three branches of government
2. The structure of the federal and state court systems
3. The initiation of a complaint and a response to that complaint.
4. The conducting of the discovery process.
5. The preparation for trial.
6. The conducting of a trial.
7. The implementation of post-trial procedures.

Practical exercise – using a hypothetical fact pattern, you will draft an appropriate set of interrogatories; there will be critiquing by fellow students

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 4-9)

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: 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). Discuss how the relationship approach to landowner duty is changing.
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.

Practical exercise: using a given hypothetical fact setting, you will prepare a memorandum / brief to your supervising attorney outlining whether your client has a viable cause of action arising out of a slip and fall; you will apply your knowledge of the element of “duty.”

Chapter 5 – Negligence: Breach of Duty - Specific Objectives

In this chapter you will learn to:

1. Become familiar with the concept of “the reasonable person”
2. Identify the criteria used to assess the reasonableness of a person’s conduct – the characteristics of the reasonable person
3. Distinguish between objective and subjective standards.
4. Become familiar with Judge Learned Hand’s concept of breach of duty.
5. Apply the concepts of negligence per se and res ipsa loquitur.

Chapter 6 – 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 7 – Negligence: Damages - Specific Objectives

In this chapter you will learn to:
Chapter 8 – 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. Understand the three kinds of comparative negligence systems/statutes; 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; understand several types of immunity – Tort Claim, charitable, etc.
6. Recognize the purpose behind the problems inherent in a statute of limitations defense.

Practical exercise – You will apply your knowledge of the charitable immunity defense to determine if your client’s personal injury lawsuit may be barred by the defense.

Chapter 9 – 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 10 – 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 11 – Strict Liability - Specific Course Objectives

In this chapter you will learn to:

1. Identify those circumstances in which annual 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.

Practical exercise – This exercise will require you to identify the key points in an appellate level court opinion dealing with strict liability and answer a series of questions designed to test your understanding of the principle(s) of law developed in the case

Chapter 12 – 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.

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 13 – 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 14 – 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 15 – 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.
2. Apply the concepts of contribution, satisfaction, and indemnification.
3. Distinguish between releases and covenants not to use.
4. Recognize the problems associated with releases in light of contribution.

**Evaluation of Student Learning:**

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.

Each exam will be worth one third of one’s grade. There will be a comprehensive final exam. The final exam will be given on the last schedule class date.

The following scale will be used:

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

**Academic Integrity Statement**

Any student who a) knowingly represents work of others as his/her own; b) uses or obtains unauthorized assistance in the execution of any academic work; c) or gives fraudulent assistance to other students is guilty of cheating. Violators will be penalized in accordance with established college policies and procedures.

Please make every attempt to come to class on time and to remain until the end of the class unless you have notified the instructor you are leaving early. If you are unavoidably late for class or will be required to leave early, please choose a seat near the entrance to the room. One class is in session, please do not leave the room and re-enter unless it is an emergency. If you must miss a class, you are responsible for all of the material covered, for announcements made in your absence and for acquiring any materials that may have been distributed in class. It is important to stay focused on the class discussion. For this reason, only one person will be recognized to speak at a time. Side conversations are distracting for surrounding students and for the instructor. Please
also remember to turn off any page or cell phone, or set it to vibrate so that you do not distract the class.

Reasonable Accommodations for Students with Documented Disabilities
Mercer County Community College is committed to supporting all students in their academic and co-curricular endeavors. Each semester, a significant number of students document disabilities, which may require learning, sight, hearing, manual, speech, or mobility accommodations to ensure access to academic and co-curricular activities. The college provides services and reasonable accommodations to all students who need and have a legal entitlement to such accommodations. For more information regarding accommodations, you may visit the Office of Academic Support Services in FA129 or contact them at 609.570.3422 or urbanb@mccc.edu