## COURSE OUTLINE

<table>
<thead>
<tr>
<th>Course Number</th>
<th>Course Title</th>
<th>Credits</th>
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<tbody>
<tr>
<td>LEG 130</td>
<td>Civil Litigation I</td>
<td>3</td>
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<table>
<thead>
<tr>
<th>Hours:</th>
<th>Co- or Pre-requisite</th>
<th>Implementation</th>
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<tbody>
<tr>
<td>lecture/Lab/Other</td>
<td>none</td>
<td>sem/year Spring 2020</td>
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<tr>
<td>3/0/0</td>
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**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. *3 lecture hours*

**Is course New, Revised, or Modified?** [Modified courses are those which have a new prefix or course number]

No.
Required texts/other materials:

Required Textbook:
To be determined each semester by the course coordinator.

Legal Specialty Course Notice:
This course is a legal specialty course (LS) and is one of the four (4) required on-campus courses students are required to complete on campus to meet their 12 credit on campus minimum for the Paralegal Studies AAS degree or Paralegal Certificate program. The following courses may only be completed on campus: LEG 129, LEG 130, LEG 132, LEG 133.

Revision date: This outline was updated Spring Semester 2020

Course coordinator: Erin Rybicki
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rybickie@mccc.edu

Other learning resources: All materials should be provided to the students via their Blackboard course. This course is offered in an online delivery option. Therefore, supplemental materials are supplied online and students are expected to submit assignments through Blackboard.

Course Competencies/Goals:
The student will be able to:

- Course Competency One: Students explain the historical basis of tort law, communicate the foundations and principles of civil litigation within the United States legal process, and can explain the role of of torts within civil litigation.
• **Course Competency Two:** Students can effectively analyze hypothetical scenarios and provide meaningful analysis of the correct application of tort law principles, including exceptions and defenses to torts and negligence.

• **Course Competency Three:** Students demonstrate an understanding of the elements of major intentional torts, including but not limited to: assault, battery, false imprisonment, character defamation torts, trespass and conversion.

• **Course Competency Four:** Students demonstrate an understanding of negligence, including the elements, defenses to negligence and theory of negligence.

• **Course Competency Five:** Students observe and/or read tort law scenarios to correctly assess and obtain information regarding tort scenarios and hypothetical cases.

• **Course Competency Six:** From the perspective of the paralegal’s role, students effectively navigate a hypothetical client case and/or a series of client scenarios.

• **Course Competency Seven:** Students can explain and define the special actions related to tort and negligence law; students can articulate and analyze the circumstances when aforementioned actions would apply.

• **Course Competency Eight:** Students explain the ethical obligations of the paralegal in various civil litigation tasks.

**Institutional Learning Goals:** The following Institutional Learning Goals apply to this course, as noted in the units below.

**Institutional Learning Goal 1.** Written and Oral Communication in English: Students will communicate effectively in both speech and writing.

**Institutional Learning Goal 5.** Social Science: Students will use social science theories and concepts to analyze human behavior and social and political institutions and to act as responsible citizens.

**Institutional Learning Goal 9.** Ethical Reasoning and Action: Students will understand ethical frameworks, issues, and situations.

**Units of study in detail**

**Unit I Understanding Tort Law: Basis of Civil Litigation**

**Learning Objectives**

*The student will be able to…*

• Discuss the United States legal system, sources of law, distribution of powers and how these concepts relate to the work of the paralegal. (Course Competencies 1, 6; Institutional Learning Goal 5)

• Explain the essential differences between criminal and tort law, including the sources, penalties and significant parallel concepts. (Course Competencies 1, 6; Institutional Learning Goal 5)
● Define the essential tort law terminology. (Course Competencies 3; Institutional Learning Goal 5)
● Recognize the philosophical principles and arguments underpinning tort law (Course Competencies 1, 6, 7; Institutional Learning Goal 5)
● Explain the role of the judicial system within the three branches of government (Course Competencies 1, 6; Institutional Learning Goals 5)
● Explain the structure of the federal and state court systems. (Course Competencies 1, 6; Institutional Learning Goal 5)
● Describe the initiation of a complaint and options for defendant’s response. (Course Competencies 1, 6; Institutional Learning Goal 5)
● Describe the paralegal’s role in civil litigation during the discovery process, as it applies to tort law and negligence cases. (Course Competencies 1, 6; Institutional Learning Goal 5)
● Explain essential principles for the preparation for negligence and tort cases at trial. (Course Competencies 1, 6; Institutional Learning Goal 5)
● Identify torts and negligence in the news and emerging cases, and to communicate the appropriate principles of law presented in the news article/case. (Course Competencies 2, 6, 8; Institutional Learning Goal 1)

Unit II Understanding the Intentional Torts

**Learning Objectives**

*The student will be able to…*

● Discuss the principles of intentional torts. (Course Competencies 2, 3; Institutional Learning Goal 5)
● Define the elements for all major intentional torts, including assault, battery, false imprisonment, character defamation torts, trespass and conversion. (Course Competencies 2, 3; Institutional Learning Goals 5)
● Define the elements of special intentional tort actions such as nuisance. (Course Competencies 2, 3; Institutional Learning Goal 5)
● Explain the defenses to intentional torts, and the circumstances wherein the defenses will apply to particular torts. (Course Competencies 2, 3; Institutional Learning Goals Goal 5)
● Draft a case brief for a landmark case of significant historical value. (Course Competencies 2, 3; Institutional Learning Goal 5)
● Analyze hypothetical tort law scenarios and apply tort law principles to the issues presented. (Course Competencies 2, 3, 6; Institutional Learning Goal 5)
● Recognize those circumstances in which it is appropriate and ethical to raise the defenses of consent or necessity. (Course Competencies 2, 3, 6, 9; Institutional Learning Goal 9)
● Recognize when force can be ethically and lawfully used to defend self, others, property, to regain possession of chattels, or to re-enter land. (Course Competencies 2, 3, 6, 9; Institutional Learning Goal 9)
Unit III  Understanding the Law of Negligence

The student will be able to...

- Discuss the principles of negligence. (Course Competency 4; Institutional Learning Goal 5)
- Define the elements of negligence and provide an example of each element. (Course Competencies 4, 5; Institutional Learning Goal 5)
- Explain the defenses to negligence and the circumstances when defenses may apply. (Course Competencies 4, 5; Institutional Learning Goal 5)
- Analyze hypothetical negligence scenarios and provide meaningful analysis of the correct application of negligence principles. (Course Competencies 2, 4, 6; Institutional Learning Goal 1)
- Explain the principles and basis of medical malpractice cases. (Course Competencies 2, 4, 6; Institutional Learning Goal 5)
- Explain the ethical duties of the attorney and paralegal when handling tort law cases, specifically medical malpractice cases (Course Competency 8, Institutional Learning Goal 9)

Unit IV  Special Actions and Concepts in Negligence & Tort Law

- Explain the elements and application of strict liability. (Course Competency 7, Institutional Learning Goals Goal 5)
- Understand the ethical implications of vicarious liability, in a variety of applications. (Course Competency 8, Institutional Learning Goal 9)
- Explain the elements and examples and ethical implications of vicarious liability, and analyze vicarious liability in hypothetical scenarios. (Course Competency 7, Institutional Learning Goal 9)
- Identify the circumstances in which an employer may be vicariously liable for the acts of an employee or an independent contractor. (Course Competency 2, 6, 7, Institutional Learning Goal 5)
- Distinguish between an employer-employee relationship and an employer-independent contractor relationship. (Course Competency 2, 6, 7, Institutional Learning Goals Goal 5)
- Recognize situations in which contributory negligence is imputed. (Course Competency 2, 7, Institutional Learning Goal 5)
- Identify the circumstances in which parents are vicariously liable for the acts of their children. (Course Competency 2, 7, Institutional Learning Goal 5)
- Explain the concepts of recklessness and intentional acts, and how these differ from negligence actions. (Course Competency 2, 7, Institutional Learning Goal 5)
- Explain and apply the concepts of Product Liability. (Course Competency 2, 7, Institutional Learning Goal 5)
• Understand the concept of Joint Liability and identify those situations in which tortfeasors are jointly and severally liable for their acts. (Course Competency 2, 7, Institutional Learning Goal 5)
• Discuss the ethical responsibilities and implications for special cases which may include: cases where in a minor is the client, cases wherein the client lacks mental capacity and special defense cases. (Course competencies 2, 8, Institutional Learning Goal 9)
• Apply the concepts of contribution, satisfaction, and indemnification. (Course Competency 2, 7, Institutional Learning Goal 5)
• Distinguish between releases and covenants not to use. (Course Competency 2, 7, Institutional Learning Goal 5)
• Recognize the problems associated with releases in light of contribution. (Course Competency 2, 7, Institutional Learning Goal 5)

Students with Disabilities
Any student in this class who has special needs because of a disability is entitled to receive accommodations. Eligible students at Mercer County Community College are assured services under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. If you believe you are eligible for services, please contact Arlene Stinson, the Director of Academic Support Services. Ms. Stinson’s office is LB221, and she can be reached at (609) 570-3525.

Academic Integrity Statement
This course is entirely compliant with the academic integrity standards of the college. This course specifically covers the implications of plagiarism and academic integrity, and covers how students can ethically embark on legal research tasks and the use of technology in the online classroom and beyond. Students are required to read, review, and follow the standards set forth in the Mercer County Community College Student Handbook academic integrity standards before submitting any assignment. Academic Dishonesty will result in failure of this course.

Equal Opportunity Policy
Mercer County Community College is committed to equal opportunity and affirmative action. Discrimination on the basis of race, creed, color, national origin, ancestry, age, gender, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, nationality, political views, religion, disability unrelated to job or program requirements or any other characteristic protected by law is prohibited. Questions regarding the equal opportunity policy and compliance statement may be directed to the Affirmative Action Officer, West Windsor Campus, (609) 586-4800, ext. 3270.