**ESSEX COUNTY COLLEGE**

**Social Sciences Division**

**PLS 105 *–* Torts**

**Course Outline**

**Course Number & Name:**  PLS 105Torts

**Credit Hours:**  3.0 **Contact Hours:**  3.0 **Lecture:**  3.0 **Lab:** N/A **Other:**  N/A

**Prerequisites**:  Grade of “C” or better in PLS 101

**Co-requisites:** None **Concurrent Courses:** None

**Course Outline Revision Date:**  Fall 2010

**Course Description**: This course covers the principles of tort law, its application in commonly faced situations in law practice, and the role of the paralegal in the preparation of a tort claim. Emphasis is placed on negligence and the defenses to negligence. The course also examines the role of the paralegal, the Code of Professional Ethics, and other related standards of proper conduct.

**Course Goals:** Upon successful completion of this course, students should be able to do the following:

1. discuss and examine the codes of professional conduct;
2. describe tort law;
3. identify, define, and describe intentional torts;
4. identify and explain defenses to intentional torts;
5. identify, describe, and explain the tort of negligence;
6. identify and describe the element of duty;
7. identify and describe the element of breach of duty under negligence law;
8. identify and describe the concept of proximate cause;
9. identify, define, and describe the concept of damages;
10. identify, define, and describe the defenses to negligence;
11. discuss and examine the tort of strict liability and products liability;

1. identify, define, and describe defamation;
2. define, discuss, and examine malpractice; and
3. identify, define, and describe fraud, misrepresentation, and business torts.

**Measurable Course Performance Objectives (MPOs)**: Upon successful completion of this course, students should specifically be able to do the following:

1. Discuss and examine the codes of professional conduct:

1.1 *discuss and examine judicial conduct;*

1.2 *discuss and examine attorney ethical standards;* and

1.3 *discuss and examine paralegal professionalism*

2. Describe tort law:

2.1 *compare tort law to other forms/areas of law;*

2.2 *explain the process of bringing a tort case;*

2.3 *describe the discovery process in a civil case;*

2.4 *describe the trial of a civil case;* and

2.5 *describe alternative dispute resolution*

3. Identify, define, and describe intentional torts:

3.1 *identify and describe the problem with intentional torts;*

3.2 *identify, define, and describe the torts of assault and battery*;

3.3 *identify, define, and describe the tort of false imprisonment;*

3.4 *identify, define, and describe the tort of intentional infliction of emotional distress;*

3.5 *identify, define, and describe the tort of malicious prosecution;*

3.6 *identify, define, and describe intentional torts involving property, particularly trespass;*

3.7 *identify, define, and describe nuisance actions;* and

3.8 *identify, define, and describe trespass to chattels*

4. Identify and explain defenses to intentional torts:

4.1 *identify, define, and describe self defense*;

4.2 *identify and describe the defense of consent*;

4.3 *identify, define, and describe the defenses of duress, necessity, compulsion, and coercion;*

4.4 *identify, define, and describe the defense of intoxication;*

4.5 *identify, define, and describe the defense of mistake;*

4.6 *identify and describe the defense of age*;

4.7 *identify, define, and describe the defense of insanity*;

4.8 *identify, define, and describe the defense of immunity*;

4.9 *identify, define, and describe the defense of privilege*;

4.10 *identify, define, and describe the defense of statutes of limitation*; and

4.11 *identify, define, and describe defenses available to codefendants*

5. Identify, describe, and explain the tort of negligence:

5.1 *identify, define, describe, and explain the tort of negligence*;

5.2 *define, describe, and explain the history of negligence*;

5.3 *identify, define, describe, and examine the four elements of negligence;*

5.4 *describe the lawyers who represent plaintiffs and defendants;* and

5.5 *describe how to obtain information from a client*

**Measurable Course Performance Objectives (MPOs)** (continued):

6. Identify and describe the element of duty:

6.1 *identify and define the element of duty*;

6.2 *explain how the courts determine duty*;

6.3 *identify, define, and describe the element of duty derived from a social relationship;*

6.4 *identify, define, and describe premises liability;* and

6.5 *describe and explain duty to third parties*

7. Identify and describe the element of breach of duty under negligence law:

7.1 *identify and describe breach of duty;*

7.2 *identify and describe professionals’ standard of care;*

7.3 *explain court doctrines that help to determine the element of breach of duty;* and

7.4 *describe evidence relationship to breach of duty*

8. Identify and describe the concept of proximate cause:

8.1 *describe the concept of proximate cause;*

8.2 *describe court-created tests for proximate cause;*

8.3 *describe the requirements for the plaintiff to plead proximate cause;*

8.4 *describe the application of the concept of proximate cause to multiple defendants;* and

8.5 *identify and describe intervening causes*

9. Identify, define, and describe the concept of damages:

9.1 *identify, define, and describe damages;* and

9.2 *evaluate a case for potential damages*

10. Identify, define, and describe the defenses to negligence:

10.1 *identify, define, and describe the concept of contributory negligence*;

10.2 *identify, define, and describe the concept of comparative negligence*; and

10.3 *compare and contrast contributory negligence and comparative negligence*

11. Discuss and examine the tort of strict liability and products liability:

11.1 *identify, define, and describe the tort of strict liability;* and

11.2 *identify, define, and describe the tort of products liability*

12. Identify, define, and describe defamation:

12.1 *identify, define, and describe the tort of defamation*

13. Define, discuss, and examine malpractice:

13.1 *identify, define, and describe malpractice;* and

13.2 *identify, define, and describe medical malpractice*

**Measurable Course Performance Objectives (MPOs)** (continued):

14. Identify, define, and describe fraud, misrepresentation, and business torts:

14.1 *identify, define, and describe the tort of fraud;*

14.2 *identify, define, and describe the tort of negligent misrepresentation;*

14.3 *identify, define, and describe the tort of interference with contract;*

14.4 *identify, define, and describe the tort of deceptive trade practices;*

14.5 *identify, define, and describe consumer protection laws;*

14.6 *identify, define, and describe sexual harassment;* and

14.7 *identify, define, and describe worker’s compensation*

**Methods of Instruction**: Instruction will consist of a combination of any of the following instructional methods: legal case reviews, lectures, group activities, role play, oral presentations, document drafting, essays, research assignments, films, cable, news and television programs, field trips, and community outreach projects.

**Outcomes Assessment:** Quiz and exam questions (if applicable) are blueprinted to course objectives. Checklist rubrics are used to evaluate non-test type assessment instruments (e.g., observation and reaction papers, oral/written presentations, debates, and projects), for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of program instruction, viability of class assignments, relevancy of assigned course materials, and evaluation of instructional time spent on specific topics.

**Course Requirements:** All students are required to:

1. Maintain regular and prompt attendance to all class sessions.
2. Complete homework assignments and quizzes (if applicable).
3. Complete all written and oral exercises (scored grading) inside and outside of class as assigned.
4. Complete the Midterm and Final Assessment Activities (e.g., paper, presentation, and/or project).
5. Voluntarily participate in class discussions, class exercises, and group projects.
6. Complete all assessment activities as scheduled.
7. Follow any specific class requirements mandated by the instructor.

**Methods of Evaluation:** Final course grades will be computed as follows:

**% of**

**Grading Components final course grade**

* Attendance/Class Participation  **15 – 25%**

Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). A similar procedure will be used to determine participation points.

* **Notebook containing Course Handouts, Program Summaries** 5 – 10%

**and Table of Contents**

The notebook is a practical exercise designed to assess students’ abilities to organize large volumes of information and allows students to create a reference source of all material related to course objectives for themselves.

* Topic Sentence Outlines **5 – 10%**

Topic sentence outlines are practical exercises designed to enhance students’ reading comprehension and study skills.

* Oral Report **0 – 5%**

The brief oral report is designed to provide students with an opportunity during each class session to report on a fact pattern taken either from a newspaper, local news, or cable program, paralegal or legal publication and using the torts that are currently addressed in class to perform a legal analysis.

* **Legal Case Brief in PowerPoint**  15 – 25%

The PowerPoint presentation first requires students to provide an economic, historical, political, and social context for the development of law or legislation addressed in the legal case brief including the role of the paralegal in the particular case. It also provides students with the opportunity to enhance their technological skills in an academic environment while engaging in legal analysis related to course objectives.

* **Programs, Lectures, Seminars and/or Workshops** 5 – 10%

Internal or external relevant programs, lectures, seminars and workshops, which are related to the course objectives, are informational for the student, who will be required to prepare brief written summary of the event/program. These opportunities provide students with a chance to engage in academic scholarship.

* **Debate** 5 – 10%

Debates are oral arguments designed to provide students with an opportunity to enhance their oral communication skills while engaging in legal analysis related to course objectives.

* **Legal Letter** 5 – 10%

Legal letters are designed to enhance students’ written communication skills while engaging in legal analysis related to course objectives.

**Methods of Evaluation** (continued)**:**

**% of**

**Grading Components final course grade**

* **Extra Credit Opportunities**  5 – 10%
  + Voter registration – The student should provide written evidence of participation in the electoral process.
  + Notary Public – Students are encouraged to research, process, and complete a notary public application for approval to include on their resumes to enhance their marketability.
  + Membership in Paralegal Association of New Jersey (PANJ) – Students are encouraged to join the Paralegal Association of New Jersey to include on their resume to enhance their marketability.

**Note**: The instructor will determine (as appropriate) the specific component(s) appropriate for the course and provide specific weights which lie in the above-given ranges at the beginning of the semester.

**Academic Integrity:** Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

* plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
* cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
* interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
* fraud – any act or instance of willful deceit or trickery.

Violations of academic integrity will be dealt with by imposing appropriate sanctions. Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

**Student Code of Conduct:** All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Note: Students shall conduct themselves in a professional manner at all times. See National Federation of Paralegals Associations, Inc. Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.

**Course Content Outline:** based on the text **Tort Law for Paralegals**, 3rd edition, by Neal Bevans; published by Aspen Publishers.

**Unit Topics to be Covered**

1 Introduction to Tort Law – Course introduction & overview; visit to the Martin Luther King, Jr Library for a library literacy session and introduction to/overview of West law legal search engine; introduction to a torts case; tort law compared to other forms/areas of law; bringing a tort case; discovery in a civil case; the trial of a civil case; alternative dispute resolution

2 Intentional Torts – The Chumley case; problems with intentional torts; assault and battery; false imprisonment; intentional infliction of emotional distress; malicious prosecution; intentional torts involving property: trespass, nuisance actions, trespass to chattels

3 Defenses to Intentional Torts – What is a defense?; self defense; consent; duress, necessity, compulsion, and coercion; intoxication; mistake; age; insanity; immunity; privilege; statutes of limitation; defenses available to codefendants

4 Introduction to Negligence – Negligence: what makes it different?; the history of negligence; the Chumley case; the four elements of negligence; the lawyers who represent plaintiffs and defendants; obtaining information from the client

5 Duty – The Chumley case: a dangerous intersection; the legal definition of duty; how the courts determine duty; duty from a social relationship; premises liability; duty to third parties

6 Breach of Duty under Negligence Law – Who breached a duty in the Chumley case?; breach of duty; professionals have a higher standard of care; court doctrines that help to determine breach of duty; expert evidence and breach of duty

7 Proximate Cause – Developing the concept of proximate cause; court-created tests for proximate cause; pleading proximate cause; multiple defendants and proximate cause; intervening causes

8 Damages – Damages in the Chumley case; introduction to damages; evaluating a case for potential damages

9 Defenses to Negligence – The railroad’s defense in the Chumley case; introduction to contributory negligence; comparative negligence

10 Strict Liability and Products Liability – Products liability case: tire blowout; strict liability; introduction to products liability; the tire blowout hypothetical

**Unit Topics to be Covered**

11 Defamation – Analyzing a case of defamation

12 Malpractice – Chumley and malpractice; introduction to professional malpractice; what is malpractice?; the basic elements of medical malpractice; the tire blowout hypothetical

13 Fraud, Misrepresentation, and Business Torts – Fraud; negligent misrepresentation; interference with contract; deceptive trade practices; consumer protection laws; sexual harassment; worker’s compensation

Note**:** In PLS 105, the instructor must cover the 13 units listed above minimally in any reasonable order throughout the duration of the semester/term. In addition, the instructor must provide economic, historic, political, and social context for the relevant aspects of tort law. Additionally, the instructor may include other relevant information based on his/her legal expertise and/or interest. Suggested assessment activities to be performed at midterm and at the conclusion of the course are listed below.

Suggested Midterm Assessment Activities – Prepare topic sentence outlines of each chapter of the first half of the textbook; answer questions for each chapter for first half of the textbook; write a reaction paper after visiting a municipal or town council meeting to observe the process of awarding personal injury settlements; draft a complaint exercise

**Suggested Final Assessment Activities** – Prepare topic sentence outlines of each chapter of the last half of the textbook and include answers to questions in each chapter; research the economic, historical, social, and political background of a legal case for the creation or development of the relevant law, statute or regulation and present findings; prepare a legal case brief, including the role of the paralegal working the case if applicable, in PowerPoint format; debate the same legal case (team); draft a legal letter to a client (plaintiff or defendant); complete a legal concepts and terminology assessment activity