

**PLS 62 Course Outline as of Spring 2020****CATALOG INFORMATION**

Dept and Nbr: PLS 62 Title: TORTS

Full Title: Torts

Last Reviewed: 9/14/2020

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	6	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

**Catalog Description:**

An in-depth examination of all phases of tort litigation from the initial stages of planning and preparing the civil lawsuit to trial. Elements of tort causes of action are discussed in depth. Negligence, a common element, is explained and applied to case fact patterns. Common torts such as products liability, wrongful death, invasion of privacy and defenses to torts are presented for analysis.

**Prerequisites/Corequisites:**

Course Completion of PLS 51

**Recommended Preparation:****Limits on Enrollment:****Schedule of Classes Information:**

Description: An in-depth examination of all phases of tort litigation from the initial stages of planning and preparing the civil lawsuit to trial. Elements of tort causes of action are discussed in depth. Negligence, a common element, is explained and applied to case fact patterns. Common torts such as products liability, wrongful death, invasion of privacy and defenses to

torts are presented for analysis. (Grade Only)

Prerequisites/Corequisites: Course Completion of PLS 51

Recommended:

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

## **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

<b>AS Degree:</b>	<b>Area</b>	Effective:	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>IGETC:</b>	<b>Transfer Area</b>	Effective:	Inactive:
<b>CSU Transfer:</b>	Transferable	Effective: Fall 2010	Inactive:
<b>UC Transfer:</b>		Effective:	Inactive:

**CID:**

**Certificate/Major Applicable:**

Major Applicable Course

## **COURSE CONTENT**

### **Student Learning Outcomes:**

At the conclusion of this course, the student should be able to:

1. Identify and enumerate the elements for causes of action in tort cases.
2. Distinguish between intentional torts, negligence, and strict liability.
3. Perform tort litigation drafting tasks that are typically assigned to paralegals.

### **Objectives:**

Upon completion of the course, students will be able to:

1. Draft and respond to pleadings in tort.
2. Apply appropriate standards of reasonableness, causation, and foreseeability in tort actions.
3. Assist with assessment and investigation of claims for potential damages.

### **Topics and Scope:**

1. Introduction to Tort Litigation and Drafting
  - a. Categories of torts
  - b. Elements of torts
  - c. Tort terminology
  - d. Drafting pleadings in tort
2. Negligence: Summary
  - a. Duty
  - b. Breach
  - c. Causation
  - d. Damages
3. Negligence: Foreseeability
  - a. Objective standard

- b. Determination "formula"
- c. Area analysis
- d. Activity analysis
- e. People analysis
- f. Preparation analysis
- g. Historical data
- h. Common Sense
- 4. Negligence: Duty
  - a. General rule
  - b. Unforeseeable plaintiff
  - c. Nonfeasance and special relationships
  - d. Gratuitous undertaking
- 5. Negligence: Breach of Duty
  - a. Standard of care: reasonableness
  - b. Breach of duty equation
  - c. Objective or subjective standard
  - d. Res ipsa loquitur
  - e. Violation of statute, ordinance, or regulation
  - f. Gross negligence and willful, wanton, reckless conduct
  - g. Vicarious liability
  - h. Medical malpractice
  - i. Legal malpractice
- 6. Negligence: Proximate Cause
  - a. Evidence of causation
  - b. Cut-off test of proximate cause
  - c. Intervening causes
  - d. Unforeseeable plaintiff
  - e. Analysis of proximate cause
- 7. Negligence: Damages
  - a. Types of damages
  - b. Pain and suffering
  - c. Property damage
  - d. Doctrine of avoidable consequences
  - e. Joint tortfeasors
  - f. Indemnity
- 8. Negligence: Defenses
  - a. Contributory negligence
  - b. "Last clear chance"
  - c. Comparative negligence
  - d. Assumption of the risk
- 9. Intentional Torts
  - a. Torts that survive
  - b. Common law and statutory law
  - c. Characteristics of actions that survive
  - d. Wrongful death
  - e. Avoiding double recovery
- 10. Infliction of Emotional Distress
  - a. Intentional infliction of emotional distress
  - b. Extreme or outrageous conduct
  - c. Intent
  - d. Causation
  - e. Severe emotional distress

- f. Negligent infliction of emotional distress
- g. Physical harm and injury
- h. Later physical harm or injury
- i. Witnessing someone else's injury
- 11. False Imprisonment and False Arrest
  - a. Confinement
  - b. Intent
  - c. Causation
  - d. Consciousness of harm
  - e. Peace officer's privilege of arrest
  - f. Private citizen's privilege of arrest
- 12. Defamation
  - a. Libel
  - b. Slander
  - c. Absolute privilege
  - d. Publication
  - e. Damages
- 13. Assault and Battery
  - a. Intent and motive
  - b. Harmful or offensive
  - c. Transferred intent
- 14. Torts Against the Family
  - a. Loss of consortium
  - b. Loss of services
  - c. Abduction or enticement of a child
  - d. Criminal conversations
- 15. Torts Connected with Land
  - a. Trespass
  - b. Strict liability for abnormally dangerous conditions or activities
  - c. Nuisance
  - d. Special problems of buyers and sellers
  - e. Landlord and tenant
  - f. Invasion of privacy
- 16. Business Torts
  - a. Disparagement
  - b. Interference with contract relations
  - c. Injurious falsehood
  - d. Interference with prospective advantage
- 17. Privileges and Immunities
  - a. Consent in tort law
  - b. Self-help privileges
  - c. Sovereign immunity
  - d. Official immunity-liability of government
  - e. Employees
- 18. Strict Liability
  - a. Negligence
  - b. Manufacturer and non-manufacturer
  - c. Defenses
  - d. Misrepresentation
  - e. Warranty and strict liability
  - f. Express and implied warranties
  - g. Strict liability in tort

h. Defective products that are unreasonably dangerous

### Assignment:

1. Read textbook and outside sources of approximately 40 pages per week.
2. Weekly pleadings in tort written homework assignments based on lecture and readings.
3. Analysis of tort fact patterns.
4. Participation in weekly discussions.
5. Group work and group presentations of pleadings in tort.
6. Tort terminology - homework.
7. Midterm and final.

### Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Weekly pleadings in tort written homework assignments, tort fact patterns.

Writing  
20 - 25%

**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Tort terminology - homework, assignments, group work and presentations of pleadings in tort.

Problem solving  
20 - 25%

**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None

Skill Demonstrations  
0 - 0%

**Exams:** All forms of formal testing, other than skill performance exams.

Midterm and final

Exams  
40 - 45%

**Other:** Includes any assessment tools that do not logically fit into the above categories.

Attendance and participation in weekly discussions.

Other Category  
10 - 20%

### Representative Textbooks and Materials:

Essentials of Torts, by William Statsky, Delmar Cengage Learning, 3rd edition, 2011 (classic in the field).