

# Course Syllabus

## [PLS 62, Torts; Section 8801]

**3 units - 6 weeks**

**Dates:** June 16, 2019 - July 28, 2019

**Online:** New Course Module Posted Each Monday by 1:00 pm

**Instructor:** Laura Pedicini; email: [lpedicini@santarosa.edu](mailto:lpedicini@santarosa.edu); Phone: 209-968-6060

**Required Text:** Bevans, Neal R. "Tort Law for Paralegals",

5th ed. Aspen Publishers.

### Course Description and Overview

This class will provide a foundational framework for the topic of torts, primarily focusing on injuries that occur in civil litigation. Although geared toward paralegal students, it will provide all students with an overview of tort law, in depth discussion of civil injuries law and a solid foundation in the practicalities of how the law of torts applies to daily life, civil litigation, and the occasional overlap between criminal and civil law. We will pay particular attention to the legal concepts of negligence, intentional torts, product liability, and business torts, as well as an understanding of the paralegal's function in a civil law firm. The course outline of record can be found at

[https://portal.santarosa.edu/SRWeb/SR\\_CourseOutlines.aspx?mode=1&CVID=21592&Semester=20107](https://portal.santarosa.edu/SRWeb/SR_CourseOutlines.aspx?mode=1&CVID=21592&Semester=20107).

Please keep in mind that the course structure has previously been "in person" rather than online. This class is not only online, which will change the dynamic of how the material is presented and learned, it is also much shorter - 6 weeks only. As a result, it is critical that you stay on top of your reading and anticipate significant reading each week. Please note that the syllabus content below provides a general overview of what

will be covered. This is the first time I've taught Torts online; the pace we achieve, and the topics we cover may be redefined as the semester proceeds.

## **General Policies**

### **Code of Conduct**

Students must adhere to the Student Code of Conduct as outlined in the SRJC Schedule of Classes. Students are required to have a valid e-mail address in their SRJC student portal. Students are expected to check their email accounts on a regular and frequent basis.

### **Email and Communication**

I will typically respond to email messages within 24 hours. If you would like to set up a time to speak with me by phone, please email me first. I am always happy to arrange phone meetings with students, and encourage them, but since I work full-time during the day, we will need to schedule a time that is convenient for both of us. As a result, some advanced planning will be required.

I will be available every Wednesday from 6pm-8pm for "online" office hours. If you email me during this timeframe, I will respond as quickly as possible in real time. However, keep in mind that I may be busy with another student at the time that you email, so my response may not be immediate.

### **Discussion Group Posts and Reading Assignment Expectations**

Students must purchase or rent the required text, read the assigned textbook assignment each week, and meaningfully participate in discussion group posts. Keep in mind that discussion group posts take the place of class time. As a result, it is important that you put your best effort into your posts, and respond to posts by other students, much like you would if we were in class. It is expected that students will challenge and engage other students in discussion group posts respectfully. Your grade will be impacted by the effort you put into the discussion group posts; failure to participate, or to participate in a timely manner, will adversely affect your grade.

### **Office Hours:**

I will be available every Wednesday evening, from 6pm-8pm to answer student questions. You may email me during that time frame and expect a response back within the two hour time frame. Additionally, students are encouraged to contact the instructor via e-mail or at the telephone number above for questions or assistance. Again, please email me first to set up a time to speak by phone.

### **Attendance:**

Only enrolled students may participate in the online class.

Regular attendance, which is measured by your participation in the discussion group post, is essential, and late posts may adversely affect grades. Students who do not participate in a discussion group by submitting a post before the deadline will be marked "absent" for the week.

A student may be dropped from any class when that student's absences exceed ten percent (10%) of the total hours of class time; in this case, because we only meet for six weeks, two weeks' of failing to respond to a discussion group post could lead to a drop.

### **Assignments:**

Assignments will be posted each Monday by 1:00 pm. Any changes or additions to the syllabus will be detailed via an announcement sent to all students via Canvas or emailed to students using the email student portals.

No "extra credit", or substitution of assignments will be permitted.

All written work is to be original; plagiarism will result in a failing grade for that assignment and a required meeting with the Dean.

All assignments are due by Sunday night at midnight.

Assignments received within 24 hours after the date and time the assignment is due will receive no more than 50% of the total possible points. No assignment received later than 72 hours after the date and time due will be read and no credit will be earned for that assignment.

Students must upload assignments on to Canvas. Do not email assignments separately, unless there is a true emergency and you are unable to access Canvas.

### **Grading:**

Grades are based on assignments (primarily discussion group posts, though there will often be a second "written" assignment on a separate topic each week), the midterm and final exam, and the extent to which a student timely and meaningfully participates in class discussions. The following grading schedule applies:

90-100% A

80-89% B

70-79% C

60-69% D

Below 60% F

### **Grade Determination:**

The final grade will be comprised of the results of a mid-term exam (100 points), a final exam (100 points), and discussion group posts and written assignments (240 points) = 440 points possible.

The final exam and midterm will consist of multiple choice/true false and essay/short answer components.

Facts considered in grading each assignment include, but are not limited to, quality of work, timely completion, demonstration of understanding of assignments, completeness, spelling, grammar, punctuation, organization, format, clear legal thinking, and overall comprehensive writing skills.

### **Student Learning Outcomes:**

Students will be able to:

1. Identify and describe the elements/ causes of action in torts
2. Distinguish between intentional torts, negligence, and strict liability.
3. Understand and apply tort litigation drafting tasks that are typically assigned to paralegals.
4. Identify defenses to tort actions.

**Objectives:**

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

1. Articulate an understanding of the main tort actions, including the elements of each.
2. Perform pre-trial evaluation of potential tort cases.
3. Apply appropriate standards of reasonableness, causation, and foreseeability in tort actions when asked to identify them in a discussion group post or exam.
4. Assess claims for potential damages.

**Topics and Scope (General Overview - not ALL topics will be covered in 6 weeks)**

1. Introduction to Tort Law
2. Categories of torts
3. Elements of torts
4. Tort terminology
5. Negligence: Summary
6. Duty
7. Breach
8. Causation
9. Damages
10. Negligence: Foreseeability
11. Objective standard
12. Determination "formula"
13. Area analysis
14. Activity analysis
15. Victim analysis
16. Preparation analysis
17. Historical data
18. Common Sense

19. Negligence: Duty
20. General rule
21. Unforeseeable plaintiff
22. Nonfeasance and special relationships
23. Gratuitous undertaking
24. Negligence: Breach of Duty
25. Standard of care: reasonableness
26. Breach of duty equation
27. Objective or subjective standard
28. Res ipsa loquitur
29. Violation of statute, ordinance, or regulation
30. Gross negligence and willful, wanton, reckless conduct
31. Vicarious liability
32. Medical malpractice
33. Legal malpractice
34. Negligence: Proximate Cause
35. Evidence of causation
36. Cut-off test of proximate cause
37. Intervening causes
38. Unforeseeable plaintiff
39. Analysis of proximate cause
40. Negligence: Damages
41. Types of damages
42. Pain and suffering
43. Property damage
44. Doctrine of avoidable consequences
45. Joint tortfeasors
46. Indemnity
47. Negligence: Defenses
48. Contributory negligence
49. "Last clear chance"
50. Comparative negligence
51. Assumption of the risk
52. Survival and Wrongful Death
53. Torts that survive
54. Common law and statutory law
55. Characteristics of actions that survive
56. Wrongful death
57. Avoiding double recovery

58. Products Liability
59. Negligence
60. Manufacturer and non-manufacturer
61. Defenses
62. Misrepresentation
63. Warranty and strict liability
64. Express and implied warranties
65. Strict liability in tort
66. Defective products that are unreasonably dangerous
67. Infliction of Emotional Distress
68. Intentional infliction of emotional distress
69. Extreme or outrageous conduct
70. Intent
71. Causation
72. Severe emotional distress
73. Negligent infliction of emotional distress
74. Physical harm and injury
75. Later physical harm or injury
76. Witnessing someone else's injury
77. False Imprisonment and False Arrest
78. Confinement
79. Intent
80. Causation
81. Consciousness of harm
82. Peace officer's privilege of arrest
83. Private citizen's privilege of arrest
84. Defamation
85. Libel
86. Slander
87. Absolute privilege
88. Publication
89. Damages
90. Assault and Battery
91. Intent and motive
92. Harmful or offensive
93. Transferred intent
94. Torts Against the Family
95. Loss of consortium
96. Loss of services

97. Abduction or enticement of a child
98. Criminal conversations
99. Torts Connected with Land
100. Trespass
101. Strict liability for abnormally dangerous conditions or activities
102. Nuisance
103. Special problems of buyers and sellers
104. Landlord and tenant
105. Business Torts
106. Disparagement
107. Interference with contract relations
108. Injurious falsehood
109. Interference with prospective advantage
110. Privileges and Immunities
111. Consent in tort law
112. Self-help privileges
113. Sovereign immunity
114. Official immunity-liability of government
115. Employees

### **Assignments:**

1. Read textbook and outside sources of approximately 40 pages per week.
2. Weekly homework assignments based on lecture and readings.
3. Analysis of tort fact patterns.
4. Participation in weekly discussions.
5. Group work and group presentations.
6. Memorization of terminology.
7. Two to five quizzes.

### **Methods of Evaluation/Basis of Grade.**

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

Writing

20 - 25%

Analysis of problems as written assignments.



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

Problem Solving

20 - 25%

Homework assignments, group work

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

Skill Demonstrations

0 - 0%

None

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

Exams

40 - 45%

Quizzes of multiple choice, true/false, matching items, terminology, short answers and final exam

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

Other Category

10 - 20%

Attendance and participation (as gauged by timely discussion group posts)

## Standards of Conduct

Students who register in SRJC classes are required to abide by the SRJC Student Conduct Standards. Violation of the Standards is basis for referral to the Vice President

of Student Services or dismissal from class or from the College. See the [Student Code of Conduct page](#).

Collaborating on or copying of tests or homework in whole or in part will be considered an act of academic dishonesty and result in a grade of 0 for that test or assignment. I encourage students to share information and ideas, but not their work. See these links on Plagiarism:

[SRJC Writing Center Lessons on avoiding plagiarism](#)

[\(Links to an external site.\)](#)

[Links to an external site.](#)

[SRJC's policy on Academic Integrity](#)

[\(Links to an external site.\)](#)

[Links to an external site.](#)

## **Other Important Policies and Practices**

### **Avoid Plagiarism Like the, er, Plague**

Although most students have likely heard about plagiarism during their years of schooling, it still is prevalent-even in higher education.

The video below reviews what plagiarism is and how not to do it.

[Plagiarism: How to avoid it](#)



This activity tests your knowledge of plagiarism (not graded): [Self-check: Plagiarism](#)

## **Netiquette, or Why Is It Harder to Be Polite Online?**

*Netiquette* refers to using common courtesy in online communication. All members of the class are expected to follow netiquette in all course communications. Use these guidelines:

- Use capital letters sparingly. THEY LOOK LIKE SHOUTING.
- Forward emails only with a writer's permission.
- Be considerate of others' feelings and use language carefully.
- Cite all quotations, references, and sources (otherwise, it is plagiarism).
- Use humor carefully. It is hard to "read" tone; sometimes humor can be misread as criticism or personal attack. Feel free to use emoticons like :) for a smiley face to let others know you are being humorous.
- Use complete sentences and standard English grammar to compose posts. Write in proper paragraphs. Review work before submitting it.
- Text speak, such as "ur" for "your" or "ru" for "are you" etc., is only acceptable when texting.

## **Special Needs**

Students with disabilities who believe they need accommodations in this class are encouraged to contact Disability Resources (527-4278), as soon as possible to better ensure such accommodations are implemented in a timely fashion.