I. COURSE DESCRIPTION:

A. Fundamental concepts of tort and personal injury law including intentional torts, negligence, and strict liability with emphasis on the paralegal's role.

B. LGLA 2303, Torts and Personal Injury Law, is a required course in the Paralegal/Legal Assistant degree plan.

C. This course is occupationally related and serves as preparation for careers in law.

D. Prerequisite(s): None

II. LEARNING OUTCOMES

Upon successful completion of this course, Tort and Personal Injury, the student will:

General Objectives:

A. Use terminology relating to tort and personal injury law;

B. Analyze sources relating to tort and personal injury law;

C. Draft documents used in tort and personal injury law; and

D. Analyze the ethical considerations of the paralegal's role in tort and personal injury law.

III. INSTRUCTIONAL MATERIALS

A. Instructional Materials for this course may be found at www.ctcd.edu/books.

B. Additional references may be required that are available in the servicing library or as identified by the instructor.
IV. COURSE REQUIREMENTS

A. Reading Assignment: As assigned by Instructor.

B. Projects, Oral Reports, Case Studies, Book Reports, Research Papers:
   Students will be expected to complete and submit all assigned projects, reports, and other assignments as indicated by the instructor.

C. Class Performance:
   All students are required and expected to maintain the highest standards of scholastic honesty in the preparation of all course work and during examinations. For a description and consequences of scholastic dishonesty see the CTC Catalog.

D. Traditional Class Participation: The Student is expected to be on time to class, to have read the assigned materials, and be prepared to discuss the assignment in class. All persons must be present on exam day unless properly excused in advance. Students who are late for or absent from class have the absolute responsibility for obtaining the missed information. Students will be expected to take all scheduled examinations in the class period in which they are assigned. Students are expected to observe the Central Texas College policy for attendance as explained in the current catalog.

E. Each student is expected to act in a manner consistent with the College’s functions and goals as an institution of higher education. The Board of Trustees of Central Texas College states the following examples of misconduct constitute an interference with the lawful and orderly use of college premises, facilities, and activities for which students may be subject to disciplinary action. This is not an all-inclusive list of prohibited behavior.

   a. Interference with teaching, research, administration or CTC’s other responsibilities through disorderly conduct or disruptive behavior. This includes the use of or ringing of cell phones in the classroom. The instructor has the right to ask the student to leave the classroom and if the incident is repeated, the instructor has the right to ask the student to leave the class.

   b. Refusing to depart from any property or facility of the College upon direction by College officials.

For more information on Non-Academic Misconduct please see the Student Handbook.

F. Academic Dishonesty: The College and its official representatives may initiate disciplinary proceedings against any student accused of any form of academic dishonesty. Academic dishonesty includes, but is not limited to, cheating on academic work, plagiarism and collusion.

   a. Cheating on academic work includes:
      1. Copying another student’s test paper, research paper or term paper.
2. Using materials during a test that are not authorized by the test administrator.
3. Collaborating with another student during a test or in academic preparation without permission.
4. Using, buying, selling, stealing, transporting, or soliciting the contents of an unadministered test.

b. Plagiarism is defined as presentation for credit as one’s own idea or product derived from an existing source.

c. Collusion is defined as the unauthorized collaboration with another person in preparing written work for credit.

All questions of academic dishonesty are reviewed by the faculty member. If the student does not accept the decision of the faculty member, the student may appeal to the department chairperson. If the student disagrees with the decision of the department head, the student’s case will be referred to the Dean of the Central Campus. The student will be allowed to remain in class until the process is exhausted except when immediate suspension or expulsion is deemed necessary for the continuance of the educational mission or when the safety of persons or property is in jeopardy. (See Student Handbook for more details.)

D. Feedback is the return of data about the result of a process. Feedback will be provided via test scores, graded assignments, and/or instructor evaluation of the students’ progress. Each student is encouraged to take advantage of the many avenues for feedback available to them. For example, office hours are established primarily to provide students access to their instructors to discuss their academic performance, to answer their substantive questions, and in some cases, to give them other academic guidance. While adjunct faculties do not normally have office hours, they are generally available before or after class to meet with you. E-mail is another easily available medium to obtain feedback. Additional feedback may be provided at the discretion of the instructor or upon the request of the student.

V. EXAMINATIONS  This can be changed.

A. The Instructor may have a final exam for this course or substitute the final exam for a drafting project or final project.

B. The student must be present for all examinations. No make-up examinations will be given. Students who know in advance they will be absent from an examination due to valid reasons must arrange to take an early examination. Unexpected absences due to illness or extenuating circumstances will require the student to see the instructor about individual make-up work in lieu of the missed examination.

C. Students without excused absences will be given a zero for the examination missed.
VI. SEMESTER GRADE COMPUTATIONS

As per Instructor.

VII. NOTES AND ADDITIONAL INSTRUCTIONS FROM COURSE INSTRUCTOR

A. Withdrawal from Course: There are occasions when it may be necessary to drop a course. In order to be officially withdrawn from the course, a student must obtain and complete a withdrawal form and have it signed thereon. The student’s transcript will show “W” or “F”, depending on whether the student is passing or failing in his/her course at the time of withdrawal.

  Friday of 3rd week for 5-week courses
  Friday of 4th week for 6-week courses
  Friday of 6th week for 8-week courses
  Friday of 7th week for 10-week courses
  Friday of 9th week for 12-week courses
  Friday of 12th week for 16-week courses

B. An Administrative Withdrawal: Results when a student is absent as excessive number of times, as defined in the current Central Texas College Catalogue and/or other published amendatory documentation. In such a case, the student is dropped from the course with a grade of “F”.

C. An Incomplete Grade: May be given only in those cases where, because of personal illness, death in the immediate family, school sponsored trip, or military orders, the student is unable to complete the final examination for a course. Prior approval from the instructor is required before the grade of “IP” is recorded. A student who merely fails to show for the final examination will receive a zero for the final and “F” for the course.

D. Cellular Phones and Beepers: Cellular phones and beepers will be turned off while the student is in the classroom or laboratory.

E. American’s with Disabilities Act (ADA): Disability Support Services provide services to students who have appropriate documentation of a disability. Students requiring accommodations for class are responsible for contacting the Office of Disability Support Services (DSS) located on the central campus. This service is available to all students, regardless of location. Review the website at www.ctcd.edu/disability-support for further information. Reasonable accommodations will be given in accordance with the federal and state laws through the DSS office.

F. Instructor Discretion: The instructor reserves the right of final decision in course requirements.
G. **Civility:** Individuals are expected to be cognizant of what a constructive educational experience is and respectful of those participating in a learning environment. Failure to do so can result in disciplinary action up to and including expulsion.

H. **Non-attribution Policy:** In order to facilitate the free flow of information, no statements of personal opinion concerning lawyers, judges, cases, or the legal system may be attributed to the speaker and is meant to be confidential communication. This educational institution encourages complete freedom of expression in all academic endeavors. Comments made by instructors and students will not be attributed to them in any public forum or to any individual likely to transmit such statements to a public forum. However, participation in CTC academic events does not create a category of privileged communication. Our non-attribution policy protects all participants in our program -- staff, faculty, students, speakers, and other guests -- against having their remarks and opinions publicly quoted or otherwise attributed to them without their express consent; allows such statements to be discussed, away from CTC, provided care is taken to avoid publicly identifying the speaker; and encourages speakers to be responsible for the substantive content of their statements.

VIII. COURSE OUTLINE

A. **Unit One: Overview of Tort Law**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:

   a. Define a tort and distinguish between a tort and a crime, as well as between a tort and a contract.
   b. Trace the evolution of tort law.
   c. Recognize the philosophical principles and arguments underpinning tort law.

2. **Unit Outline:**
   a. Background
   b. What Is a Tort?
   c. Reasonableness of Conduct
   d. Public Policy
   e. Morality of Conduct
   f. Slippery-Slope Arguments
   g. Creation of Case Law
   h. Relationship between Tort Law and Other Areas of the Law
   i. Brief History of Tort Law
   j. Coming Full Circle
   k. Classification of Torts
3. **Suggested Unit Learning Activities:**

   a. Take chapter quizzes  
   b. Take chapter case study quizzes  
   c. Complete drafting assignments  
   d. Participate in discussions

B. **Unit One (cont.): Overview of a Tort Case**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:

   a. The initiation of a complaint and a response to that complaint.  
   b. The conduct of the discovery process.  
   c. The preparation for trial.  
   d. The conduct of a trial.  
   e. The implementation of post-trial procedures.

2. **Unit Outline:**
   a. Initiating a Complaint  
   b. Defendant’s Response  
   c. Discovery  
   d. Pretrial Procedures  
   e. Trial  
   f. Post-trial  
   g. Emphasis on Discovery throughout This Text

3. **Suggestion Learning Activities:**
   a. Take chapter quizzes  
   b. Take chapter case study quizzes  
   c. Complete drafting assignments  
   d. Participate in discussions

C. **Unit Two: Intentional Torts**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:

   a. Identify the elements of assault, battery, false imprisonment, and infliction of mental distress.  
   b. Identify the elements of trespass to land, trespass to chattels, and conversion.  
   c. Recognize circumstances in which it is appropriate to raise the defenses of consent or necessity.  
   d. Recognize when force can be used to defend self, others, or property, to regain possession of chattels, or to reenter land.
2. **Unit Outline:**
   a. What Is an Intentional Tort?
   b. Intentional Torts against Persons
   c. Intentional Torts against Property Defenses

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

D. **Unit Two (cont.): Negligence: Duty**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Describe the standard of care expected of a possessor of land toward those who enter his or her land.
   b. Describe the standard of care that arises out of certain special relationships (e.g., employer-employee) and special situations (e.g., rendering emergency care).
   c. Describe the standard of care expected of landlords, tenants, and sellers of land.
   d. Recognize the concepts of vicarious liability and the family-purpose doctrine.

2. **Unit Outline:**
   a. Overview of Duty
   b. Possessors of Land
   c. Trespassers
   d. Licensees
   e. Invitees
   f. Common Law Distinctions Today
   g. Outside the Possessor’s Property
   h. Landlord/Tenant Liability
   i. Sellers of Land
   j. Duty to Protect or Aid Others
   k. Unborn Children
   l. Vicarious Liability
   m. Application

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions
E. **Unit Three: Negligence: Breach of Duty**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Identify the criteria used to assess the reasonableness of a person’s conduct.
   b. Distinguish between objective and subjective standards.
   c. Use the Learned Hand formula.
   d. Apply the concepts of negligence per se and res ipsa loquitur.

2. **Unit Outline:**
   a. What Is Reasonable Conduct?
   b. Learned Hand Formula
   c. Restatement Position
   d. Reasonable-Person Standard—Objective versus Subjective
   e. What the Reasonable Person Is Expected to Know
   f. Defendants with Special Characteristics
   g. Children
   h. Emergencies
   i. Custom
   j. Professions
   k. Negligence Per Se
   l. Automobile-Guest Statutes
   m. Res Ipsa Loquitur
   n. Application

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

F. **Unit Three (cont.): Negligence: Causation**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Distinguish between actual cause and proximate cause.
   b. Prove the element of actual cause.
   c. Distinguish between the Cardozo and Andrews approaches to proximate cause.
   d. Identify the exceptions to the Cardozo rule of foreseeability.
   e. Distinguish between an intervening and a superseding cause.

2. **Unit Outline:**
   a. Actual Cause
   b. Proximate Cause
   c. Exceptions to the Cardozo Rule
d. Intervening Causes
e. Jury Cause
f. Application

3. Suggested Unit Learning Activities:
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

G. Unit Four: Negligence: Damages

2. Unit Objectives: Upon successful completion of this unit, the student will be able to:
   a. Categorize damages.
   b. Recognize the various components of damages.
   c. Appreciate the practical problems inherent in calculating damages.
   d. Recognize the limitations on what a plaintiff can recover.
   e. Appreciate the controversy surrounding punitive damages.
   f. Distinguish between wrongful-death and survival actions.

2. Unit Outline:
   a. Categories of Damages
   b. Illustration of Damages
   c. Shortened Life Expectancy
   d. Collateral Source Rule
   e. Expenses of Litigation
   f. Damages for Physical Harm to Property
   g. Damages in Product Liability Cases
   h. Punitive Damages
   i. Recovery for Loss of Consortium
   j. Assessment of Damages
   k. Wrongful-Death and Survival Actions
   l. Discounting Future Damages
   m. Structured Settlements
   n. Mitigation of Damages
   o. Mental Suffering
   p. Application

3. Suggested Unit Learning Activities:
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions
H. **Unit Four (cont.): Negligence: Defenses**

1. **Unit Objectives**: Upon successful completion of this unit, the student will be able to:
   a. Identify the elements of contributory negligence, comparative negligence, and assumption of risk.
   b. Recognize the exceptions to the contributory-negligence rule.
   c. Recognize the problems that arise in the administration of a comparative-negligence system.
   d. Differentiate between contributory negligence and assumption of risk.
   e. Identify situations in which immunity can be raised as a defense.
   f. Recognize the purpose behind the problems inherent in a statute-of-limitations defense.

2. **Unit Outline**:
   a. Contributory Negligence
   b. Comparative Negligence
   c. Assumption of Risk
   d. Immunities
   e. Statutes of Limitations and Statutes of Repose
   f. Application

3. **Suggested Unit Learning Activities**:
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

I. **Unit Five: Malpractice**

1. **Unit Objectives**: Upon successful completion of this unit, the student will be able to:
   a. Explain the standard of care to which a professional is held.
   b. Identify ways in which professional negligence is committed.
   c. Explain the informed-consent doctrine.
   d. Recognize defenses that can be raised in response to a professional negligence claim.
   e. Appreciate the reasons for the increase in professional negligence claims.

2. **Unit Outline**:
   a. What Is Reasonable Care?
   b. How Negligence Can Occur
   c. Specialists
   d. Informed Consent
   e. Battery versus Negligence
   f. Defenses to Professional Negligence
g. Maintaining Adequate Records  
h. Underlying Causes of Professional Negligence Suits  
i. How to Prevent Professional Negligence Suits  
j. Medical Malpractice Crisis  

3. Suggested Unit Learning Activities:  
   a. Take chapter quizzes  
   b. Take chapter case study quizzes  
   c. Complete drafting assignments  
   d. Participate in discussions  

J. Unit Five (cont.): Misrepresentation, Nuisance, and Other Torts  

1. Unit Objectives: Upon successful completion of this unit, the student will be able to:  
   a. Distinguish among intentional, negligent, and innocent misrepresentation and identify the elements of each.  
   b. Identify situations in which one is entitled to rely on the representations of another.  
   c. Identify the two ways in which a plaintiff’s damages can be measured.  
   d. Distinguish between public and private nuisance and identify the elements of both.  
   e. Identify the elements of the torts involving interference with business relations.  
   f. Distinguish among the torts involving misuse of legal process and identify the elements of each.  

2. Unit Outline:  
   a. Development of Misrepresentation and Its Relationship to Other Torts  
   b. Intentional Misrepresentation  
   c. Negligent Misrepresentation  
   d. Innocent Misrepresentation  
   e. Nuisance  
   f. Interference with Business Relations  
   g. Misuse of Legal Process  

3. Suggested Unit Learning Activities:  
   a. Take chapter quizzes  
   b. Take chapter case study quizzes  
   c. Complete drafting assignments  
   d. Participate in discussions
K. **Unit Six: Strict Liability**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Identify those circumstances in which animal owners are held strictly liable for damages caused by their animals.
   b. Describe abnormally dangerous activities.
   c. Describe the defenses that can be raised in response to a strict liability claim.

2. **Unit Outline:**
   a. Overview of Strict Liability
   b. Strict Liability for Harm Caused by Animals
   c. Abnormally Dangerous Activities
   d. Product Liability
   e. Limitations on Strict Liability

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

L. **Unit Six (cont.): Product Liability**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Differentiate among negligence, warranty, and strict liability causes of action.
   b. Appreciate the importance of classifying losses as personal injury losses, property damage, or economic losses.
   c. Identify characteristics and examples of manufacturing defects, design defects, and defective warnings.
   d. Recognize when it is appropriate to sue on the basis of negligence, strict liability, and breach of warranty.
   e. Identify the characteristics of express and implied warranties.
   f. Explain the rationale behind strict liability.
   g. Outline the elements of a strict liability claim.
   h. Identify the defenses that can be raised in negligence, strict liability, and warranty causes of action.
   i. Explain what a class action is, what its benefits are, and the requirements of its certification.
2. **Unit Outline:**
   a. Overview of Product Liability
   b. Theories of Recovery
   c. Types of Losses
   d. Types of Defects
   e. Defenses
   f. Preemption
   g. Class Actions

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

M. **Unit Seven: Defamation and Related Torts**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Distinguish between libel and slander.
   b. Identify the elements of defamation and the damages that can be recovered.
   c. Recognize the importance of distinguishing between private and public figures.
   d. Distinguish between absolute and qualified privileges of defendants.
   e. Distinguish among the four torts that are considered an invasion of privacy and identify the elements of each.
   f. Identify the tort of injurious falsehood and distinguish between slander of title and trade libel.

2. **Unit Outline:**
   a. Libel versus Slander
   b. What Is a Defamatory Statement?
   c. Privileges
   d. Defamation on the Web
   e. Invasion of Privacy
   f. Injurious Falsehood

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions
N. **Unit Seven (cont.): Vicarious Liability**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Identify the circumstances in which an employer is vicariously liable for the acts of an employee or an independent contractor.
   b. Distinguish between an employer-employee relationship and an employer-independent contractor relationship.
   c. Identify the exceptions to the bailor-nonliability rule as applied to the owners of automobiles.
   d. Recognize situations in which contributory negligence is imputed.
   e. Identify the circumstances in which parents are vicariously liable for the acts of their children.

2. **Unit Outline:**
   a. Overview of Vicarious Liability
   b. Employer-Employee Relationship
   c. Employers-Independent Contractors
   d. Bailments
   e. Imputed Contributory Negligence
   f. Parental Liability

3. **Suggested Unit Learning Activities:**
   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions

O. **Unit Eight: Tort Reform**

1. **Unit Objectives:** Upon successful completion of this unit, the student will be able to:
   a. Identify the goals of the tort system.
   b. Identify the historical roots of tort reform.
   c. Describe the primary issues that drive the tort reform movement today.
   d. Critique the measures being proposed to reform the tort system in reference to punitive damages, joint and several liability, collateral-source payments, and frivolous lawsuits.

2. **Unit Outline:**
   a. Goals of the Tort System
   b. Historical Roots of Tort Reform
   c. Focus of Today’s Reformers
   d. Is There Really a Problem?
   e. Tort Reform in Practice
3. **Suggested Unit Learning Activities:**

   a. Take chapter quizzes
   b. Take chapter case study quizzes
   c. Complete drafting assignments
   d. Participate in discussions