CEPL 25070 Substantive Law: Torts

Text:
Torts & Personal Injury Law for the Paralegal: Developing Workplace Skills, Richard N. Jeffries - Prentice Hall

Faculty:
Thomas Lynch, Esquire and the Honorable Judge Fred Mester

Thomas Lynch, Esquire

Contact Information: Hon. Fred M. Mester – judge@judgemester.com
Thomas Lynch - Thomas.lych@ally.com phone no: 313-656-6114

Schedule:
Winter Semester - Every Wednesday, beginning January 6 - April 6, 2016
6:30-9:30; 14 weeks

Credit Hours:
4.2 CEU’s

Course Description:
To provide a comprehensive view of the major areas of tort law, including basic intentional torts, defamation and privacy, negligence, strict (or absolute) liability, product liability, nuisance and understand the concepts relevant to all torts. Students will first learn the foundations of law and its institutions. Next, students will learn how to apply the knowledge gained in the substantive portion. Students will learn the step-by-step practice skills from the perspective of both the plaintiff and defense. Students will prepare a set of actual documents based on a given factual situation. Lectures will focus on the actual workings of the Michigan civil law system. The roles of the prosecution, defense and judge will be examined in the text and in class discussions.

Written and oral presentation assignments, including but not limited to some or all of the following: problem solving, case briefing, scenarios, oral argument, internet discussion board, class participation, outside readings and examinations including a Final Examination. Sessions further consist of Chapter Overview, Facilitation, Discussion, Oral Presentations, Arguments and Analysis. As facilitation is an integral part of the learning process, it is a factor in grading. Use of law library, internet search, MCLA, and Michigan and Federal Cases

Academic Honesty:
Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Submit work that represents your original words or ideas. Using another’s work or idea without acknowledgement or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see http://wwwp.oakland.edu/pace/policies-procedures

Attendance:
Attendance is a factor in awarding CEUs. Students are allowed a maximum of three excused absences. Contact instructor for make-up policy and due dates for incomplete assignments. If you will be absent from a class please contact the instructor.

Course Standards:
It is the responsibility of each student to be prepared for each session. All assignments must be submitted on their due date. Students are expected to complete reading assignments prior to the scheduled class. It is required that students actively involve themselves in class discussions. Missing class, being late or unprepared will affect the Class Participation portion of a grade. Students are responsible for arranging with a classmate to obtain missed notes, materials,
and/or assignments.

No cell phone or other related electronic use in class. Set phones to vibrate, and leave class if a response is necessary. No tape recording or videotaping except as approved by the instructor.

**Evaluation Methods:**

<table>
<thead>
<tr>
<th>Written assignments</th>
<th>60%</th>
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<tbody>
<tr>
<td>Mid-term (essay)</td>
<td>20%</td>
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<td>Final exam (essay)</td>
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**Student Resources:**

The Office of Disability Support Services (DSS) is the campus office responsible for verifying that students have disability-related needs and determining academic accommodations, auxiliary aids and other services. Students with learning, psychological, or physical disabilities who may require accommodations should contact DSS at: 103A North Foundation Hall, Phone: 248-370-3266; TTY: 248-370-3268 to schedule an appointment with a DSS advisor.

*-Above ratings could be affected, as course grade may be adjusted one level, based on class participation, discussion board, final exam, extra credit and late assignments.

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<tr>
<th>Rating</th>
<th>92-100</th>
<th>90-91</th>
<th>88-89</th>
<th>86-87</th>
<th>80-85</th>
<th>78-79</th>
<th>76-77</th>
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All Sessions include Chapter Overview, Facilitation, Discussion, Oral Presentation, Argument and Analysis. Supplement Assignments with Internet Searches.

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<tr>
<th>Session</th>
<th>Detailed Topic Outline</th>
<th>Activities/Assignments</th>
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<tbody>
<tr>
<td>1</td>
<td>Chapter One: Introduction to Personal Injury and Torts&lt;br&gt;Review basic structure of course and syllabus&lt;br&gt;Tort Law in the scheme of things&lt;br&gt;Traits of a Good Personal Injury Paralegal&lt;br&gt;Anglo-American Legal History&lt;br&gt;Personal Injury&lt;br&gt;Public Policy Purposes of Tort Law&lt;br&gt;Tort Reform&lt;br&gt;Bases Upon which Tort Law is Predicated&lt;br&gt;Alternative Dispute Resolution</td>
<td>Review IRAC formula; brief cases.&lt;br&gt;Homework: Review Case 1.1 and answer the five questions.</td>
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<td>2</td>
<td>Chapter Two: Negligence: Duty and Breach of Duty &lt;br&gt;Duty &lt;br&gt;Scope of Duty &lt;br&gt;<strong>Palsgraf</strong> case &lt;br&gt;Duty in Failing to Act &lt;br&gt;Good Samaritan Law &lt;br&gt;Breach of Duty &lt;br&gt;Reasonable Person Standard &lt;br&gt;Exceptions to the General Standard of Due Care/ Reasonable Care &lt;br&gt;Gross Negligence &lt;br&gt;The Trier of Fact &lt;br&gt;Jury Instructions</td>
<td>Turn in Homework from Class One; Homework: Review Case 2-1 and answer the question and also answer Review Question #9.</td>
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<td>3</td>
<td>Chapter Three: Negligence: Causation &lt;br&gt;Actual cause (&quot;Cause in Fact&quot;) &lt;br&gt;Concurrent Liability &lt;br&gt;Multiple Causes &lt;br&gt;Proximate Cause &lt;br&gt;Foreseeability Test for Proximate Cause &lt;br&gt;Indirect Causation and Superseding Intervening Forces &lt;br&gt;Joint and Several Liability &lt;br&gt;Contribution and Indemnity</td>
<td>Turn in Homework from Class Two. Homework: Review Case 3-1 and answer the questions. Make Sure that you enter your time also answer Review Questions 2, 3, 6 and 7.</td>
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<td>4</td>
<td>Chapter Four: Negligence: Damages &lt;br&gt;Compensatory Damages &lt;br&gt;Special Damages &lt;br&gt;General Damages &lt;br&gt;Damages for Aggravation of an Injury &lt;br&gt;Mitigation of Damages &lt;br&gt;Subrogation &lt;br&gt;Punitive/Exemplary Damages &lt;br&gt;Nominal Damages &lt;br&gt;Actions for Death</td>
<td>Turn in Homework from Class Three. Homework: Review Case 4-1 and answer the questions. Also, answer Review Questions 4, 5 and 7.</td>
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<td>Chapter Five: Special Duties and Other Negligence Issues &lt;br&gt;Agency &lt;br&gt;Motor Vehicle/ Vicarious Liability &lt;br&gt;Worker's Compensation &lt;br&gt;Dram Shop Liability &lt;br&gt;Duties of Land Occupier &lt;br&gt;Negligent Infliction of Emotional Distress</td>
<td>Turn in Homework from Class Four. Homework: Review Case 5-1 and answer the questions. Also, answer Review Questions 2, 3, 4, 9 and 10.</td>
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<td>6</td>
<td>Chapter Six: Defenses to Negligence. &lt;br&gt;Affirmative Defenses &lt;br&gt;Contributory Negligence &lt;br&gt;Last Clear Chance &lt;br&gt;Comparative Negligence &lt;br&gt;Assumption of the Risk &lt;br&gt;Statutes of Limitation/Repose &lt;br&gt;Tort Immunity &lt;br&gt;Special Verdict v General Verdict</td>
<td>Turn in Homework from Class Five. Homework: Review Case 6-1, complete the assignment and answer the question. Prepare and Study for TEST ONE.</td>
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| 7       | Chapter Seven: Intentional Torts to the Person  
Battery  
Assault  
False Imprisonment  
An Act by the Defendant  
Intentional Infliction of Emotional Distress  
Defenses to Intentional Torts to Persons | TEST ONE  
Turn in Homework from Class Six.  
Homework: Review and complete Case 7-1. |
| 8       | Chapter Eight: Torts to Property  
Trespass to Land  
Nuisance  
Trespass to Chattels (Personal Property)  
Conversion  
Defenses and Privileges | Turn in Homework from Class Seven  
Homework: Review and Complete Case 8-1. |
| 9       | Finish Torts | Turn in Homework from Class 8.  
Homework: Answer Review Questions 1, 2, 3, 4, 7 and 8. |
| 10      | Chapter Nine: Strict Liability  
Strict Liability  
Three General Areas imposing Strict Liability  
Other Considerations concerning establishment of strict liability  
Defenses to Strict Liability | Turn in Homework from Class Nine.  
Homework: Review and complete Case 9-1. |
| 11      | Chapter Ten: Products Liability  
History of Products Liability  
Products Liability based upon Strict Liability  
Defenses to Strict Liability  
Products Liability based on Negligence  
Defenses to Negligence Claims in Products cases  
Products Liability based on breach of Warranty  
Defenses to Warranty Claims in Products cases  
Consumer Product Safety Act  
Lemon Law  
Products Liability based on Intention | Turn in Homework from Class Ten.  
Homework: Review and complete Case 10-1. |
| 12      | Chapter Eleven: Defamation, Invasion of Privacy and other Torts  
Defamation  
Publication to a Third person  
Harm to the reputation of the plaintiff  
Facts must be false  
Damages for Defamation  
Defenses to Defamation  
Causation  
Invasion of Privacy  
Unreasonable Intrusion upon the Seclusion of Another  
Appropriation of Name of Likeness  
Unreasonable Publicity given to the other’s private life  
Other Miscellaneous Torts | Turn in Homework from Class Eleven.  
Homework: Review and complete Case 11-1. |
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<tr>
<td>13</td>
<td>Complete Class Eleven Review and Make up session.</td>
<td>Turn in Homework from Class Eleven.</td>
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<tr>
<td>14</td>
<td>Final Exam</td>
<td>No assignments</td>
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NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE
The information provided in this Syllabus, Class, Online, or Program may not be relied upon as legal advice.

9/29/15