

ITT Technical Institute
PL1410
Fundamentals of Tort Law
Onsite Course

SYLLABUS

Credit hours: 4.5

Contact/Instructional hours: 45 (45 Theory Hours)

Prerequisite(s) and/or Corequisite(s):

Prerequisites: PL1310 Introduction to Civil Litigation or equivalent

Course Description:

This course is an overview of fundamentals of tort law. Students explore liability and compensation concerns related to civil wrongdoing. Students apply principles of intentional torts, negligence and strict liability to a variety of elements of torts. Students also study ethics and personal responsibility.

Where Does This Course Belong?

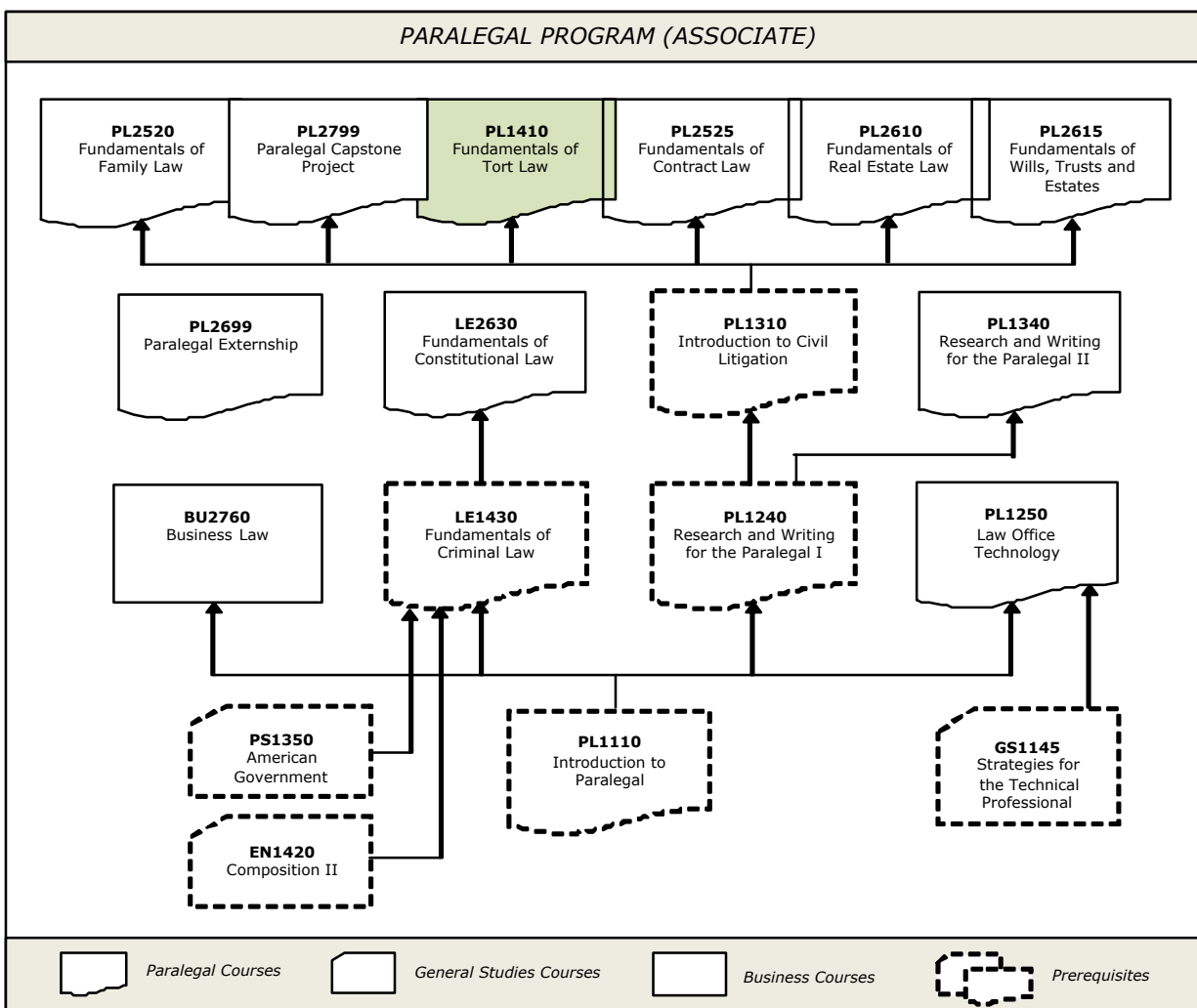
This course is required for the paralegal program. This program covers the following core areas:

- Legal research and writing
- Ethical standards
- Teamwork concepts
- Technology
- Problem solving
- Various law specialties

This course is typically offered in the second year of the paralegal associate's degree program. The paralegal degree from ITT Technical Institute helps to prepare students for meaningful careers as paralegals and legal assistants working in civil litigation, family law, criminal law, real estate law, and/or probate law.

The paralegal program exposes students to the knowledge and skills utilized in paralegal and legal assistant entry-level positions, including but not necessarily limited to civil, family, criminal, real estate, and/or probate law firms. The program introduces the fundamentals of legal research and writing, ethical standards, and various law specialties. Students are exposed to teamwork concepts, technology, and multiple approaches to problem solving.

The following diagram demonstrates how this course fits in the program:



Course Summary

Course Description

This course is an overview of fundamentals of tort law. Students explore liability and compensation concerns related to civil wrongdoing. Students apply principles of intentional torts, negligence and strict liability to a variety of elements of torts. Students also study ethics and personal responsibility.

Major Instructional Areas

1. Overview of tort law
2. Tort litigation
3. Negligence
4. Intentional torts and defenses
5. Misrepresentation and business-related torts
6. Immunity and privilege
7. Doctrine of nuisance
8. Products liability
9. Vicarious liability
10. Premises liability

Detailed Topical Outline

1. Introduction to Tort Law; Tort Practice and Applications
 - 1.1 The basics of tort law and its place in the U.S. legal system
 - 1.2 Pleadings and the role of paralegals in client's interviews and legal research
 - 1.3 Sources of tort law
 - 1.4 Classification and elements of torts
 - 1.5 Foreseeability
 - 1.6 Ethical issues
2. Intentional Torts
 - 2.1 Intentional torts
 - 2.2 Intentional torts against the person
 - 2.3 Intentional torts against property
 - 2.4 Nuisance
3. Defenses to Intentional Torts and Remedies
 - 3.1 Major defenses to intentional torts
 - 3.2 Privilege
 - 3.3 Remedies available for intentional tort claims
4. Negligence
 - 4.1 Elements of negligence
 - 4.2 Duty of care
 - 4.3 Breach of duty
 - 4.4 Causation, proximate cause, and cause in fact
 - 4.5 Damages
 - 4.6 Premises liability
 - 4.7 Malpractice
5. Defenses to Negligence and Remedies
 - 5.1 Three major defenses to negligence
 - 5.2 Contributory negligence
 - 5.3 Last Clear Chance Doctrine
 - 5.4 Comparative negligence

- 5.5 Assumption of the risk
- 5.6 Remedies
- 6. Introduction to Strict Liability
 - 6.1 Strict liability for animals
 - 6.2 Strict liability for abnormally dangerous conditions or activities
- 7. Products Liability
 - 7.1 Five tort theories under which plaintiffs may bring products liability actions
 - 7.2 Strict liability and products liability claims
 - 7.3 Consumer issues and products liability
- 8. Strict Liability Defenses and Remedies
 - 8.1 Defenses to strict liability torts
 - 8.2 Remedies in strict liability claims
 - 8.3 Mitigation of damages in strict liability
- 9. Defamation and Disparagement, Invasion of Privacy, Misrepresentation, Tortious Interference, and the Prima Facie Tort Doctrine
 - 9.1 Slander, libel, and defamation
 - 9.2 Actual malice
 - 9.3 Disparagement
 - 9.4 Invasion of privacy
 - 9.5 Misrepresentation
 - 9.6 Tortious interference
 - 9.7 Prima facie tort doctrine
 - 9.8 Public disclosure of private facts and false light
 - 9.9 Defenses and remedies
- 10. Survival, Wrongful Death, and Wrongful Birth and Life, Joint Tortfeasors and Vicarious Liability, and Immunity from Tort Law
 - 10.1 Survival
 - 10.2 Wrongful death, birth, life, and pregnancy
 - 10.3 Heart Balm Statutes
 - 10.4 Loss of consortium
 - 10.5 Joint tortfeasors, and joint and several liability
 - 10.6 Vicarious liability, respondeat superior, and joint enterprise
 - 10.7 Family Purpose Doctrine
 - 10.8 Governmental or sovereign immunity, charitable immunity, and official and diplomatic immunity

Course Objectives

1. Apply the principles of tort law.
2. Analyze the issues of negligence.
3. Analyze the issues of intentional torts.
4. Evaluate the concepts of privilege and immunity from tort liability.
5. Explain the doctrine of nuisance.
6. Analyze the various types of liability, including strict, products, vicarious, and premises liability.
7. Evaluate ethical issues related to tort law.
8. Analyze the concepts of defamation and disparagement, invasion of privacy, misrepresentation, tortious interference, and the prima facie tort doctrine.
9. Analyze the concepts of survival, wrongful death and wrongful birth and life, and joint tortfeasors.
10. Identify causes of action and formulate defenses based on real-world scenarios in relationship to various tort concepts.

11. Use the ITT Tech Virtual Library to research tort law cases and concepts.

Learning Materials and References

Required Resources

Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Michaud, H. J. (2012). <i>Tort law: Concepts and applications</i> (Custom ed.). Boston, MA: Pearson Custom.	■		■
Textbook companion Web site: http://wps.prenhall.com/chet_michaud_tortlaw_1/	■		
Other Items	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Michaud, H. J. (2012). <i>Tort law: Concepts and applications videos DVD</i> (Custom ed.). Boston, MA: Pearson Custom.	■		
Articles and resources in the ITT Tech Virtual Library> School of Study> School of Criminal Justice> Databases> LexisNexis Academic: <ul style="list-style-type: none"> ○ Palsgraf v Long Island Railroad, 248 N.Y.339 (1928) ○ In Re Kinsman Transit 338 F.2d 708 (1964) 	■		

Recommended Resources

Books, Professional Journals

- Prosser, W. L., Wade, J. W. (eds.). (1977). *Restatement of the law, second, torts*. Philadelphia, PA: American Law Institute.
- Keeton, W. P., Keeton, W. P., Dobbs, D. B., Keeton, R. E., & Owen, D. G. (eds.). (1984). *Prosser and Keeton's torts*. (5th ed.). Eagan, MN: West Publishing.

Professional Associations

- American Bar Association: www.americanbar.org
- The American Association for Justice, also known as the Association of Trial Lawyers of America: www.justice.org
- National Association of Legal Assistants: www.nala.org

ITT Tech Virtual Library

- Books> eBooks on EbscoHost
 - Elias, S. & Levinkind, S. (2007). *Legal research: How to find and understand the law*. (14th ed.). Berkley, CA: Nolo.
- Periodicals> Web Collections and Indexes
 - Law Journals
- School of Study> School of Criminal Justice> Databases
 - LexisNexis Academic

- School of Study> School of Criminal Justice> Recommended Links
 - General> LLRX: Law and Technology Resources for Legal Professions
 - Law> American Law Sources On-line
 - Law> FindLaw

NOTE: All links are subject to change without prior notice.

Information Search

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

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- Defamation
- Doctrine of nuisance
- *In Re Kinsman Transit Co.*
- Intentional torts
- Legal research
- *Palsgraf v. Long Island Railroad Co.*
- Premises liability
- *Prima facie tort* doctrine
- Products liability
- Proximate cause
- Tortious interference
- Tort liability
- *Res ipsa loquitor*
- *Respondeat superior*
- Vicarious liability

Course Plan

Suggested Learning Approach

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none">▪ Do take a proactive learning approach.▪ Do share your thoughts on critical issues and potential problem solutions.▪ Do plan your course work in advance.▪ Do explore a variety of learning resources in addition to the textbook.▪ Do offer relevant examples from your experience.▪ Do make an effort to understand different points of view.▪ Do connect concepts explored in this course to real-life professional situations and your own experiences.	<ul style="list-style-type: none">▪ Don't assume there is only one correct answer to a question.▪ Don't be afraid to share your perspective on the issues analyzed in the course.▪ Don't be negative about the points of view that are different from yours.▪ Don't underestimate the impact of collaboration on your learning.▪ Don't limit your course experience to reading the textbook.▪ Don't postpone your work on the course deliverables – work on small assignment components every day.

Course Outline

Unit 1: INTRODUCTION TO TORT LAW; TORT PRACTICE AND APPLICATIONS

Upon completion of this unit, students are expected to:

- Describe the basics of tort law and its place in the U.S. legal system, pleadings, and the role of paralegals in client's interviews and legal research.
- Define "tort".
- Explain how tort law is different from other areas of law.
- Identify the sources of tort law.
- Classify torts.
- Describe the elements of torts.
- Apply the principles of tort law in a real-world context.
- Explain the concept of foreseeability.
- Evaluate ethical issues likely to arise in tort law.
- Apply the principles of legal research to tort law.
- Explain reading and briefing cases.
- Identify commonly used legal documents and how to draft them.
- Describe client interviews and investigation techniques.
- Identify available careers in tort law.
- Identify the role of the paralegal in tort law practice.

**Out-of-class
work:**
8 hrs.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Michaud, Chapters 1-2 • ITT Tech Virtual Library> School of Study> School of Criminal Justice> Databases> LexisNexis Academic: <ul style="list-style-type: none"> ○ Palsgraf v Long Island Railroad, 248 N.Y.339 (1928) ○ In Re Kinsman Transit 338 F.2d 708 (1964) 	Assignment	Unit 1 Assignment 1: Ethical Applications	3%

Unit 2: INTENTIONAL TORTS

Upon completion of this unit, students are expected to:

- Analyze intentional torts and how intent affects the legal outcome of an action.
- Define "intent."
- Define "transferred intent."
- Explain intentional torts against the person.
- Compare and contrast intentional torts against property and torts against persons using appropriate examples.
- Explain the doctrine of nuisance.

**Out-of-class
work:**
8 hrs.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES
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	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapter 3	Assignment	Unit 2 Assignment 1: Different Intentional Torts	3%
	Quiz	Unit 2 Quiz 1	2%

Unit 3: DEFENSES TO INTENTIONAL TORTS AND REMEDIES

Upon completion of this unit, students are expected to:

- Classify defenses to intentional torts and remedies available to plaintiffs.
- Define “defense.”
- Identify major defenses to intentional torts.
- Define “privilege.”
- Evaluate how the concept of privilege applies in real-world contexts.
- Define “remedies.”
- Identify remedies available for intentional tort claims.

Out-of-class work:
8 hrs.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapter 4	Assignment	Unit 3 Assignment 1: Internet Exercises	3%
	Quiz	Unit 3 Quiz 2	2%

Unit 4: NEGLIGENCE

Upon completion of this unit, students are expected to:

- Define negligence, its elements, and damages.
- Analyze the issues of negligence in real-world scenarios.
- Explain duty of care.
- Describe premises liability.
- Explain breach of duty.
- Identify causation, proximate cause, and cause in fact.
- Define “damages.”
- Explain malpractice.
- Describe an example of a *prima facie* negligence case.

Out-of-class work:
8 hrs.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapter 5	Assignment	Unit 4 Assignment 1: Practical Applications	3%
	Quiz	Unit 4 Quiz 3	2%

Unit 5: DEFENSES TO NEGLIGENCE AND REMEDIES

Out-of-class work:

Upon completion of this unit, students are expected to:			8 hrs.
<ul style="list-style-type: none"> Analyze the defenses to negligence and the remedies available to plaintiffs. Describe the three major defenses to negligence. Define “contributory negligence.” Explain the Last Clear Chance Doctrine. Define “comparative negligence.” Identify assumption of the risk. Classify remedies in negligence cases. 			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Michaud, Chapter 6 	Quiz	Unit 5 Quiz 4	2%
	Project	Project Part 1: Tort Complaint	15%

Unit 6: INTRODUCTION TO STRICT LIABILITY			Out-of-class work:
Upon completion of this unit, students are expected to:			8 hrs.
<ul style="list-style-type: none"> Examine strict liability as it relates to harm caused by animals and other abnormally dangerous conditions or activities. Define “strict liability.” Analyze real-world scenarios when strict liability applies. Explain strict liability in harm caused by animals. Describe strict liability in harm caused by abnormally dangerous activities. 			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Michaud, Chapter 7 	Assignment	Unit 6 Assignment 1: Critical Thinking Exercise	3%
	Quiz	Unit 6 Quiz 5	2%

Unit 7: PRODUCTS LIABILITY			Out-of-class work:
Upon completion of this unit, students are expected to:			8 hrs.
<ul style="list-style-type: none"> Summarize products liability. Define “products liability.” Compare products liability application to strict liability. Explain the five tort theories under which plaintiffs may bring products liability actions. Describe the reason behind bringing a products liability claim under strict liability. Identify the elements of a strict products liability claim. Analyze real-world scenarios when products liability applies. 			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)

• Michaud, Chapter 8	Assignment	Unit 7 Assignment 1: Research on Consumer Injuries and Products Liability	3%
	Quiz	Unit 7 Quiz 6	2%

Unit 8: STRICT LIABILITY DEFENSES AND REMEDIES

**Out-of-class
work:
8 hrs.**

Upon completion of this unit, students are expected to:

- Describe strict liability defenses and remedies.
- Classify defenses to strict liability.
- Compare defenses available in other tort actions to defenses specific to strict liability actions.
- Define “remedies” in strict liability.
- Explain how to mitigate damages in strict liability claims.
- Analyze real-world scenarios for defenses to strict liability.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapter 9	Assignments	Unit 8 Assignment 1: Critical Thinking Exercises	4%
	Quizzes	Unit 8 Quiz 7	2%

Unit 9: DEFAMATION AND DISPARAGEMENT, INVASION OF PRIVACY, MISREPRESENTATION, TORTIOUS INTERFERENCE, AND THE PRIMA FACIE TORT DOCTRINE

**Out-of-class
work:
8 hrs.**

Upon completion of this unit, students are expected to:

- Analyze the similarities and differences among defamation and disparagement, invasion of privacy, misrepresentation, tortious interference, and the prima facie tort doctrine.
- Compare and contrast slander, libel, and defamation.
- Describe actual malice.
- Classify defenses and remedies for disparagement.
- Contrast invasion of privacy with intrusion and appropriation.
- Identify public disclosure of private facts and false light.
- Classify defenses and remedies for invasion of privacy torts.
- Classify defenses and remedies for misrepresentation and tortious interference.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapters 10-12	Assignments	Unit 9 Assignment 1: Critical Thinking Exercise	2%
		Unit 9 Assignment 2: Internet Exercise	2%
	Project	Project Part 2: Answer to Complaint (PORTFOLIO)	15%
	Quizzes	Unit 9 Quiz 8	3%

Unit 10: SURVIVAL, WRONGFUL DEATH AND WRONGFUL BIRTH AND LIFE,

Out-of-class

JOINT TORTFEASORS AND VICARIOUS LIABILITY, AND IMMUNITY FROM TORT LAW**work:**
8 hrs.

Upon completion of this unit, students are expected to:

- Analyze the principles of survival, wrongful death, birth, life, and pregnancy.
- Analyze the Heart Balm Statutes.
- Explain loss of consortium, joint tortfeasors, and joint and several liability.
- Define “vicarious liability,” “respondeat superior,” and “joint enterprise.”
- Explain the Family Purpose Doctrine.
- Define “immunity.”
- Evaluate the public policy behind immunity.
- Explain governmental or sovereign immunity, charitable immunity and official and diplomatic immunity.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
• Michaud, Chapters 13-15	Assignments	Unit 10 Assignment 1: Critical Thinking Exercise	2%
		Unit 10 Assignment 2: Internet Exercise	2%
	Quizzes	Unit 10 Quiz 9	3%

Unit 11: COURSE REVIEW AND FINAL EXAM**Out-of-class
work:**
8 hrs.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
No reading assignment	Final Exam	Final Exam	20%

Note: Your instructor may add a few learning activities that will change the grade allocation for each assignment in a category. The overall category percentages will not change.

Evaluation and Grading

Evaluation Criteria

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Project Part 1	15%
Project Part 2	15%
Assignments	30%
Quizzes	20%
Final Exam	20%
TOTAL	100%

Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90–100%	4.0
B+	85–89%	3.5
B	80–84%	3.0
C+	75–79%	2.5
C	70–74%	2.0
D+	65–69%	1.5
D	60–64%	1.0
F	<60%	0.0

Academic Integrity

All students must comply with the policies that regulate all forms of academic dishonesty, or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.