

PARAC260 : Personal Injury and Tort Litigation

General Information

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Course Code (CB01) :	PARAC260
Course Title (CB02) :	Personal Injury and Tort Litigation
Department:	Business Information Technolog
Proposal Start:	Fall 2020
TOP Code (CB03) :	(1402.00) Paralegal
SAM Code (CB09) :	Clearly Occupational
Distance Education Approved:	Yes
Course Control Number (CB00) :	CCC000460372
Curriculum Committee Approval Date:	02/28/2020
Board of Trustees Approval Date:	04/09/2020
External Review Approval Date:	04/09/2020
Course Description:	This course reviews the practice of tort law. Topics include tort liability issues such as intentional torts, negligence, malpractice, product liability, and defamation. Procedural issues are also addressed through practical application and preparation of documents in personal injury and other tort cases.
Submission Type:	Improvement to Program of Study Change to Content Course being revised to change prerequisite to advisory to aid in elective offering and progress through program with revisions to program. Add advisory for PARA C130 and PARA C210. Edits within eLumen as needed. This course was last assessed in Fall 2015 during last program review cycle. It will be assessed again the next time it is offered. No changes to the SLOs based upon that assessment.
Author:	No value

Faculty Minimum Qualifications

Master Discipline Preferred:	<ul style="list-style-type: none">• Law
Alternate Master Discipline Preferred:	No value
Bachelors or Associates Discipline Preferred:	<ul style="list-style-type: none">• Legal Assisting (Paralegal)
Additional Bachelors or Associates Discipline Preferred:	No value

Course Formerly Known As

Course Formerly Known As

No Value

Course Development Options**Basic Skills Status (CB08)**

Course is not a basic skills course.

 Allow Students to Gain Credit by Exam/Challenge**Rationale For Credit By Exam/Challenge**

No value

Course Support Course Status (CB26)

No value

Course Special Class Status (CB13)

Course is not a special class.

Allowed Number of Retakes

0

Retake Policy Description

Type:|Non-Repeatable Credit

Grade Options

- Letter Grade Methods
- Pass/No Pass

Course Prior To College Level (CB21)

Not applicable.

 Allow Students To Audit Course**Associated Programs** Course is part of a program (CB24)**Associated Program****Award Type****Active**

CC Paralegal Studies

A.S. Degree Major

Summer 2018 to Fall 2020

Paralegal Studies

Certificate of Achievement

Summer 2018 to Fall 2020

Paralegal Studies Associate in Science Degree

A.S. Degree Major

Fall 2020

Paralegal Studies Certificate of Achievement

Certificate of Achievement

Fall 2020

Transferability & Gen. Ed. Options**Course General Education Status (CB25)**

No value

Transferability

Transferable to CSU only

Transferability Status

Approved

Units and Hours

Summary

Minimum Credit Units (CB07)	3
Maximum Credit Units (CB06)	3
Total Course In-Class (Contact) Hours	54
Total Course Out-of-Class Hours	108
Total Student Learning Hours	162
Faculty Load	0

Credit / Non-Credit Options

Course Credit Status (CB04)

Credit - Degree Applicable

Course Non Credit Category (CB22)

Credit Course.

Non-Credit Characteristic

No Value

Course Classification Status (CB11)

Credit Course.

Variable Credit Course

Funding Agency Category (CB23)

Not Applicable.

Cooperative Work Experience Education Status (CB10)

Weekly Student Hours

	In Class	Out of Class
Lecture Hours	3	6
Laboratory Hours	0	0
Activity Hours	0	0

Course Student Hours

Course Duration (Weeks)	18
Hours per unit divisor	54
Course In-Class (Contact) Hours	
Lecture	54
Laboratory	0
Activity	0
Total	54

Course Out-of-Class Hours

Lecture	108
Laboratory	0
Activity	0
Total	108

Time Commitment Notes for Students

No value

Faculty Load

Extra Duties: 0

Faculty Load: 0

Units and Hours - Weekly Specialty Hours

Activity Name	Type	In Class	Out of Class
No Value	No Value	No Value	No Value

Pre-requisites, Co-requisites, Anti-requisites and Advisories

Advisory

PARAC112 - Legal Research & Writing I

Students must apply correct methods of legal research, including examination of primary and secondary sources and correct citation to the analysis of tort law. Students are required to complete research projects to locate specific tort law and research skills are needed to use databases and locate proper laws. Additional skills acquired within PARA C112 would be helpful for the students.

AND

Advisory

PARAC130 - Civil Litigation and Procedure

Students draft court documents based upon relevant tort law. The drafting skills and understanding of court processes acquired within PARA C130 would assist students in completion of assignments.

OR

Advisory

PARAC210 - California Civil Procedure and Legal Forms

Students draft court documents based upon relevant tort law. The drafting skills and understanding of court processes acquired within PARA C210 would assist students in completion of assignments.

Entrance Skills

Entrance Skills	Description
No value	No value

Limitations on Enrollment

Limitations on Enrollment	Description
No value	No value

Specifications

Methods of Instruction

Methods of Instruction

Written work

Rationale

Students will complete weekly assignments from the textbook and those created by the instructor based upon the materials covered in the readings such as end of chapter questions or document preparation. Assignments will be similar for online and on-ground.

Methods of Instruction

Discussion

Rationale

The primary subject matter for discussion prompts for the online or on-ground classes will be the same. Subjects for the discussion will include relevant topics to the reading material, client interactions, and update in the law or current events.

Online: Students will participate in weekly discussions. Students will post one individual initial posting per week and reply to a minimum of two classmates. The instructor will also participate in the board and student replies. For example, the instructor may rotate through one-half of the class each week to reply to all students equally throughout the course.

On-ground: Students will participate in class discussions with the instructor or/and fellow students.

Methods of Instruction

Lecture

Rationale

Lecture topics will include relevant topics to the reading material, client interactions, practical examples, and update in the law or current events.

Online: Lecture will be give via audio PowerPoint or instructor written lecture notes in line with the PowerPoint.

On-ground: Face to face lecture using similar material for online.

Methods of Instruction

Instruction through examination or quizzing

Rationale

Students will complete quizzes and examinations within the courses (online and on ground). The quizzes and examination will include various formats relevant to the materials cover such as multiple choice, matching, short answer, and practical application for creation of legal documents or other writings.

Assignments

A. Reading Example: Students read textbook chapter on Negligence .

B. Discussion online in conjunction with legal readings of substantive and case law. Students are presented legal questions for research, comment, opinion, and discussion with other students or instructor.

C. Examination (multiple choice, true and false, and short answer), Essay based on tort law research and case scenario evaluation. Short Answer Questions based on law application (procedural and substantive).

D. Other assignments include homework and projects based upon weekly readings.

Methods of Evaluation

Rationale

Participation

Student interaction in discussion forum with other students and instructor. Questions include procedural and substantive review of law application in legal system. Online discussion will be of similar subject to faculty prompts and information provided for classroom discussions and lectures.

Discussion Example:

Actual v. Proximate Cause

To find causation in negligence you need to focus primarily on whether the Defendant was the actual or proximate cause of the harm to Plaintiff. Actual cause has two primary tests to show actual cause a "but-for" or "substantial factor" test.

1) Explain each test.

2) Which test do you feel may be easier to prove? Or do they seem equally helpful to the Plaintiff?

Proximate Cause has the issues of foreseeability in proving Defendant caused the harm.

3) Do you agree with the majority rule or the minority rule for determining proximate cause? Explain.

4) Do you think the court reach the correct decision, in what is considered to be a landmark tort case, in *Palsgraf*? Why or why not?

Tests

Examination (multiple choice, true and false, and short answer), Essay based on tort law research and case scenario evaluation. Short Answer Questions based on law application (procedural and substantive).

Sample exam question:

One who _____ misrepresents something is liable to anyone who can be reasonably expected to learn about the misrepresentation, while one who _____ misrepresents something is liable to those whom he or she intends to reach with the misrepresentation.

- a. intentionally, negligently
- b. negligently, intentionally
- c. mistakenly, correctly
- d. maliciously, mistakenly

Distance Education Description: how outcomes are evaluated

Assignments for the online course are in line and similar to the assignments that are offered on ground. The SLO's are assessed through rubric and objective assignments such as discussion boards, exams, and homework.

Homework

The students will complete weekly assignments from the textbook and those created by the instructor based upon the materials covered in the readings. Assignments will be similar for online and on-ground.

Complaint

For this part of the assignment you need to choose to represent either Mr. Goodright or Teddy and his family against the Baxters. If you represent Teddy you would be filing as Parents on behalf of (obo) Teddy. For example,

In the Court of Common Pleas, Hardin County, Ohio

Sam Bear and Susan Bear, parents,
obo Teddy Bear, a minor
Plaintiffs

Case no. _____

v.

Jim Baxter,
Defendant.

Complaint for Personal Injury

It is up to you for which one Plaintiff want to represent. You will need to find and use the appropriate California Forms for the Complaint for Personal Injury and attached cause(s) of action. Use the fact in the practice problem on page 94 for details regarding the Complaint and the summaries at the end of the chapters regarding negligence. Remember you need to show all elements of a negligence claim in the complaint (duty, breach, causation, and damages). (20 points)

Equipment

No Value

Textbooks

Author	Title	Publisher	Date	ISBN
Edwards, J. S..	Tort Law, 6th	Delmar Cengage Learning	2016	

Other Instructional Materials

No Value

Materials Fee

No

Learning Outcomes and Objectives

Course Objectives

No value

CSLOs

Outline the various categories of torts and their elements. Expected SLO Performance: 75.0

Apply the four elements of negligence to determine if a valid cause of action exists including any available defenses. Expected SLO Performance: 75.0

Business Information Technolog
Paralegal Studies Certificate of Achievement

Conduct ethical legal research and use other investigative functions to gather relevant information.

Business Information Technolog
Paralegal Studies AS Degree PLOS

Conduct ethical legal research and use other investigative functions to gather relevant information.

Identify the elements necessary for the different intentional torts including the theory of transferred intent and apply the required elements to the issue at hand. Expected SLO Performance: 75.0

Distinguish the various basis for tort liability. Expected SLO Performance: 75.0

Prepare a complaint, responsive pleading, and relevant additional documents for filing in a tort action. Expected SLO Performance: 75.0

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Paralegal Studies Certificate of Achievement

Process and draft legal documents, written correspondence, records, and court forms including tracking and maintaining case and court deadlines.

Business Information Technolog
Paralegal Studies AS Degree PLOS

Process and draft legal documents, written correspondence, records, and court forms including tracking and maintaining case and court deadlines.

Outline

Course Outline

A. Introduction to Tort Law

1. Definition of torts
2. Introduction to causation
3. Categories of torts

B. Tort Litigation

1. Liability and damages
2. Tort complaints
3. Alternative dispute resolution
4. Discovery

C. Intentional Torts

1. Elements
2. Transferred intent
3. Defenses
4. Child actors

D. Emotional Distress

1. Intentional infliction
2. Negligent infliction

E. Trespass to Chattels

1. Conversion
2. Damages
3. Mistake defense

F. Strict Liability

1. Definition
2. Animals
3. Dangerous conditions
4. Product liability
5. Inherently dangerous activities

G. Negligence

1. Introduction to negligence
2. Breach of duty
3. Negligence and insurance

H. Negligence: Duty

1. General rule
2. Unforeseeable plaintiff
3. Nonfeasance and special relationships

I. Negligence: Breach of Duty

1. Standard of care
2. Unreasonableness
3. Violation of a statute
4. Gross negligence

J. Negligence: Causation

1. Actual cause/but-for
2. Test of proximate cause
3. Analyzing proximate cause
4. Foreseeability

K. Negligence: Damages

1. Kinds of damages
2. Pain and suffering
3. Property damage
4. Collateral source rule

- L. Negligence: Defenses
1. Contributory negligence
 2. Comparative negligence
 3. Assumption of the risk

- M. Malpractice
1. Medical malpractice
 2. Legal malpractice
 3. Types of complaints

- N. Products Liability
1. Categories of defects
 2. Misrepresentation
 3. Warranties

- O. Mass Tort Litigation
1. Solicitation of clients
 2. Class actions

- P. Torts Related to Real Property
1. Trespass to land – in general
 2. Nuisance
 3. Negligence liability
 4. Attractive nuisance
 5. Duties to licensees, invitees, and trespassers

- Q. Defamation
1. Defamatory statement
 2. Falsity of the statement
 3. Publication
 4. Defenses - truth
 5. Immunity
 6. Damages

- R Other Torts and Theories
1. Invasion of privacy torts
 2. Misrepresentation and fraud
 3. Worker's compensation
 4. *Res Ipsa Loquitur*
 5. *Respondeat Superior*
 6. Employer and employee liability

Delivery Methods

Delivery Method: Please list all that apply -Face to face -Online (purely online no face-to-face contact) -Online with some required face-to-face meetings ("Hybrid") -Online course with on ground testing -iTV – Interactive video = Face to face course with significant required activities in a distance modality -Other

- Face to face
- Online (purely online no face-to-face contact)
- Online with some required face-to-face meetings ("Hybrid")
- iTV – Interactive video = Face to face course with significant required activities in a distance modality

Rigor Statement: Assignments and evaluations should be of the same rigor as those used in the on-ground course. If they are not the same as those noted in the COR on the Methods of Evaluation and out-of-class assignments pages, indicate what the differences are and why they are being used. For instance, if labs, field trips, or site visits are required in the face to face section of this course, how will these requirements be met with the same rigor in the Distance Education section? Describe the ways in which instructor-student contact and student-student contact will be facilitated in the distance ed environments.

All paper assignments are identical to those in an onsite class except that they are submitted by "submission box" within the Learning Management System (LMS). Weekly class discussions are conducted by means of online weekly discussion forums within the LMS. Quizzes and exams will also be uploaded to the LMS and the student will take the quiz/exam through the LMS platform, however, content will be identical to any on-site courses. The instructor is responsible for providing feedback to the discussion within the discussions each week and also through grading feedback. Some instructors use rubrics, which are also stated in the syllabus, to grade course work and discussion forums but rubrics are not required and the need will vary by assignment. Objective answers would not require a rubric. Outcomes are assessed. See Methods of Evaluation.

Faculty maintains regular and effective contact with students online through participation in discussion board forums, course announcements, annotated feedback comments on graded assignments, office hours, and responding to student inquiries via email, "ask the instructor" forum, phone or Zoom video conferencing.

Students have regular contact with each other through the required weekly discussion boards. The students are required to post an initial response each week and reply to a minimum of two of their classmates. Students can also communicate with each other through email or Canvas Inbox.

Good practice requires both asynchronous and synchronous contact for effective contact. List the methods expected of all instructors teaching the course. -Learning Management System -Discussion Forums -Message -Other Contact -Chat/Instant Messaging -E-mail -Face-to-face meeting(s) -Newsgroup/Discussion Board -Proctored Exam -Telephone -iTV - Interactive Video -Other

- Discussion Forums
- Message
- Chat/Instant Messaging
- E-mail
- Face-to-face meeting(s)
- Newsgroup/Discussion Board
- Telephone

Software and Equipment: What additional software or hardware, if any, is required for this course purely because of its delivery mode? How is technical support to be provided?

Any needed software can be downloaded for free such as Microsoft office through student account or Adobe Acrobat free version. Students can contact campus IT, instructor or company for assistance. Additional software subscriptions would be included with the textbook.

Accessibility: Section 508 of the Rehabilitation Act requires access to the Federal government's electronic and information technology. The law covers all types of electronic and information technology in the Federal sector and is not limited to assistive technologies used by people with disabilities. It applies to all Federal agencies when they develop, procure, maintain, or use such technology. Federal agencies must ensure that this technology is accessible to employees and the public to the extent it does not pose an "undue burden". I am using -iTV—Interactive Video only -Learning management system -Publisher course with learning management system interface.

- Learning management system

Class Size: Good practice is that section size should be no greater in distance ed modes than in regular face-to-face versions of the course. Will the recommended section size be lower than in on-ground sections? If so, explain why.

Same number of students online and on ground.