

**SAN DIEGO COMMUNITY COLLEGE DISTRICT
CITY, AND MIRAMAR COLLEGES
ASSOCIATE DEGREE COURSE OUTLINE**

SECTION I

SUBJECT AREA AND COURSE NUMBER: Legal Assistant 120

COURSE TITLE: Civil Litigation II - Torts

Units: 3
Grade Only

CATALOG COURSE DESCRIPTION:

This core course introduces students to the broad area of civil wrongs and their appropriate remedies. Students also learn about tort law principles in the traditional areas of intentional torts, negligence, absolute liability, product liability, nuisance, and commonly employed defenses.

REQUISITES:

Advisory:

LEGL 115 with a grade of "C" or better, or equivalent

Limitation on Enrollment:

This course is not open to students with previous credit for ADJU 110 or BUSE 184

FIELD TRIP REQUIREMENTS: May be required

TRANSFER APPLICABILITY: Associate Degree Credit & transfer to CSU and/or private colleges and universities

TOTAL LECTURE HOURS: 48 - 54

TOTAL LAB HOURS:

STUDENT LEARNING OBJECTIVES:

Upon successful completion of the course the student will be able to:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
11. Understand the basic substantive law of torts
12. Analyze client fact situations and propose application of the appropriate tort law
13. Discuss the concepts of burdens of proof and presumptions in law
14. Propose appropriate remedies for a given wrong to persons or their property
15. Understand defendant's use of affirmative defenses

16. Formulate definitive legal positions to give direction to the litigation attorney and to focus the direction of the legal research in a specific tort action
17. Discuss and understand the ideas of comparative and contributory negligence as well as joint and several liability.

SECTION II

1. COURSE OUTLINE AND SCOPE:

A. Outline Of Topics:

The following topics are included in the framework of the course but are not intended as limits on content. The order of presentation and relative emphasis will vary with each instructor.

- I. Tort law overview
 - A. What is a Tort?
 - B. Sources
 - C. Purpose (policy objectives)
 - D. Historical perspective
 - E. Categories of Torts.
- II. Negligence
 - A. Reasonable Person Standard
 - B. Unavoidable accidents
 - C. Prima Facie case
 - D. Gross negligence
 - E. Negligence per se
 - F. Res Ipsa Loquitur
 - G. Wrongful death.
- III. Four elements of negligence
 - A. Reasonable care
 1. Commission versus omission
 2. Scope of duty
 - a. Foreseeability.
 - B. Breach of duty
 - C. Source of duty
 1. Statute
 2. Common Law.
 - D. Proximate cause
 1. Cause in fact
 2. Unforeseeability
 3. Intervening causes
 4. Foreseeability.
 - E. Damages
 1. Compensatory
 2. Special
 3. Consortium
 4. Punitive.
- IV. Defenses in negligence
 - A. Contributory negligence
 - B. Comparative negligence
 - C. Last clear chance
 - D. Assumption of risk
 - E. Statutory defenses.
- V. Intentional Torts
 - A. What constitutes intent?
 - B. Assault and battery
 - C. False imprisonment and false arrest
 - D. Infliction of emotional distress
 - E. Fraud and misrepresentation
 1. Fraud and deceit

- 2. Elements
 - 3. Silence
 - 4. Remedies
 - 5. Damages.
- F. Conversion
 - 1. Elements
 - 2. Remedies.
- G. Trespass (land and chattels)
- H. Invasion of privacy
 - 1. Appropriation
 - 2. False light
 - 3. Intrusion
 - 4. Public disclosure of a private fact
 - 5. Damage
- I. Defamation
 - 1. Interest violated
 - 2. Libel
 - 3. Slander
 - 4. Strict liability after publication.
- J. Malicious prosecution.
- VI. Defenses to intentional Torts
 - A. Consent or unavoidable accident
 - B. Privilege and immunity
 - C. Defense of self
 - D. Defense of others
 - E. Defense of property
 - F. Recapture of chattel
 - G. Necessity.
- VII. Immunities
 - A. Defense to tort based on public policy
 - B. Privilege
 - C. Intra-family
 - D. Charitable immunity
 - 1. Traditional
 - 2. Present.
 - E. Governmental immunity
 - 1. Common law: full immunity
 - 2. Common law applied: must give consent
 - 3. Eleventh amendment
 - 4. Exception.
 - F. Minors and incompetents.
- VIII. Premises liability
 - A. Trespass
 - 1. Adults
 - 2. Children.
 - B. Attractive nuisance
 - C. Licensee and invite
 - D. Abolition of categories
 - E. Lessor and lessee
 - F. Vendor and vendee.
- IX. Vicarious liability
 - A. Imputed negligence
 - B. Special relationship
 - 1. Employer-employee
 - 2. Family automobile doctrine
 - 3. Joint enterprise
 - 4. Principal-agent.
- X. Strict liability
 - A. Elements of Prima Facie case
 - B. Public policy

- C. Specific applications.
- XI. Product liability
 - A. Origin
 - B. Essential elements to establish case
 - C. Theories of recovery
 - 1. Design defect
 - 2. Manufacturing defect
 - 3. Breach of warranty (implied and expressed)
 - D. Consumer Product Safety Act
 - E. Owners of animals: common law
 - F. Ultra-hazardous activity
 - G. Defenses
 - 1. Burden of proof
 - 2. Contributory negligence
 - 3. Assumption of risk
 - 4. Intervening cause
 - 5. Disclaimers, exclusions, etc.
 - 6. Act of God
 - 7. Act of third person.
- XII. Nuisance
 - A. Conduct which interferes with use and enjoyment of land
 - B. Types of nuisances
 - 1. Private nuisance
 - 2. Public nuisance.
 - C. Remedies
 - D. Substantial invasion of right
 - E. Pivotal element.

B. Reading Assignments:

Reading assignments are required and may include but, are not limited to, the following:

- I. Textbook assignments
- II. Supplemental reading (cases, briefs, articles)
- III. Pleadings, motions, and other filings.

C. Appropriate Assignments that Demonstrate Critical Thinking:

Critical thinking assignments are required and may include, but are not limited to, the following:

- I. Analyzing case and statutory law
- II. Proposing appropriate remedies for a given wrong
- III. Formulating definitive legal positions.

D. Appropriate Outside Assignments:

Outside assignments may include, but are not limited to, the following:

- I. Researching selected cases and statutes
- II. Visiting local court proceedings
- III. Visiting tort/litigation firm
- IV. Preparing presentation materials.

E. Writing Assignments:

Writing assignments are required and may include, but are not limited to, the following:

- I. Case briefing
- II. Draft tort complaint and answer with affirmative defenses
- III. Draft interrogatories
- IV. Essay exams for midterm and final.

2. METHODS OF EVALUATION:

A student's grade will be based on multiple measures of performance unless the course requires no grade. Multiple measures may include, but are not limited to, the following:

- I. Performance on analytical semester projects
- II. Completion of out-of-class writing assignments that test organization, preparation, evaluation, and analysis
- III. Quality of research
- IV. Contributions to class discussions.

3. METHODS OF INSTRUCTION:

Methods of instruction may include, but are not limited to, the following:

- * Lecture
- * Other (Specify)
 - * 1. Discussion
 - * 2. Peer collaboration.

4. REQUIRED TEXTS AND SUPPLIES:

Textbooks may include, but are not limited to:

TEXTBOOKS:

1. Buckley, William.. Torts and Personal Injury Law, 2nd ed. Del Mar, 2001, ISBN: 0827350560
2. Edwards, Linda J., and J. Stanley.. Tort Law for Legal Assistants: A Practical Guide, 3rd ed. West, 2002, ISBN: 0314934472
3. Prosser, William L.. Handbook of the Law of Torts, 1999 ed. West, 1999,
4. Statsky, William P.. Essential of Torts, 2002 ed. West, 2002, ISBN: 0314027912

MANUALS:

PERIODICALS:

SOFTWARE:

SUPPLIES:

ORIGINATOR: Helen Webb

ORIGINATION DATE: 05/06/2002

PROPOSAL ORIGINATOR: Darrel Harrison

CO-CONTRIBUTOR(S)

PROPOSAL DATE: 04/16/2004