

# LSTD509

**STUDENT WARNING:** This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

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## Course Summary

**Course :** LSTD509 **Title :** Tort Law

**Length of Course :** 8

**Prerequisites :** N/A **Credit Hours :** 3

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## Description

**Course Description:** This graduate course will focus on the fundamental principles, concepts, and development of tort and personal injury law, while combining theoretical and practical applications of such principles and concepts. The course presents an overview of the substantive law governing compensation for injuries to property and to the person. Specific areas of study include negligence and defenses to negligence; products liability and strict liability; negligent infliction of emotional distress; injury to property; tort immunities and tort investigations. Students will examine the analytical process used both to understand court opinions and hypothetical problems in this area of the law. The course highlights the public policy objectives and social forces behind the development of tort and personal injury legislation.

### Course Scope:

Torts are civil wrongs recognized by law as grounds for a lawsuit. Torts fall into three general categories: intentional torts (*e.g.*, intentionally hitting a person); negligent torts (causing an accident by failing to obey traffic rules); and strict liability torts (*e.g.*, liability for making and selling defective products). These wrongs result in an injury or harm constituting the basis for a claim by the injured party. Tort law is state law created through judges (common law) and by legislatures (statutory law). Students will be taken through the entire tort process from categorizing the type of tort to the remedies available to the plaintiff and the defenses available to the defendant tortfeasor. A main focus of this course will be the public policy reasons behind the development of tort law, and the practical dimensions of tort and personal injury law in society. An additional topic covered is the “practical approach” to and the importance of a tort case investigation.

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## Objectives

After completing this course the Student will be able to:

1. Discuss the historical roots of tort law;
2. Classify the three broad categories of torts;
3. Identify the elements of strict (absolute) liability;

4. Examine the analytical framework of an appellate court decision;
  5. Analyze hypothetical problems by applying legal principles to the facts of the case;
  6. Relate the tortfeasor's duty of reasonable care;
  7. Outline the elements of negligence and defenses to negligence; and
  8. Discuss alternative dispute resolution.
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## Outline

### Week 1: Introduction and Negligence

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#### Topics

Required in *Torts: Cases and Contexts, Volume 1*

Part I: Preliminaries (Chapters 1 and 2)

Part II: Negligence (Chapters 3 and 4)

#### Course/Learning Objectives

CO-1: Outline the elements of negligence and defenses to negligence

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LO-1: Explain the three categories of torts.

LO-2: Describe the history of tort law.

LO-3: Assess the public policy objectives in Tort Law.

LO-4: Outline the elements of negligence.

#### Readings

Review the Weekly Lessons for week 1 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings

#### Forums

Introduce yourself on the Forum. Please tell some of your background and why you are interested in paralegal studies. Your introduction should be posted by Wednesday and you need to reply to two classmates for full credit.

Respond to Part 2 of the Forum for Week 1. Your initial post is due Wednesday and 2 replies to classmates are due Sunday of this week. Initial posts to the Forum must be a minimum of 500 words, and follow up posts in Forum are 250 words minimum. ALL posts should have sources and citations in bluebook format.

### Week 2: Various Negligence Issues

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#### Topic

Required in *Torts: Cases and Contexts, Volume 1*

## Part II: Negligence (Chapters 5, 6, and 7)

### Course/Learning Objectives

CO-2: Relate the tortfeasor's duty of reasonable care.

CO-3: Outline the elements of negligence and defenses to negligence.

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LO-5: Understand the difference between negligence and negligence per se.

LO-6: Explore Various Professional Negligence Causes of Action,

LO-7: Explain premise liability.

LO-8: Assess the liability of the landowner and their invitees.

### Readings

Review the Weekly Lessons for week 2 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings

### Forum

Week 2 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

## **Week 3: Various Negligence Issues**

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### Topic

Required in *Torts: Cases and Contexts, Volume 1*

Part II: Negligence (Chapters 8, 9, and 10)

### Course/Learning Objectives

CO-4: Examine the analytical framework of an appellate court decision.

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LO-9: Examine the difference between “but for” analysis and substantial factor test.

LO-10: Describe the concept of vicarious liability.

LO-11: Describe the difference between vicarious liability and joint and several liability.

LO-12: Examine the various defenses and immunities to a negligence claim.

LO-13: Illustrate the elements of “Negligent Infliction of Emotional Distress.”

### Readings

Review the Weekly Lessons for week 3 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

### Forum

Week 3 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

## Assignment

Complete the case brief assignment. See details under the assignment tab for week 3 in the classroom,

### **Week 4: Midterm**

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#### Topic

The Midterm Exam will cover the material and concepts from the readings from Weeks 1, 2, 3, and 4.

#### Readings

Review the Midterm Review for week 4 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

#### Assignments

The Midterm Exam covers negligence and various issues related to negligence covered in Volume 1 of *Torts: Cases and Contexts*. You will have to apply the concepts from the readings to a series of made-up stories called "fact patterns."

#### Forum

Week 4 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

### **Week 5: Intentional Torts**

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#### Topic

Required in *Torts: Cases and Contexts, Volume 2*

Part V: Intentional Torts (Chapters 16-26)

#### Course/Learning Objectives

CO-5: Analyze hypothetical problems by applying legal principles to the facts of the case.

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LO-14: Classify the types of intentional torts.

LO-15: Describe the difference between criminal law versus tort law involving intentional injuries to persons.

LO-16: Explain defamation including libel and slander.

LO-17: Analyze the elements of trespass to land.

LO-18: Describe the tort of "conversion."

#### Readings

Review the Weekly Lessons for week 5 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

#### Forum

Week 5 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

### **Week 6: Strict Liability and Products Liability**

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## Topics

Required in *Torts: Cases and Contexts, Volume 2*

Part IV: Dealing With Accidents Beyond Negligence (Chapters 13, 14, and 15)

Course/Learning Objectives

CO-6: Identify the elements of strict (absolute) liability.

CO-7: Identify the elements of a product liability and a warranty claim.

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LO-19: Analyze the public policy objectives behind strict liability.

LO-20: Assess the limitations to absolute liability.

LO-21: Summarize the theory and history of products liability.

LO-22: Evaluate the public policy objectives behind products liability.

LO-23: Explain a typical products liability formula.

Readings

Review the Weekly Lessons for week 6 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

Forum

Week 6 Forum: Initial post due Wednesday, 2 replies to classmates due Sunday of this week.

## **Week 7: Oblique Torts and Special Issues with Parties and Actions**

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### Topic

Required in *Torts: Cases and Contexts, Volume 2*

Part VII: Special Issues with Parties and Actions (Chapters 27, 28, and 29)

Part VIII: Oblique Torts (Chapters 30, 31, and 32).

Course/Learning Objectives

CO-8: Explore the elements of various oblique torts

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LO-24: Analyze the law of public and private nuisance.

LO-25: Compare/contrast the remedies for public and private nuisance.

LO-26: Explain typical facts involved in wrongful death statutes.

LO-27: Evaluate the defenses and damages in wrongful death cases.

LO-28: Illustrate the concept of sovereign immunity.

Readings

Review the Weekly Lessons for week 7 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

Forum

Week 7 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

Assignment

Internal Memo due. Please see the assignment tab for further explanation.

## **Week 8: Final Exam**

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Topic

The final exam will test the readings and concepts covered during Weeks 5, 6, 7, and 8.

Readings

Review the Review Lesson for week 8 located under the Lessons tab in the classroom. Click on the Readings and Resources link to access the readings.

Assignment

The final exam covers material and concepts from the readings from Weeks 5, 6, 7, and 8. Like on the midterm exam, you will confront a series of fact patterns that require you to apply the concepts from our readings to several made-up fact patterns.

Forum

Week 8 Forum: Initial Post due Wednesday and 2 replies due Sunday of this week.

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## **Evaluation**

### **PHONE CALLS/E-MAIL:**

Contact between students and instructor can occur by phone or messenger system located within the classroom. However, the best way to reach your instructor is via the messenger system located inside of the classroom. Students are expected to maintain routine contact with the instructor throughout the course. The number of these contacts may vary according to the specific course and individual student need. Depending on the course, the professor may require these contacts to occur by phone. **FOR ALL MESSENGES, PLEASE PUT YOUR NAME AND COURSE NUMBER IN THE SUBJECT HEADING.** If you have not received a response from your instructor within 72 hours, please follow up, as the message may not have been received.

### **ASSIGNMENTS:**

#### **Case Brief**

During Week#3, you will brief a recent Supreme Court case. This case brief counts for 15% of your grade.

#### **Forums:**

There are eight Forums (plus one introduction) and your forum participation counts for 20% of your grade. The forums are geared to help students prepare for the midterm and final exam. For full credit, you must respond to at least two of your classmates' postings for each week/ topic. Please submit your initial response to the discussion board topic by Wednesday at midnight so your classmates can respond to your

posting by Sunday. Post your responses to your classmates by the end of the week, Sunday at midnight. And, if you are asked a follow up question by your instructor, please do your best to answer the question. Your initial post should be 500 words and your responses should be at least 250 words.

### **Internal Memo:**

Students are required to submit a five-page internal memo that addresses a complex tort law fact pattern. The internal memo should be **DOUBLE SPACED**.

### **FINAL AND MIDTERM EXAMINATIONS:**

The midterm and final exams will be taken open book. The exams will be posted in the electronic classroom under "Exams." These exams will be based on your analysis of several fact patterns. Final grades will be posted in the electronic classroom within **7 days** after the course ends.

### **Grading:**

| <b>Name</b>              | <b>Grade %</b> |
|--------------------------|----------------|
| Forums                   | 20.00 %        |
| Introduction             | 2.22 %         |
| Week One Forum           | 2.22 %         |
| Week Two Forum           | 2.22 %         |
| Week Three Forum         | 2.22 %         |
| Week Four Forum          | 2.22 %         |
| Week Five Forum          | 2.22 %         |
| Week Six Forum           | 2.22 %         |
| Week Seven Forum         | 2.22 %         |
| Week Eight Forum         | 2.22 %         |
| Internal Memo Assignment | 25.00 %        |
| Internal Memo Assignment | 25.00 %        |
| Case Brief               | 15.00 %        |
| Case Brief               | 15.00 %        |
| Exams                    | 40.00 %        |
| Mid-Term-Week#4          | 20.00 %        |
| Final Exam-Week#8        | 20.00 %        |

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## **Materials**

**Book Title:** Understanding Torts, 5th ed.

**Author:** Diamond, J., Levine, L. and Bernstein, A.

**Publication Info:** LexisNexis

**ISBN:** 9780769872346

**Book Title:** Torts and Personal Injury Law, 5th ed.

**Author:** Cathy Okrent

**Publication Info:** Cengage

**ISBN:** 9781133691853

**Book Title:** Bluebook: Uniform System of Citation, 20th ed- the Bluebook is available online through the APUS Online Library: <http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

**Author:** Harvard, Columbia Law Reviews

**Publication Info:** Harvard, Columbia Law Reviews

**ISBN:** 9780692400197

**Book Title:** Course materials will change for June 2018 & beyond. Please email [booklist@apus.edu](mailto:booklist@apus.edu) for an updated booklist.

**Author:**

**Publication Info:**

**ISBN:** APUPOT4

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Eric Johnson, *Torts: Cases and Contexts, Volume 1* Published by CALI eLangdell Press. Available under a Creative Commons BY-NC-SA 3.0 License: <https://creativecommons.org/licenses/by-nc-sa/3.0/>

You may access *Torts: Case and Contexts, Volume 1* via the below link:

[https://www.cali.org/sites/default/files/Dec212015FINAL\\_Johnson\\_Torts\\_Cases\\_and\\_Context\\_Volume\\_1.pdf](https://www.cali.org/sites/default/files/Dec212015FINAL_Johnson_Torts_Cases_and_Context_Volume_1.pdf)

Eric Johnson, *Torts: Cases and Contexts, Volume 2* Published by CALI eLangdell Press. Available under a Creative Commons BY-NC-SA 3.0 License: <https://creativecommons.org/licenses/by-nc-sa/3.0/>

You may access *Torts: Case and Contexts, Volume 2* via the below link:

[https://www.cali.org/sites/default/files/Dec272016\\_FINAL\\_Cover\\_Volume2.pdf](https://www.cali.org/sites/default/files/Dec272016_FINAL_Cover_Volume2.pdf)

\*Recommended, but not required: *The Blue Book: A Uniform System of Citation*, 20th ed., (2015). This is available in hard copy or as an e-text and may be purchased at:

<http://www.legalbluebook.com/Purchase/Products.aspx>

You may also access The Blue Book via the school's library by following the instructions in announcement section in the classroom.

### **\*Strongly Recommended**

**John L. Diamond, et al., (2013). *Understanding Torts 5th ed.* New York: Matthew Bender & Company.**

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## **Course Guidelines**

### **ACADEMIC DISHONESTY: PLAGIARISM AND CHEATING**

Under "University Policies," click on "Plagiarism Policy" for detailed information.

### **WRITING EXPECTATIONS**

All written submissions should be submitted in a font and page set-up that is readable and neat. It is recommended that students try to adhere to a consistent format, which is described below.

- Typewritten in double-spaced format with a readable style and font and submitted inside the electronic classroom (unless classroom access is not possible and other arrangements have been approved by the professor).
- Arial 11 or 12-point font or Times New Roman styles.

- Page margins Top, Bottom, Left Side and Right Side = 1 inch, with reasonable accommodation made for special situations and online submission variances.

## CITATION AND REFERENCE STYLE

The central function of legal citation is to allow the reader to efficiently locate the cited source. All courses in the Legal Studies program require that any narrative essay or composition format follow the legal citation guidelines set forth in *The Blue Book: A Uniform System of Citation*, 20th ed., (2015). More information can be found in the Web Resources and Course Material links in the classroom.

## COURSE EXTENSIONS

Course extensions must be submitted **BEFORE** the course ends. Requests submitted after the course or current extension ends will not be considered. Students must submit extension requests using the online form. Each 30-day request must be submitted by the student using the online "Request Course Extension" form in the campus FORMS MENU.

For more information, see the Student Handbook, Extension Process & Policy.

## LATE ASSIGNMENTS

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals I understand you must manage competing demands on your time. Should you need additional time to complete an assignment please contact me before the due date so we can discuss the situation and determine an acceptable resolution. Routine submission of late assignments is unacceptable and may result in points deducted from your final course grade.

## DISABILITY ACCOMODATIONS

This institution complies with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and state and local requirements regarding students with disabilities. See APUS Student Handbook for details.

## NETIQUETTE

Online universities promote the advance of knowledge through positive and constructive debate--both inside and outside the classroom. Discussions on the Internet, however, can occasionally degenerate into needless insults and "flaming." Such activity and the loss of good manners are not acceptable in a university setting--basic academic rules of good behavior and proper "Netiquette" must persist. Remember that you are in a place for the fun and excitement of learning that does not include descent to personal attacks, or student attempts to stifle the discussion of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Educator classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and--especially--satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add "emoticons" to help alert your readers: ;-), :), J

## DISCLAIMER STATEMENT

Course content may vary from the outline to meet the needs of this particular group.

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## University Policies

[Student Handbook](#)

- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)
- [Disability Accommodations](#)

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