

COURSE SYLLABUS

POLITICAL SCIENCE 427: TORTS AND PERSONAL INJURY LAW (3 semester hours)

Mondays, 7:20 –10:00 PM
EDS – 101 (Commerce Campus)
Rock – 143 (Rockwall Campus)

Instructor: Professor April Pitts
Office Location: SS – 163
Office Hours: M 5:00 – 6:00 PM
T 11:00 AM – 12:30 PM
W 11:00 AM – 12:00 PM
R 11:00 AM – 12:30 PM
(or by appointment)
Phone: (903)886-5310
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Required Texts

Cathy J. Okrent, *Torts and Personal Injury Law*, 5th ed.
ISBN: 9781133691853

Course Description

This course focuses on the fundamental common law and statutory concepts of tort law, with emphasis on the paralegal's role. Topics include intentional torts, negligence, strict liability, products liability, medical malpractice, special tort actions, including mass torts, immunities, and commonly employed defenses, and paralegal ethics. The course has a practical element requiring students to draft documents such as a petition and motion for summary judgment, in addition to briefing cases. Students will become familiar with computer applications used in torts practice.

Course Objectives

The goal of this course is to enable the student to:

- Distinguish type of torts (i.e., negligence, intentional, strict liability, and hybrid) and solve hypothetical problems in the context of tort law;
- List the elements for causes of action in various torts, defenses, and immunities, including special duties owed;
- Identify the types of evidence to satisfy the elements of various torts and whether a viable cause of action exists;
- Determine the extent of damages for negligent acts.

Attendance Policy

Attendance is required and roll will be taken at every class. ***If you miss more than 2 classes I reserve the right to drop you from the course.*** If a student leaves after any break, it will be considered 1 absence.

Grading Policy

Participation: This class will be taught using the Socratic Method as well as lecture. You may be called on at any time and are expected to be fully prepared to discuss the assigned reading material. This is a cumulative grade over the course of the semester.

Weekly Assignments: You are also responsible for completing weekly assignments. These assignments include case briefs, chapter problems and research assignments. If the assignment is a group assignment, you will be responsible for choosing your group members. A group may consist of 2 to 3 people. Your weekly assignments will be reviewed and returned to you. This is a cumulative grade over the course of the semester.

All assignments must have a cover page indicating the following: your name, class, name of the assignment, and date the assignment is due. All assignments must be stapled. A deduction of one letter grade will be assessed to all assignments turned in without stapling or without a cover page.

Case briefs, take-home exams, and homework are due at the beginning of each class period. All written work will be graded not only on content, but also on writing style, **including punctuation and grammar**. Homework, case briefs, and take-home exams **will NOT** be accepted late or by email.

Examinations: The midterm and final examinations will primarily consist of multiple choice, true/false, and short answer, and/or essay questions. If an exam is take-home, any collaboration with other students with regards to the substance of the exam will result in a failing grade on that exam.

Your grade will be calculated according to the following formula:

Participation	10 points
Weekly Assignments	20 points
Midterm	30 points
Final	40 points

Grade Distribution is as follows:

A = 90-99
B = 80-89
C = 70-79
D = 65-69
F = 64 and below

(No extra credit work will be allowed)

Classroom Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Student's Guide Handbook, Policies and Procedures, Conduct) You are expected to exhibit respect for the instructor and fellow students at all times. All electronic devices (except laptops) must be turned off during class. Laptop use is limited to reading notes made for class and taking notes during class. In the event you choose to use a laptop, sound features must be disabled. Surfing the internet and playing games on your laptop during class time are strictly prohibited. Failure to adhere to these policies may result in removal from class.

Disability Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring accommodation, please contact:

Office of Student Disability Resources and Services
Texas A&M University – Commerce
Gee Library
Room 132
Phone: (903)886-5150 or (903)886-5835
Fax: (903)468-8148
StudentDisabilityServices@tamuc.edu

“What is Plagiarism

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).

All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation
- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized.” (www.plagiarism.org)

If you plagiarize, you will receive a ZERO for the assignment in question. I also reserve the right to give you an F in the course. The matter will be referred to the Office of the Dean of the College of Humanities Social Science and Arts.

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require.

Tentative Course Reading Assignments

- 01/18/2016 **Martin Luther King Day**
- 01/25/2016 First day of class (Course Overview)
Chapter 1: Introduction to Torts and Legal Analysis
Chapter 2: Negligence (pgs. 19-39)
- 02/01/2016 Chapter 2: Negligence (pgs. 39-57)
Assignment
- Find a recent court opinion in your state that defines the elements of negligence. Do these elements differ from those discussed in this chapter? If so, in what ways?
 - Brief *Otero v. Fazio*, pg. 49
- Chapter 3: Proving Breach of Duty, Medical and Legal Malpractice
- 02/08/2016 Chapter 4: Special Negligence Actions
Assignment:
- Problem #2, pg. 121. Discuss fully.
 - Brief *Uddin v. Embassy Suites Hotel*, pg. 99
- 02/15/2016 Chapter 5: Defenses to Negligence
Assignment:
- What is the statute of limitations for bringing a negligence action in your state? Does the same statute of limitations apply for medical, dental, and legal malpractice actions in your state?
- 02/22/2016 Chapter 10: Strict, or Absolute, Liability
Assignment:
- Problem #2, pg. 320. Discuss fully.
- 02/29/2016 Chapter 11: Products Liability
Assignment:
- Which version of products liability do your state courts follow? Is it different from, or identical to the Second Restatement's § 402A?
- 03/07/2016 **Midterm Exam**
- 03/14/2016 **SPRING BREAK**

SPRING 2016

- 03/21/2016 Chapter 6: Intentional Torts: Injuries to Persons
Assignment:
- Problem #4, pg. 174. Discuss fully.
- 03/28/2016 Chapter 7: Intentional Torts: More Injuries to Persons
- Meet with several classmates to discuss the theories in this chapter. Create an original hypothetical fact situations involving the intentional torts discussed in this chapter. THIS IS A GROUP ASSIGNMENT.
- 04/04/2016 Chapter 8: Intentional Torts: Injuries to Property
Assignment:
- Brief *Koester v. VCA Animal Hospital*, pg. 231
- 04/11/2016 Chapter 9: Defenses to Intentional Torts
Assignment:
- Problem #3, pg. 291. Discuss fully.
- 04/18/2016 Chapter 12: Special Tort Actions
Assignment:
- Problem #2, pg. 393. Discuss fully.
- 04/25/2016 Chapter 13: Tort Immunities
Assignment:
- Problem #1, pg. 416. Discuss fully.
- 05/02/2016 Last Class Day; Final Exam Review
- 05/09/2016 **Final Exam (7:20 PM)**