

COURSE SYLLABUS

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

Online Course

Live Lecture: Tuesdays, 7:20 –10:00 PM

Instructor: Professor April Pitts
Office Location: SS – 163
Office Hours: Professor Pitts is available by email or phone M – F, during normal business hours. (If an email is sent after 5 pm on a Friday, I will respond the following Monday.)
Office Phone: 903-886-5310 (Let it ring 4 times and it will be forwarded to my cell phone. An alternate number will also be given to you during the first lecture.)
Email: April.Pitts@tamuc.edu

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, 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/Participation Policy

You are expected to know how to navigate and use the D2L platform by utilizing the trainings made available to you by the University. You are expected to attend and participate in the online live lectures each week. Unless you experience technological difficulties, you are expected to use earphones and a microphone to participate in each of the live lectures.

In addition, you are required to participate in the discussion each week you have assigned readings. You must prepare for the discussion by reading ALL of the material assigned. Questions will be posted related to each topic the week readings are assigned. You must thoughtfully respond to the posted questions. Short posts unsupported by information in the readings may be given ZERO points.

Grading Policy

Lectures and Discussion: 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 during the live lectures and in the online discussions. This is a cumulative grade over the course of the semester.

Assignments: You are also responsible for completing the assignments listed in this syllabus. The assignments may be found within the chapters of the textbook and in handouts I will provide to you. 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 assignments will be reviewed, graded and returned to you.

All assignments must have a cover page indicating the following: your name, class, chapter and name of the assignment (as it appears in the syllabus), and date the assignment is due. A deduction of 10 points will be assessed to all assignments turned in without a cover page. You will submit your assignments in the dropbox provided to you in the D2L platform.

Case briefs, take-home exams, homework assignments, and any other written work must be submitted before the deadline provided to you. 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.

Exams: The examinations will primarily consist of multiple choice, true/false, definition, and short answer questions and essay. Any collaboration with other students with regards to the substance of the exams will result in a failing grade.

Your grade will be calculated according to the following formula:

Participation/Discussion	15 points
Weekly Assignments	25 points
Midterm	30 points
Final	30 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 unless assigned as a bonus to the entire class.)

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. Failure to adhere to these policies may result in removal from the online course.

Please be respectful of others' opinions even if you do not agree with them. I look forward to reading a variety of thoughts and opinions and I want you to express yourselves, but please be respectful! Remember all caps means you are yelling.

COVID-19 Policy

“A&M-Commerce requires the use of face-coverings in all instructional and research classrooms/laboratories. Exceptions may be made by faculty where warranted. Faculty have management over their classrooms. Students not using face-coverings can be required to leave class. Repetitive refusal to comply can be reported to the Office of Students' Rights and Responsibilities as a violation of the student Code of Conduct. “

“Students should not attend class when ill or after exposure to anyone with a communicable illness. Communicate such instances directly with your instructor. Faculty will work to support the student getting access to missed content or completing missed assignments.

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

Nondiscrimination Statement

Texas A&M University - Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status. Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

Campus Carry Statement

Texas Senate Bill-11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-0Commerce Rule 34.06.02R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to <http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02R1.pdf> (and/or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

Plagiarism Statement

“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 and the Office of the Provost.

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

Tentative Course Reading Assignments

Week 1	First day of class (Course Overview) Chapter 1: Introduction to Torts and Legal Analysis
Week 2	Chapter 2: Negligence (pgs. 19-39)
Week 3	Chapter 2: Negligence (pgs. 39-57) <u>Assignment</u> <ul style="list-style-type: none">• 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 <i>Otero v. Fazio</i>, pg. 49 Chapter 3: Proving Breach of Duty, Medical and Legal Malpractice
Week 4	Chapter 4: Special Negligence Actions <u>Assignment:</u> <ul style="list-style-type: none">• Problem #2, pg. 121. Discuss fully.• Brief <i>Uddin v. Embassy Suites Hotel</i>, pg. 99
Week 5	Chapter 5: Defenses to Negligence <u>Assignment:</u> <ul style="list-style-type: none">• 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?

- Week 6 Chapter 10: Strict, or Absolute, Liability
Assignment:
- Problem #2, pg. 320. Discuss fully.
- Week 7 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?
- Week 8 **Midterm Exam**
- Week 9 Chapter 6: Intentional Torts: Injuries to Persons
Assignment:
- Problem #4, pg. 174. Discuss fully.
- Week 10 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.**
- Week 11 Chapter 8: Intentional Torts: Injuries to Property
Assignment:
- Brief *Koester v. VCA Animal Hospital*, pg. 231
- Week 12 Chapter 9: Defenses to Intentional Torts
Assignment:
- Problem #3, pg. 291. Discuss fully.
- Week 13 Chapter 12: Special Tort Actions
Assignment:
- Problem #2, pg. 393. Discuss fully.
- Week 14 Chapter 13: Tort Immunities
Assignment:
- Problem #1, pg. 416. Discuss fully.
- Week 15 Final Exam Review
- Week 16 **Final Exam**