

TORT LAW
PLS 282/FALL 2019
WEB

Instructor: Julie Shadoan
Office: Tate Page Hall, Room 256

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Office Hours: As posted or by appointment

TEXTBOOK REQUIREMENTS:

**Bevans, *Tort Law for Paralegals* (5th ed. 2015 or newer, Aspen)
ISBN# 9781454852193**

Handouts and online postings necessary.

LEARNING OBJECTIVES AND OUTCOMES:

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| 1. | Objective: | Introduce students to various substantive tort law topics |
| | Outcome: | Students will be able to identify and differentiate among intentional torts, negligence and strict liability; to identify the elements of each tort; to identify the defenses to each tort; and to identify the possible remedies to be sought in a court of law |
| 2. | Objective: | Familiarize students with the civil process involved in tort law litigation |
| | Outcome: | Students will be able identify the stages of civil litigation and to provide litigation support throughout each phase |
| 3. | Objective: | Familiarize students with the rules of civil procedure that govern tort law litigation |
| | Outcome: | Students will be able to identify and apply federal, state and local rules of procedure to tort litigation |
| 4. | Objective: | Familiarize students with ethical concerns arising in tort law litigation |
| | Outcome: | Students will be able to identify the rules of professional conduct governing attorney and legal assistants in tort litigation; to identify violations of those rules and possible ramifications for those violations |
| 5. | Objective: | Develop student's ability to critically analyze federal and/or Kentucky appellate court decisions dealing with tort disputes |
| | Outcome: | Students will be able to read court opinions written by various courts resolving tort disputes and to analyze the opinions critically from the perspective of both parties to the dispute. |

Attendance:

Attendance is required. "Attendance" for online courses requires that you timely access and complete all assignments posted on Blackboard. You will receive an "F" in this course if you fail to submit timely two (2) assignments without an excused absence.

Excused absences include emergencies such as death in the immediate family, serious illness requiring hospitalization or involving contagious disease, and/or incidents absolutely beyond a student's control. Excused absences of an emergency nature must be properly documented and determination of whether an absence constitutes an excused absence remains within the discretion of the Instructor. Excused absences may also include missed assignments due to a known and pre-existing conflict. If the student is aware that an assignment will be missed for this reason, he/she must file a Motion with the Instructor requesting permission to miss class no later than five (5) days prior to the missed assignment. The Motion must contain detail as to why it is

necessary for the student to miss class. The Instructor shall rule on the Motion within 48 hours of receipt. The absence will be deemed "excused" only if the Motion is granted by the Instructor. A sample Motion is posted on Blackboard.

Americans with Disabilities Accommodations:

In order for the Instructor to make appropriate accommodations for Students with learning or other disabilities, it is requested that the Student contact the Student Accessibility Resource Center regarding his/her disability prior to the beginning of this semester at:
<https://www.wku.edu/sarc/>.

Class Information/Communication:

The Syllabus, Assignments, Calendar, and Textbook Information will be permanently posted on Blackboard for your review. Assignments will generally be posted on Wednesday of each week at 5:00 p.m., and will be due the following Wednesday at 11:59 p.m. unless otherwise stated. The Instructor will communicate other course information via email and the announcement board. It is the student's responsibility to monitor Blackboard and email regularly for important information regarding this course.

Missed Assignments/Make-Up Testing:

Assignments missed due to absence from class are the responsibility of the Student. The Instructor reserves the right to penalize the Student at least one letter grade for late assignments.

No make-up exams will be administered unless the Student's absence has been properly excused.

Honor Code and Student Behavior:

Western Kentucky University and its colleges desire to maintain the highest academic integrity. It must be clearly understood that acts of plagiarism or any other form of cheating or dishonesty will not be tolerated. Anyone committing such acts shall be subject to failure of this course and other disciplinary measures.

Unless specifically authorized by the Instructor, NO assignments in this course are to be completed with the assistance of another student.

The Instructor reserves the right to remove any student from this course for disruptive or disrespectful behavior in the classroom or online.

IMPORTANT STUDENT INFORMATION:

All WKU students may access information relating to the Americans with Disabilities Act classroom/course accommodation requirements, Title IX sexual assault reporting requirements, student complaints and grievances, active shooter preparedness, emergency preparedness, student legal services, counseling services and police services at:

<https://www.wku.edu/syllabusinfo/index.php>

COURSE/TOPIC CALENDAR

WEEK/DAY	TOPIC	ASSIGNMENT
1 (8/28)	Ethics in the tort law practice; Alternative dispute resolution; Civil Process and Procedure	READ: Chapter 1, Handouts/Case Study Format COMPLETE: Discussion Board 1
2 (9/4)	Assault and Battery/Defenses	READ: Chapters 2 and 3 COMPLETE: Case Study 1
3 (9/11)	Trespass and Nuisance/Defenses	READ: Chapters 2 and 3 COMPLETE: Case Study 2
4 (9/18)		EXAM 1
5 (9/25)	Negligence and Damages	READ: Chapters 4, 5, 6, 7, and 8 COMPLETE: Discussion Board 2
6 (10/2) and 7 (10/9)	Professional Negligence: Legal and Medical	READ: Chapter 12 COMPLETE: Case Study 3
8 (10/16)	Strict Liability	READ: Chapter 10 COMPLETE: Case Study 4
9 (10/23)	Comparative/Contributory Negligence Sovereign Immunity	READ: Chapters 3 and 9 COMPLETE: Discussion Board 3
10 (10/30)		EXAM 2
11 (11/6)	Insurance Defamation	READ: Chapter 13 COMPLETE: Case Study 5
12 (11/13)	Product Liability	READ: Chapter 10 COMPLETE: Discussion Board 4
13 (11/20) and 14 (11/27)	Fraud and Misrepresentation	READ: Chapter 14 COMPLETE: Case Study 6
15 (12/4)	Employment/sexual harassment	READ: Chapter 14 COMPLETE: Discussion Board 5
16 (12/11)		FINAL EXAM

NOTES:

GRADES ARE WEIGHTED. In order to calculate your grade in the course, you should multiply your score on a particular assignment by the weight value assigned to get the actual points earned for that assignment. For example, if you receive a "91" on a case study worth 5%, you will multiply 91 x .05, earning you 4.55 points for that project toward the total of 100 points available for the course. At the end of the semester, add up all actual points earned and final grades will be awarded according to the standard scale: 90-100, A; 80-89, B; 70-79, C; 60-69, D; Below 60, F.

THIS COURSE SCHEDULE is preliminary in nature and subject to change based on WKU campus closings, progression through the material and other variables. Changes made to the schedule will be announced and a revised syllabus posted on Blackboard.

All chapter references come from the 5th edition of the required textbook. If you are using a different edition, assignments may need to be adjusted per the Table of Contents.

GRADE PERCENTAGES:

Case Studies	5% (each, 30% total)
Discussion Boards	5% (each, 25% total)
Examinations	15% (each, 45% total)

GRADING RUBRIC:

For purposes of grading student performance on case study projects, the Instructor will evaluate the student based upon the following:

- Timely submission of assignments
- Substantive and meaningful participation in class and online discussions
- Ability to trace historical precedent of tort law concepts
- Ability to identify the legal issue(s) raised in each case study
- Ability to trace the legal history of each case study within the court system
- Ability to summarize the facts of each case study
- Ability to summarize the legal reasoning and ruling of the court
- Ability to analyze the court's reasoning and/or ruling based upon the case facts
- Ability to synthesize and apply the legal concepts of tort law to factual scenarios in order to reach likely conclusions as to liability and damages

Unless specifically authorized by the Instructor, NO assignments in this course are to be completed with the assistance of another student.

