

OAKLAND UNIVERSITY PARALEGAL PROGRAM SYLLABUS

CEPL 25070 Substantive Law: TORTS

Text: Torts & Personal Injury Law for eh Paralegal: Developing Workplace Skills, Richard N. Jeffries- Prentice Hall

Faculty: Thomas Lynch, Esquire and the Honorable Judge Fred Mester

Thomas Lynch, Esquire

Professional experience as trial attorney in Michigan and Federal Courts 1992-1998; Professional experience as corporate counsel from 1998-present at EDS and Ally Financial Inc.; Oakland University instructor of legal education courses in Criminal Law and Procedure, Constitutional Law, Domestic Violence and Contract Drafting and Negotiations. Freelance author, panel speaker at various seminars and author of corporate training programs.

Contact Information: Hon. Fred M. Mester _judge@judgemester.com
Thomas Lynch- Thomas.lynch@ally.com phone no: 313-656-6114

Schedule: Winter Semester -Every Wednesday, beginning January 6- April 6, 2016
6:30-9:30; 14 weeks

Credit Hours: 4.2 CEU's

Course Description: To provide a comprehensive view of the major areas of tort law, including basic intentional torts, defamation and privacy, negligence, strict (or absolute) liability, product liability, nuisance and understand the concepts relevant to all torts. Students will first learn the foundations of law and its institutions. Next, students will learn how to apply the knowledge gained in the substantive portion. Students will learn the step-by-step practice skills from the perspective of both the plaintiff and defense. Students will prepare a set of actual documents based on a given factual situation. Lectures will focus on the actual workings of the Michigan civil law system. The roles of the prosecution, defense and judge will be examined in the text and in class discussions.

Written and oral presentation assignments, including but not limited to some or all of the following: problem solving, case briefing, scenarios, oral argument, internet discussion board, class participation, outside readings and examinations including a Final Examination. Sessions further consist of Chapter Overview, Facilitation, Discussion, Oral Presentations, Arguments and Analysis. As facilitation is an integral part of the learning process, it is a factor in grading. Use of law library, internet search, MCLA, and Michigan and Federal Cases

Academic Honesty: Plagiarism is a serious academic offense that will not be tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Submit work that represents your original words or ideas. Using another's work or idea without acknowledgement or permission, or cheating in any form, is a serious violation. For Academic Conduct Policy see <http://www.oakland.edu/pace/policies-procedures>

Attendance: Attendance is a factor in awarding CEUs. Students are allowed a maximum of three excused absences. Contact instructor for make-up policy and due dates for incomplete assignments. **If you will be absent from a class please contact the instructor.**

Course Standards: It is the responsibility of each student to be prepared for each session. All assignments must be submitted on their due date. Students are expected to complete reading assignments prior to the scheduled class. It is required that students actively involve themselves in class discussions. Missing class, being late or unprepared will affect the Class Participation portion of a grade. Students are responsible for arranging with a classmate to obtain missed notes, materials,

and/or assignments.

No cell phone or other related electronic use in class. Set phones to vibrate, and leave class if a response is necessary. No tape recording or videotaping except as approved by the instructor.

Evaluation Methods:

Written assignments	60%
Mid-term (essay)	20%
Final exam (essay)	20%

Student Resources:

The Office of Disability Support Services (DSS) is the campus office responsible for verifying that students have disability-related needs and determining academic accommodations, auxiliary aids and other services. Students with learning, psychological, or physical disabilities who may require accommodations should contact DSS at: 103A North Foundation Hall, Phone: 248-370-3266; TTY: 248-370-3268 to schedule an appointment with a DSS advisor.

*-Above ratings could be affected, as course grade may be adjusted one level, based on class participation, discussion board, final exam, extra credit and late assignments.

3.6 to 4.0= A	92-100= 4.0	80-85= 3.0	68-69= 1.8
3.0 to 3.5= B	90-91= 3.6	78-79= 2.8	66-67= 1.5
2.0 to 2.9= C	88-89= 3.5	76-77= 2.5	60-65= 1.0
1.0 to 1.9= D	86-87= 3.3	70-75= 2.0	0-59= 0.0
0.0 to 0.9= No credit/CEU			

All Sessions include Chapter Overview, Facilitation, Discussion, Oral Presentation, Argument and Analysis. Supplement Assignments with Internet Searches.

Session	Detailed Topic Outline	Activities/Assignments
1	Chapter One: Introduction to Personal Injury and Torts Review basic structure of course and syllabus Tort Law in the scheme of things Traits of a Good Personal Injury Paralegal Anglo-American Legal History Personal Injury Public Policy Purposes of Tort Law Tort Reform Bases Upon which Tort Law is Predicated Alternative Dispute Resolution	Review IRAC formula; brief cases. Homework: Review Case 1.1 and answer the five questions.

Session	Detailed Topic Outline	Activities/Assignments
2	Chapter Two: Negligence: Duty and Breach of Duty Duty Scope of Duty <i>Palsgraf</i> case Duty in Failing to Act Good Samaritan Law Breach of Duty Reasonable Person Standard Exceptions to the General Standard of Due Care/ Reasonable Care Gross Negligence The Trier of Fact Jury Instructions	Turn in Homework from Class One; Homework: Review Case 2-1 and answer the question and also answer Review Question #9.
3	Chapter Three: Negligence: Causation Actual cause ("Cause in Fact") Concurrent Liability Multiple Causes Proximate Cause Foreseeability Test for Proximate Cause Indirect Causation and Superseding Intervening Forces Joint and Several Liability Contribution and Indemnity	Turn in Homework from Class Two. Homework: Review Case 3-1 and answer the questions. Make Sure that you enter your time also answer Review Questions 2, 3, 6 and 7.
4	Chapter Four: Negligence: Damages Compensatory Damages Special Damages General Damages Damages for Aggravation of an Injury Mitigation of Damages Subrogation Punitive/Exemplary Damages Nominal Damages Actions for Death	Turn in Homework from Class Three. Homework: Review Case 4-1 and answer the questions. Also, answer Review Questions 4, 5 and 7.
5	Chapter Five: Special Duties and Other Negligence Issues Agency Motor Vehicle/ Vicarious Liability Worker's Compensation Dram Shop Liability Duties of Land Occupier Negligent Infliction of Emotional Distress	Turn in Homework from Class Four. Homework: Review Case 5-1 and answer the questions. Also, answer Review Questions 2, 3, 4, 9 and 10.
6	Chapter Six: Defenses to Negligence. Affirmative Defenses Contributory Negligence Last Clear Chance Comparative Negligence Assumption of the Risk Statutes of Limitation/Repose Tort Immunity Special Verdict v General Verdict	Turn in Homework from Class Five. Homework: Review Case 6-1, complete the assignment and answer the question. Prepare and Study for TEST ONE.

Session	Detailed Topic Outline	Activities/Assignments
7	Chapter Seven: Intentional Torts to the Person Battery Assault False Imprisonment An Act by the Defendant Intentional Infliction of Emotional Distress Defenses to Intentional Torts to Persons	TEST ONE Turn in Homework from Class Six. Homework: Review and complete Case 7-1.
8	Chapter Eight: Torts to Property Trespass to Land Nuisance Trespass to Chattels (Personal Property) Conversion Defenses and Privileges	Turn in Homework from Class Seven Homework: Review and Complete Case 8-1.
9	Finish Torts	Turn in Homework from Class 8. Homework: Answer Review Questions 1, 2, 3, 4, 7 and 8.
10	Chapter Nine: Strict Liability Strict Liability Three General Areas imposing Strict Liability Other Considerations concerning establishment of strict liability Defenses to Strict Liability	Turn in Homework from Class Nine. Homework: Review and complete Case 9-1.
11	Chapter Ten: Products Liability History of Products Liability Products Liability based upon Strict Liability Defenses to Strict Liability Products Liability based on Negligence Defenses to Negligence Claims in Products cases Products Liability based on breach of Warranty Defenses to Warranty Claims in Products cases Consumer Product Safety Act Lemon Law Products Liability based on Intention	Turn in Homework from Class Ten. Homework: Review and complete Case 10-1.
12	Chapter Eleven: Defamation, Invasion of Privacy and other Torts Defamation Publication to a Third person Harm to the reputation of the plaintiff Facts must be false Damages for Defamation Defenses to Defamation Causation Invasion of Privacy Unreasonable Intrusion upon the Seclusion of Another Appropriation of Name or Likeness Unreasonable Publicity given to the other's private life Other Miscellaneous Torts	Turn in Homework from Class Eleven. Homework: Review and complete Case 11-1.

Session	Detailed Topic Outline	Activities/Assignments
13	Complete Class Eleven Review and Make up session.	Turn in Homework from Class Eleven.
14	Final Exam	<u>No assignments</u>

NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE

The information provided in this Syllabus, Class, Online, or Program may not be relied upon as legal advice.

9/29/15