TORT and INSURANCE LAW
Law 2405 / Fall 2018 / Section E870 / Room N-517 / Monday 6-8:30pm
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Office hours: Monday 4-5:30pm, Thursday 4-5pm, and by appointment

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Course description: Three class hours; three credits; LAW 1201 prerequisite. Basic tort and insurance law as it relates to personal injuries. Addresses intentional torts, negligence, strict liability, fire insurance, and workers' compensation, using specific examples and cases to illustrate the relevant legal principles; duties and obligations of parties, interviewing and factual investigation techniques, as well as the preparation of pleadings and the organization of personal injury cases.

Course objectives and learning outcomes include:
- understanding basic principles of tort and insurance law
- familiarity with pleadings and other documents used in tort and insurance law practice
- knowledge of interviewing and other factual investigative methods
- knowledge of federal and New York courts' jurisdiction and procedures in tort cases
- read and understand tort case decisions
- draft effective case briefs
- apply legal precedent to determine the likely outcome in tort scenarios
- draft a legal memorandum explaining the law that applies to a given tort situation
- give an oral presentation on a practice-related issue

City Tech General Education learning outcomes include:
- <u>Knowledge</u>: Pursue disciplined, inquiry-based learning in the major; acquire tools for lifelong learning (e.g., knowledge of resources).
- <u>Skills</u>: Communicate in diverse settings and groups, using written and oral means; employ legal reasoning and logical thinking skills.
- <u>Values, Ethics and Relationships</u>: Demonstrate social and civic knowledge regarding legal issues; apply knowledge to analyze issues.

Assessments include: case briefs; legal memorandum; oral presentation; class discussion; exams and quizzes; homework; exercises and assignments completed alone and in groups, in and outside class, oral and written.

Required texts:
- Neal R. Bevans, *Tort Law for Paralegals Third Edition* (Wolters Kluwer Law & Business 2009). Three copies on reserve in City Tech library: call number **KF 1250.Z9 B48 2009**, plus one copy of Fourth Edition to use if Third is not available, same call number but ends with 2014. Also can be purchased online: <u>alibris.com</u> sells used copies for less than $10 including shipping.
- *The Bluebook: A Uniform System of Citation* (20th ed. 2015). Required in class. Can be purchased online or at college bookstore ($30-50).
- Access to print or online law dictionary (e.g., <u>thelawdictionary.org</u>, <u>dictionary.law.com)</u>; and English language ("regular") dictionary (e.g., <u>dictionary.reference.com</u>, <u>thefreedictionary.com</u>).

Syllabus continues on next page.

Grades: Course grades will be calculated as follows (details on each category below):

Midterm exam	20%
Final exam	25%
Quizzes	15%
Homework and other assignments	20%
Legal memorandum	10%
Oral presentation	5%
Participation and professionalism	5%

Exams and quizzes: The midterm and final exams are cumulative. Quizzes will be announced and unannounced. There will be no make-up exams or quizzes without prior arrangement. Retain copies of graded work; if you believe there was an error, or you appeal a grade, you will be required to support your claim with such evidence.

Homework and other assignments (20%): Except for work to be posted on OpenLab, all written assignments must be submitted on paper during the class when they are due. Assignments will not be accepted by email or in my mailbox without advance permission. Assignments must be typed and double-spaced; handwritten work will not be accepted. Grammar and spelling count—proofread! Retain copies of graded work, as noted above.

Legal memorandum (10%): Each student will be required to draft a legal (office) memorandum explaining the law that applies to a factual scenario involving tort law. This assignment will be scaffolded, as shown in the attached Class Schedule. Details will be provided after the midterm exam.

Oral presentation (5%): Each student will give a three-to-five minute oral presentation on a practice-related issue addressed at the end of each textbook chapter, under the headings "Skills You Need in the Real World," "The Life of a Paralegal," and "Ethical Issues for the Paralegal." Each student will choose the topic of her/his presentation from the chapter(s) assigned for the class in which she/he presents, and must notify the class of the topic at least one week before the presentation (the preceding class). Topics are "first come first served," so claim your topic early to get the one you want! Presentations will be given at the start of each class, according to a schedule determined in our first class. There will be no make-ups: if you miss your presentation, including if you are late to class, you will get no credit. There are no requirements for form, but you are welcome to use PowerPoint, handouts, etc. If you need technical support, copies, etc., let me know at least 24 hours in advance.

Participation and professionalism (5%): Participation includes completing readings and assignments before class and being prepared to discuss them intelligently in class; being present, attentive and engaged in all class discussions and activities; taking handwritten notes; listening respectfully to other students' points of view; responding to my questions; and having all necessary materials with you (including pen and paper). Professionalism includes conducting yourself in a manner appropriate to the legal profession, including in the quality of your work (proofreading, neatness, etc.), and taking responsibility for your own learning and progress, such as seeking assistance from our department's tutor or from me when appropriate.

Extra credit: All students may earn extra points on your midterm and final exam grades by (a) posting summaries and responses to legal news articles on our course OpenLab site, and/or (b) reading a full-length book of your choice (which I will approved), and writing a review of it on OpenLab. Details on these opportunities will be provided in class and on OpenLab. These are the only extra credit opportunities—do not ask for others.

OpenLab: Our course has a site on OpenLab, City Tech's open-source digital platform for academic and other college functions. All students are required to join, and learn to use, our OpenLab site. We will use it extensively to assign and submit work and distribute materials and information, some of which may not be provided in class. Some work will only be accepted through OpenLab. You are responsible for all information on OpenLab.

Email: Per college policy, please email me only from your City Tech account. Allow 24 hours for response, and longer if you email me Friday through Sunday or when classes are not in session. The college Welcome Center (Atrium 1st floor) can assist you with City Tech email issues.

NYCCT Statement on Academic Integrity: "Students and all others who work with information, ideas, texts, images, music, inventions, and other intellectual property owe their audience and sources accuracy and honesty in using, crediting, and citing sources. As a community of intellectual and professional workers, the College recognizes its responsibility for providing instruction in information literacy and academic integrity, offering models of good practice, and responding vigilantly and appropriately to infractions of academic integrity. Accordingly, academic dishonesty is prohibited in [CUNY] and at New York City College of Technology and is punishable by penalties, including failing grades, suspension, and expulsion." Academic dishonesty includes cheating and plagiarism, including plagiarism of Internet material. For explanations and examples of these and other forms of academic dishonesty, see the NYCCT Academic Integrity Policy Manual and the CUNY Policy on Academic Integrity, both available on our course OpenLab site and the college website. You are responsible for understanding and adhering to those policies.

Technology: Students are expected to have basic competency in: (a) word processing, including Microsoft Word, Adobe (pdf), and printing of documents; (b) your City Tech email account (see "Email" above); and (c) the Internet. Students will be introduced to OpenLab, City Tech's open-source digital platform.

<u>CELL PHONES, LAPTOPS, AND OTHER ELECTRONIC DEVICES MAY NOT BE USED FOR ANY PURPOSE DURING CLASS.</u> Silence them and put them away when class begins.

CLASS SCHEDULE

Below is a general outline of topics, assignments, and deadlines. It is subject to change. Readings must be completed <u>before the class for which they are assigned</u>, and submissions are due <u>in the class for which they are assigned</u>. (So, when you walk into class Thursday, Sept. 6, you should have read chapter 1, and be ready to hand in your completed introductory writing assignment and Crossword #1.) "Ch." refers to chapters in Neal R. Bevans, *Tort Law for Paralegals Third Edition*. Cases, crosswords and other materials as noted will be posted on OpenLab ("OL"). Additional readings and work will be assigned in class and on OpenLab.

<u>Class</u>	<u>Date</u>	<u>Topics</u>	<u>Reading</u> *Completed before class*	<u>Submissions</u> *Due in class*
1	Mon. Aug. 27	• <u>Course intro</u>: what is a tort; paralegals' role in tort cases; NY & fed. courts' jurisdiction • <u>Field trip</u>: walking tour of local courts		
No class (CT closed)	*Mon. Sept. 3*	*Labor Day*		
2	Wed. Sept. 5 *Mon. schedule*	• <u>Resolving tort cases</u>: trials and ADR • <u>Field trip</u>: NYC Civil Court observation	• Ch. 1	• Crossword #1 • Intro. essay
No class (CT closed)	*Mon. Sept. 10*	*Rosh Hashanah*		
No class (CT OPEN)	Thurs. Sept. 13	***Primary Election Day!*** *VOTE! if you are registered in a party.*		
3	Mon. Sept. 17	• <u>Intentional torts and defenses</u> • <u>Reading, briefing and citing cases</u> (review)	• Chs. 2, 3 • "Case Briefing and Analysis" & City Tech Case Brief Format (OL) • *Vosburg v. Putney*, 50 N.W. 403 (Sup. Ct. Wis. 1891)	• Crosswords #2, 3 • Bring *Bluebook*
4	Mon. Sept. 24	• <u>Negligence I</u>: Introduction; concept of "duty"	• Chs. 4, 5	• Crosswords #4, 5 • Case brief #1: *Vosburg*
5	Mon. Oct. 1	• <u>Quiz #1</u> • <u>Negligence II</u>: Breach of duty	• Ch. 6 • *Tarasoff v. Regents of Univ. of Cal.*, 551 P.2d 334 (Sup. Ct. Cal. 1976)	• Crossword #1 • Case brief #2: *Tarasoff*
No class (CT closed)	*Mon. Oct. 8*	*Columbus Day*		
6	Mon. Oct. 15	• <u>Negligence III</u>: Proximate cause	• Ch. 7 • *Palsgraf v. Long Island R.R. Co.*, 248 N.Y. 339 (1928) (Cardozo, C.J.)	• Crossword #7 • Case brief #3: *Palsgraf*
No class (CT OPEN)	Wed. Oct. 17	*Deadline to register to vote in the Nov. 6 General Election!!*		
7	Mon. Oct. 22	**MIDTERM EXAM**		

8	Mon. Oct. 29	• Legal memo assmt.: purpose and components of a memo; writing a memo • Negligence IV: Damages	• Ch. 8 • Handout, "The Legal Memorandum"	• Crossword #8
9	Mon. Nov. 5	• Negligence V: Defenses • Legal memo: Question presented, facts, applicable law	• Ch. 9 • Handout on legal memos	• Crossword #9 • First draft "Question Presented" and "Facts" for memo
No class (CT OPEN)	*Tues. Nov. 6*	***GENERAL ELECTION DAY!! VOTE!!*** *Last day to withdraw with a "W"*		
10	Mon. Nov. 12	• Strict Liability and Products Liability • Legal memo: Brief answer, conclusion, discussion (IRAC)	• Ch. 10 • Handout on legal memos	• Crossword #10 • Revised Facts and QP for memo • First draft Brief Answer and Conclusion
11	Mon. Nov. 19	• Quiz #2 • Defamation and Malpractice • Legal memo: revising your work	• Chs. 11-12 • Handout on legal memos	• Crosswds 11, 12 • Memo: revised Br. Ans. & Conc. • First draft Discussion
12	Mon. Nov. 26	• Insurance and Workers' Compensation • Legal memo: finalizing your work (individual conferences)	• Ch. 13, Ch. 14 part X (wkrs' comp)	• Crossword #13 • Complete memo (revised in entirety, nearly final)
No class (CT OPEN)	*Fri. Nov. 30*			• *Optional:* Book review due (OL)
13	Mon. Dec. 3	• Sexual Harassment and Business Torts • Final exam review	• Ch. 14	• Crossword #14
14	Mon. Dec. 10	**FINAL EXAM**		• *Optional:* Really near final memo, for gen. comments
15	Mon. Dec. 17	• Investigating and organizing tort cases • Course wrap-up	• *Re-read* ch. 1 parts V through IX	• Final legal memorandum due!!

ENJOY THE BREAK! ☺