Course Description

This course is a study of the various classifications and functions of tort law, including intentional and negligent torts, causation and defenses.

Course Focus

The course involves the study of basic Tort law principles. Students will learn how to draft commonly used Tort litigation documents.

Text and References


Course Objectives

Upon successful completion of Leg 120, the student will be able to:

1. Understand and explain the three major areas of tort law and their relationship to each other.
2. Apply the elements of Negligence, the defenses to negligence, including negligence in regard to product liability, and medical malpractice to factual situations.
3. Articulate the application of wrongful death and survival to factual cases.
4. Apply the elements of intentional torts to hypothetical fact situations.
5. Understand and explain the civil litigation process in the context of tort law
6. Understand the basic elements of Defamation, Fraud, Nuisance and other miscellaneous torts.
7. Brief a case.
Student Contributions

Each student will spend at least 6 hours per week preparing for class. Attendance is critical in this class.

- Complete assignments on elements of tort law
- Brief the assigned cases
- Successfully Complete Midterm and Final Exam

ADA STATEMENT

The Technical College of the Lowcountry provides access, equal opportunity and reasonable accommodation in its services, programs, activities, education and employment for individuals with disabilities. To request disability accommodation, contact the counselor for students with disabilities at (843) 525-8228 during the first ten business days of the academic term.

STATEMENT OF NON-DISCRIMINATION

The Technical College of the Lowcountry is committed to a policy of equal opportunity for all qualified applicants for admissions or employment without regard to race, gender, national origin, age, religion, marital status, veteran status, disability, or political affiliation or belief.

ACADEMIC MISCONDUCT

There is no tolerance at TCL for academic dishonesty and misconduct. The College expects all students to conduct themselves with dignity and to maintain high standards of responsible citizenship.

It is the student’s responsibility to address any questions regarding what might constitute academic misconduct to the course instructor for further clarification.

The College adheres to the Student Code for the South Carolina Technical College System. Copies of the Student Code and Grievance Procedure are provided in the TCL Student Handbook, the Division Office, and the Learning Resources Center.

ATTENDANCE

The College’s statement of policy indicates that students must attend ninety percent of total class hours or they will be in violation of the attendance policy.

- Students not physically attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.
Students taking an online/internet class must sign in and communicate with the instructor within the first ten calendar days from the start of the semester to indicate attendance in the class. Students not attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.

- Reinstatement requires the signature of the division dean.

In the event it becomes necessary for a student to withdraw from the course OR if a student stops attending class, it is the student’s responsibility to initiate and complete the necessary paperwork. Withdrawing from class may have consequences associated with financial aid and time to completion.

When a student exceeds the allowed absences; the student is in violation of the attendance policy. The instructor MUST withdrawal the student with a grade of “W”, “WP”, or “WF” depending on the date the student exceeded the allowed absences and the student’s progress up to the last date of attendance or under extenuating circumstances and at the discretion of the faculty member teaching the class, allow the student to continue in the class and make-up the work. This exception must be documented at the time the allowed absences are exceeded.

Absences are counted from the first day of class. There are no "excused" absences. All absences are counted, regardless of the reason for the absence.

- A student must take the final exam or be excused from the final exam in order to earn a non-withdrawal grade.

A copy of TCL’s STATEMENT OF POLICY NUMBER: 3-1-307 CLASS ATTENDANCE (WITHDRAWAL) is on file in the Division Office and in the Learning Resources Center.

HAZARDOUS WEATHER

In case weather conditions are so severe that operation of the College may clearly pose a hardship on students and staff traveling to the College, notification of closing will be made through the following radio and television stations: WYKZ 98.7, WGCO 98.3, WZGO 103.1, WFXH 106.1, WWVV 106.9, WLOW 107.9, WGZR 104.9, WFXH 1130 AM, WLVH 101.1, WSOX 1230 AM, WAVE 97.3, WTOC TV, WTGS TV, WJWJ TV, and WSAV TV. Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. [www.tcl.edu/textalert.asp](http://www.tcl.edu/textalert.asp)

Emergency Text Message Alert

Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. Participants receive immediate notification of emergency events and weather cancelations via text messaging on their cell phones. Participants can also opt in to receive non-emergency news and announcements. Go to [www.tcl.edu](http://www.tcl.edu). On the homepage, click on “emergency TextAlert at TCL” and fill out the form or go to [www.tcl.edu/textalert.asp](http://www.tcl.edu/textalert.asp)
**BROADCAST LEARNING FORMAT:** This class is being taught in a broadcast learning format. Images and word of class participants may be transmitted live or on a delayed basis to other locations. Classes may be rebroadcast due to extenuating circumstance.

**Course Evaluation**

The evaluation of your exam and assignments will correlate to a grading scale of: A= 90-100; B=80-89; C= 70-79; D= 60-69; F=Below 59.

Three Examinations – 25 % of grade each (total 75%)

2 Assignments – 25 % of grade

**Course Schedule**

The class meets for 3 lecture/presentation hours per week.

<table>
<thead>
<tr>
<th>Week</th>
<th>Overview Of Tort Law &amp; Introduction -</th>
<th>1.0 hours</th>
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<tbody>
<tr>
<td>1.</td>
<td><strong>Chapter 1</strong>&lt;br&gt;History of Torts, Definitions&lt;br&gt;Basis in Common Law, Public Policy Concerns&lt;br&gt;Reasonable conduct&lt;br&gt;Slippery Slope, Creation of Case law, Torts vs other areas of law&lt;br&gt;Discussion - Confidentiality in Legal Matters&lt;br&gt;<em>Tricoli v. Centalanza</em> – Tort classifications</td>
<td>1.0 hours</td>
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<tr>
<td>2.</td>
<td><strong>Chapter 2</strong>&lt;br&gt;Initiating the Complaint and Defendant’s Response, Discovery, Pretrial practice, Trial, Posttrial&lt;br&gt;Federal and State courts. Jurisdictional issues&lt;br&gt;Overview of Civil Procedure</td>
<td>1.5 hours</td>
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<tr>
<td>3.</td>
<td>Intentional Torts&lt;br&gt;<strong>Chapter 3</strong>&lt;br&gt;Against the Person, Definitions, Assault, Battery, False Imprisonment, infliction of Emotional Distress; Transferred Intent&lt;br&gt;Introduction to Intentional Torts Against Property</td>
<td>2.0 hours</td>
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<tr>
<td>4.</td>
<td>Intentional Torts continued</td>
<td>2.0 hours</td>
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<tr>
<td>Week</td>
<td>Topic</td>
<td>Hours</td>
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| 5    | Negligence: Duty **Chapter 4**  
Overview of Duty, Land possessors — Trespassers, Licensees,  
Invitees, Vicarious liability, Landlord/Tenant liability, Sellers of Land  
Unborn children, Vicarious Liability | 1.75 hour | 1.25 |
| 6    | Negligence: Breach of Duty **Chapter 5**  
Reasonable person, Learned Hand Formula  
*Eimann vs. Soldier of Fortune Magazine, Inc.; Negligence per se*  
Children, Emergencies, Automobile/Guest; Res ispa Loquitur | 1.0 Hour | 1.0 |
| 7    | Negligence: Causation —Actual and Proximate **Chapter 6**  
Palsgraf v. Long Island RR; Actual cause and ‘but for’ analysis;  
Proximate Cause and foreseeability; Intervening causes,  
Ontiveros v. Borak, jury question | 1.5 hour | 1.5 hour |
| 8    | Negligence: Damages **Chapter 7**  
Categories of Damages discussed: Actual, Punitive, compensatory etc.  
Shortened life expectancy, collateral source rule, Expenses of litigation,  
Brief Case — *Mishoe v. QHG of Lake City, Inc.*  
Assignment Discussion | 2.0 | 1.0 |
| Week 9 | Negligence: Defenses **Chapter 8**  
Contributory Negligence, Comparative Negligence and South Carolina.  
Assumption of Risk; complete negligence, Immunities, Statutes of Limitation and Statutes of Repose | 2.5 hours | .5 |
| Week 10 | Malpractice **Chapter 9**  
Defining Reasonable Care, probability of medical mistakes, Specialists, | hours | 1.75 |
<table>
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<tr>
<th>Examination 2</th>
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<tr>
<td><strong>11.</strong> Misrepresentation, Nuisance, and other Torts Chapter 10</td>
<td></td>
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<tr>
<td>Brief the case Winget v. Winn Dixie</td>
<td>1.75 hours</td>
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<tr>
<td>Intentional vs Negligent Misrepresentation, Innocent Misrepresentation, Nuisance, Interference with a Business Relation, Misuse of legal process</td>
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<tr>
<td>Strict Liability Chapter 11</td>
<td>1.25 hour</td>
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<tr>
<td>Overview, Harm caused by animal, abnormally dangerous activities, product liability, limitations</td>
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<tr>
<td><strong>12.</strong> Product Liability Chapter 12</td>
<td>1.5 hours</td>
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<tr>
<td>Theories of recovery, Types of losses, types of defects, defenses, preemption, Class actions</td>
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<tr>
<td>Negligence, Warranty &amp; Strict Liability</td>
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<tr>
<td>Defamation &amp; Related torts Chapter 13</td>
<td>1.5 hours</td>
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<tr>
<td>Defamation and Related Torts, Libel vs Slander, Privileges, Invasion of Privacy, Injurious Falsehood</td>
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<tr>
<td><strong>Week 13.</strong> Vicarious Liability Chapter 14</td>
<td>2.0 hour</td>
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<tr>
<td>Employer/Employee, independent Contracts, Bailments, Joint Liability</td>
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<tr>
<td>Imputed liability, parental liability</td>
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<tr>
<td>Joint Liability Chapter 15</td>
<td>1.0 hour</td>
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<tr>
<td>Satisfaction, Contribution, Indemnification</td>
<td></td>
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<tr>
<td><strong>14.</strong> Tort Reform, Auto insurance, Bad Faith and Worker’s Compensation Chapters 16, 17, 18 &amp; 19</td>
<td></td>
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<tr>
<td>Tort Reform policy concerns and arguments</td>
<td>0.5</td>
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<tr>
<td>Auto insurance requirements and state differences</td>
<td>0.5</td>
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<tr>
<td>Bad Faith Insurance First Party vs Third Party claims, Declaratory judgment actions, Uninsured and underinsured claims</td>
<td>1.0</td>
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<tr>
<td>South Carolina Workers Compensation system</td>
<td>1.0</td>
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Review

Final Exam

This schedule is subject to change and any changes will be discussed in class.

METHOD OF INSTRUCTION:

Lecture and assignments

PRACTICAL ASSIGNMENTS:

Prepare element checklist for each Intentional Tort
Brief a case involving an Intentional Tort
Prepare element checklist for Negligence
Brief a case involving Negligence
Prepare initial client interview checklist
Brief a case involving a Nuisance claim

Course Goals

The following list of course goals will be addressed in the course. These goals are directly related to the performance objectives. (*designates a CRUCIAL goal)

1. define tort
2. trace tort law evolution
3. distinguish between tort and criminal law
4. learn civil procedure terminology
5. outline civil procedure process
6. review civil trial preparation and conduct
7. scrutinize case briefing skills
8. analyze using IRAC method cases
9. identify intentional torts against person’s elements
10. identify intentional torts against property elements
11. categorize intentional torts
12. recognize negligence elements
13. describe special relationship standard of care
recognize negligence per se and res ipsa loquitor concepts
understand landlord and tenant standards of care
classify damages
describe land possessor standard of care
identify reasonable person criteria
distinguish between objective and subjective standards
use Learned Hand formula
apply negligence per se and res ipsa loquitor concepts
distinguish between actual and probable causation
prove actual cause
distinguish between Cardozo and Andrews proximate cause approach
identify Cardozo foreseeability exceptions
delineate between intervening and superseding causes
categorize damages
appreciate damage calculation problems
appreciate punitive damage controversy
comprehend wrongful death and survival action differences
define contributory and comparative negligence
understand South Carolina comparative negligence standard
specify immunity defense
examine statute of limitations defense
analyze defamation elements
differentiate private and public figure standards
discuss absolute and qualified privileges
discuss professional standard of care
explain professional malpractice factors
describe informed consent doctrine
describe abnormally dangerous activities
outline strict liability factors
list strict liability defenses
outline product liability causes of action
delineate manufacturing and design and failure to warn defects
describe product liability defenses
articulate the differences between the four invasion of privacy torts
discuss public and private nuisance elements
discuss business relations torts
differentiate between misuse of legal process torts
describe vicarious and joint liability
provide insurance overview

SAFETY ADDENDUM
Purpose. The purpose of this safety addendum is to provide each student with safety guidelines during an incident, emergency, or disaster at TCL. In addition, it provides students guidelines for lockdown procedures, evacuation procedures, and active shooter.

Definitions An incident is any event, potential or actual, that may impact normal operations but has no immediate health or life threatening consideration or serious effect on the overall functional capacity of the College. An event of this nature should be reported to the Office of the Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

An emergency is any incident, potential or actual, which may endanger life or health or which affects an entire building or buildings, and will disrupt the overall operations of the College. Outside emergency services will probably be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the college administration during times of crises. An emergency should be reported immediately by directly using 911 if life or health/injury considerations exist and then to the Office of the President or Vice President for Administrative Services as quickly as possible. Also notify the off-site campus administrator if applicable.

A disaster is any event or occurrence that has taken place and has seriously impaired or halted the operations of the College. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Emergency Control Center will be activated, and the appropriate support and operational plans will be executed. The disaster should be immediately reported, first by calling 911 and then to the Office of the President or Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

Types of Emergencies  Hurricane  Tornado  Fire  Biochemical or Radiation Spill  Explosion/Bomb  Downed Aircraft (crash which directly impacts campus operations)  Utility Failures  Violent or criminal behavior  Psychological Crisis

Procedures

Active Shooter

Building Evacuation  1. Building evacuations occur when an alarm sounds and/or upon notification by Security or the Emergency Director.  2. When the building evacuation alarm is activated during an emergency, individuals should exit according to the building evacuation plan and alert others to do the same.  3. Once outside, individuals should proceed to a clear area that is at least 500 feet away from the affected building. Streets, fire lanes, hydrant areas and walkways should be kept clear for emergency vehicles and personnel.  4. Individuals should not return to an evacuated building unless told to do so by Security or the Emergency Director.  5. Individuals should assist persons with disabilities in exiting the building. Elevators are reserved for disabled persons.

Campus Evacuation  1. A uniformed Security Guard, the Emergency Director, or an Emergency Resource Team member will announce evacuation of all or part of the campus grounds.  2. All persons (students and staff) are to immediately vacate the campus, or in the case of a partial evacuation relocate to another part of the campus grounds as directed.


Developed/Revised: January 2019