

**Paralegal/012 – Tort Law – Fall 2015**

**Section 4645 – CE 205**

THURSDAYS – 6:45 – 10:00 p.m.

September 3 – December 18, 2015

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Instructor: Deborah Zexter, Attorney at Law

Email: [dzexter@yahoo.com](mailto:dzexter@yahoo.com)

Office: Classroom – CE 205

Telephone: TBA

Office Hours: Thursdays 6:15 – 6:45 p.m. or

By Appointment

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***PARALEGAL: A paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible.***

### **Paralegal Program Objectives**

1. The Paralegal Studies Program is designed to prepare the student to assist the attorney in both private and public sectors in all phases of legal work and to equip the student with the knowledge necessary to enter the legal service fields as an entry-level paralegal.
2. To insure quality paralegal education at the community college level.
3. To familiarize students with the legal system and the role of the paralegal in the delivery of legal services in the public and private sectors.
4. To train students to be prepared to use and apply the most current paralegal skills.
5. To educate students to intelligently and ethically serve the legal community.
6. To train students in critical paralegal skills such as investigation, legal research, interviewing, written and oral communications.
7. To educate, train and provide students with the theoretical background to perform the paralegal's tasks in substantive areas of law and legal specialties.
8. To educate and train students in areas of procedural law emphasizing the paralegals role in litigation, mediation and arbitration.
9. To educate students about the general principles of ethical legal practice as defined by the American Bar Association's Standing Committee on Ethics and Professional Responsibility, and California's Business & Professions Code §6450.
10. To encourage students to contribute to the advancement of the legal profession.
11. To provide counseling during the program and to assist students in preparing for and obtaining meaningful careers in the paralegal field.

**Paralegals may not provide legal services directly to the public except as permitted by law.**

### Students with Disabilities

Students with disabilities who believe they may need accommodations in this class are encouraged to contact Support Services in HRLC 119 or via telephone at (310) 287-4450 as soon as possible to better ensure accommodations are implemented in a timely fashion.

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### Course Goals

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- To familiarize the student with the legal principles of tort litigation practice.
- Create documents used in the practice of tort litigation including pleadings.
- To familiarize students with the legal reasoning and analysis required in a tort civil lawsuit.
- To familiarize students with F.R.C.P Rule 11.

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## Grading and Evaluation

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Practical and Written Assignments	400 points
Exams	300 points / 100 points each
Tort Ethics Project	100 points
Participation/Attendance	200 points

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Total 1000 points

A = 90 - 100%	Superior Performance
B = 80 - 89%	More than Satisfactory Performance
C = 70 - 79%	Satisfactory Performance
D = 60 - 69%	Unsatisfactory Performance
F = 0 - 59%	Failure to Meet Minimum Course Requirements

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## Course Texts, References, Supplies, Requirements

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***Tort Law for Paralegals, by Neal R. Bevans, Fourth Edition.***  
**ISBN# 978-1-4548-0872-5; this book is required for this course.**

### Other Requirements:

Scantron forms #882-ES, Two Blue Books, and #2 pencils with erasers.

All assignments must be typed, double-spaced, 1-inch margin, and at least 12 pt. Font.

All assignments must have your name, description of assignment, section #, class name and number, and date.

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## Student Learning Objectives

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The student will learn:

1. to solidify a student's knowledge of tort law as compared to other areas of civil litigation;
2. to focus on substantive law, procedural law, and ethics related to this specialty area;
3. to focus on document production for tort cases;
4. to focus on discovery techniques for tort cases;
5. to identify commonly used court papers;
6. to identify and use legal terminology.

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## Institutional Learning Outcomes

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**A. Critical Thinking:** Analyze problems by differentiating fact from opinions, using evidence, and using sound reasoning to specify multiple solutions and their consequences. *In a short essay, identify your response to a work of art or music and explain it through a visual analysis of that work.*

**B. Communication:** Effectively communicate thought in a clear, well-organized manner to persuade, inform, and convey ideas in academic, work, family and community settings.

**C. Quantitative Reasoning:** Identify, analyze, and solve

problems that are quantitative in nature. *Take a poll of pro and con opinions on a controversial issue and use data to support or refute that issue. Use your test scores to estimate your grade in a class. Create an Excel spreadsheet to record your grades.*

**D. Civic Responsibility:** Apply the principles of civility to situations in the contexts of work, family, community and the global world. *Attend a court of law, school board, or community meeting. Register to vote.*

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### Class Discussions and Questions Via E-Mail

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Private e-mails must be sent to my personal e-mail at [dzexter@yahoo.com](mailto:dzexter@yahoo.com).

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### Web Links

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During this semester, you will access several websites for your practical assignments, including:  
<http://www.courtinfo.ca.gov> or <http://www.lasuperiorcourt.org> or <http://www.senate.ca.gov> or <http://california.findlaw.com/>

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### Study Groups

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You will want to make use of one of the more traditional tools of college - the study group. I highly recommend study groups. The study group should be chosen not on the basis of who you think is the smartest, but whom you like as a person. The strength of the study group will ultimately be the relationships you develop with these people.

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### Briefing of Cases

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I expect you to learn the art of 'case briefing'. The case briefing method will give you great assistance in learning the assigned material and it will prepare you for the class discussions as well. I will provide you with a handout describing how to brief cases. I will also spend time during the semester explaining how to brief cases.

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### Attendance/Participation

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• Your attendance will be recorded for each class. It is your responsibility to make sure that you sign the attendance roster each class session. The instructor has the discretion to drop any student who has more than three absences (excused or unexcused) in the semester. Attendance and Participation will be 20% of your overall grade.

You are expected to stay for the entire class session.

• Attend every class and be prepared. If you are absent, you are responsible for the work which is due upon your return. Thus, obtain several students' telephone numbers and e-mail addresses in order to properly prepare for class prior to your return.

• There are absolutely no make-ups for any missed assignments or classes unless previously agreed upon by the instructor. **NO LATE WORK WILL BE ACCEPTED.** You are in professional training. In the Legal Profession, there are no excuses for missed deadlines, failure to appear at hearing, lack of preparation or failure to read footnotes.

- Please turn off all beepers, cell phones, etc....
- No children are allowed in class.
- No taping of the class is allowed.

### **COLLEGE POLICIES**

#### **Standards of Academic Honesty and Ethics**

To promote the free exchange of ideas, the College community depends upon the academic honesty of all of its members. While acknowledging that the vast majority of students conduct themselves with honesty, the College seeks to set the

highest ethical standards. For students, academic honesty is merely a prelude to the personal integrity and professional ethics that will govern their careers. In all cases, intellectual honesty provides the clearest path to knowledge, understanding and truth – the highest goals of an academic institution. Therefore, the College expects honesty from all of its members in every academic setting.

Academic honesty applies to all situations, including but not limited to documenting all sources used in assignments, completing all tests without unauthorized assistance, and providing accurate information on college documents.

### **Violations of Academic Honesty and Ethics**

Any attempt to commit the following offenses constitutes academic dishonesty:

**Cheating:** Using unauthorized material to complete a test, quiz, examination, or assignment. Cheating includes, but is not limited to copying from other students, relying upon unauthorized aids or notes during a test and/or consulting outside sources without the professor's permission.

**Plagiarism:** Representing the words, ideas, research or works of another as one's own. Plagiarism can involve submitting work prepared entirely or in part by another person or commercial service or using material as direct quotation, partial quotation, or paraphrase from published unpublished sources without proper acknowledgement. Students must document all print, online and oral sources they use to complete assignments.

**Unauthorized Assistance:** Preparing an assignment with the help of another student, such as a tutor, to alter or revise an assignment beyond the scope of collaboration the instructor has defined.

**Fabrication:** Presenting false data, sources or research results for academic credit.

**Multiple Submissions:** Presenting the same work, in whole or in part, for credit in more than one course without the explicit permission of all interested instructors.

**Other Violations:** Including but not limited to lying, forgery, bribery, damaging or stealing college or another's property, physically abusing another person or verbally threatening another.

Should a student violate the College's standards of academic honesty and/or ethics, he or she will be liable to sanctions according to the College's policy. Infractions will lead to probation, suspension, or expulsion of the student from College.

### **Writing Policy:**

Plagiarism is considered a serious offense by the college administration and can result in the student's dismissal from the program. Plagiarism is the intentional or unintentional presentation of another person's idea or product as one's own. Plagiarism includes, but is not limited to copying verbatim all or part of another's written work: using phrases, conclusions, charts, figures, illustration etc...without citing sources. Penalties include a grade of zero for the assignment, a grade of F for the course or dismissal.

### **Video Summaries/Notes**

Throughout the semester, you will watch a variety of legal videos. It is imperative that you take detailed notes on each video. You must include topics and discussions from each video in your ethics project.

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Assignments

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PLEASE NOTE: THIS SCHEDULE IS SUBJECT TO CHANGE IN CLASS BY THE INSTRUCTOR. ADDITIONAL HANDOUTS AND ASSIGNMENTS WILL BE GIVEN THROUGH OUT THE SEMESTER. YOU ARE RESPONSIBLE FOR ALL ASSIGNMENTS EVEN IF YOU ARE ABSENT.

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**Week 1: Chapter 1 – An Introduction to Tort Law**  
**Thursday, September 3, 2015**

**Homework:**    **Read Chapters 1**  
                  **Chapters 1** Review Questions

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**Week 2: Chapter 1 –An Introduction to Tort Law**  
**Thursday, September 10, 2015**

**Homework:**    Read Chapter 2  
                  Chapter 2 Review Questions

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**Week 3: Chapter 2 – Intentional Torts**  
**Thursday, September 17, 2015**

**Homework:**    Read Chapter 3  
                  Chapter 3 Review Questions

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**Week 4: Chapter 3 – Introduction to Negligence**  
**Thursday, September 24, 2015**

Practical Written Assignment In Class - IRAQ the Kearby case on page 88.

**Homework:**    **Read Chapter 4**  
                  Chapter 4 Review Questions

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**Week 5: Chapter 4 – Introduction to Negligence (continued)**  
**Thursday, October 1, 2015**

**Homework:**    **Study for Exam #1 – Chapter 1-4**

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**Week 6: Exam #1 – Chapters 1-4**  
**Thursday, October 8, 2015**

**Homework:**    Read Chapter 5  
                  Chapter 5 Review Questions

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**Week 7: Chapter 5 – Duty**  
**Thursday, October 15, 2015**

**Homework:**    Read Chapter 6  
                  Chapter 6 Review Questions

Ethics Project – Write one page double spaced regarding an ethical legal issue related to the course material.

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**Week 8: Chapter 6 – Breach of Duty Under Negligence Law**  
**Thursday, October 22, 2015**

**Homework:** Read Chapter 7  
Chapter 7 Review Questions

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**Week 9: Chapter 7 – Proximate Cause**  
**Thursday, October 29, 2013**

**Homework:** Read Chapter 8  
Chapter 8 Review Questions

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**Week 10: Chapter 8 – Damages**  
**Thursday, November 5, 2015**

**Homework:** Read Chapter 9  
Chapter 9 Review Questions  
Practical Assignment: Written Memorandum of the case on page 187 and write out questions 1, 3 and 4 on page 208, “Applying What You Have Learned.”

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**Week 11: Chapter 9 – Defenses to Negligence**  
**Thursday, November 12, 2015**

**Homework:** Study for Exam #2 – Chapter 5-9

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**Week 12:**  
**Exam #2 – Chapters 5-9**  
**Chapter 10 – Strict Liability and Products Liability**  
**Thursday, November 19, 2015**

**Homework:** Read Chapters 11  
Chapters 11 Review Questions

**CAMPUS CLOSED FOR THANKSGIVING BREAK –**  
**THURSDAY, NOVEMBER 26 – SUNDAY, NOVEMBER 29, 2015**

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**Week 13: Chapter 11 – Defamation**  
**Thursday, December 3, 2015**

**Homework:** Read Chapters 12 and 13  
Chapters 12 and 13 Review Questions due  
Final Project Handed Out for Last Class.

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THANKSGIVING BREAK – NO CLASS ON THURSDAY, NOVEMBER 28, 2013

**Week 14: Chapters 12 and 13: Malpractice and Insurance**  
**Thursday, December 10, 2015**

**Homework:**

Read Chapter 14

Prepare for Final Exam #3 – Final Project/Exam.

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**Week 15: LAST DAY OF CLASS - Chapter 14 – Business Torts and Misrepresentation**

**Thursday, December 17, 2015**

**Exam #3 due/Last day of class.**

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**Finals: Thursday, December 17, 2015 - Final Exam #3 – Final Project Due – No Exceptions.**  
**THIS SCHEDULE IS SUBJECT TO CHANGE. ALL CHANGES WILL BE ANNOUNCED IN CLASS.**