URSULINE COLLEGE  
Updated 06/10

Division: UCAP

Academic Department/Program: Legal Studies

Catalog Number and Title: LS 120 Personal Injury Law

Number of credit hours: 03

Course Description: The course instructs the student regarding the general nature of tort law covering negligence, its appropriate standards of conduct, intentional torts, product liability law, wrongful death and medical malpractice. Specific and comprehensive attention is given to the nature of personal injury litigation in both the pleading and discovery phase.

Prerequisites: LS 101 Introduction to Legal Studies, LS 115 Legal Research & Writing, LS 118 Computerized Legal Research and LS 150 Civil Procedure

Term and Cycle: Fall & Summer, Every year

Instructional Objectives:

Knowledge:

The student will:

A. Identify the elements of and recognize the following intentional torts:
   1. Assault
   2. Battery
   3. False imprisonment
   4. Trespass
   5. Fraud and misrepresentation
6. Intentional infliction of emotional distress
7. Conversion
8. Malicious prosecution
9. Invasion of privacy

B. Identify the elements and recognize slander and libel

C. Identify the elements of and recognize the act of negligence
   1. Be familiar with those classes of people who have special duties of care
   2. Understand and be able to apply several doctrines including but not limited to Respondeat Superior, joint and several liability, and res ipsa loquitur.

D. Understand the basic principles of products liability & strict liability issues

Skills:

The student will
   1. Understand how to implement law into documentation required in the practice of personal injury law.
   2. Become familiar with terminology specific to personal injury law
   3. Learn about theories of law
   4. Be able to utilize legal concepts in drafting legal pleadings, motions and other papers.
   5. Use Angel for Topic Discussion and to review important class assignments.

Attitudes:

The student will
   1. develop a general understanding of how the law is formed and utilized in analysis of tort and other cases.
   2. learn the foundation of legal application
   3. develop an appreciation for the complexity of the litigation process

Values:

The student will
   1. learn to appreciate the way case law affects justice in the U.S.
   2. understand the importance of legal research and precedence for zealous representation
   3. appreciate the import of unauthorized practice of law
   4. learn to avoid the pitfalls inherent in maintaining client confidentiality
   5. appreciate the difference between zealous representation and harassment

Need: Personal injury law is important for three reasons. First, as an initial course of study, it is good, concrete area of the law, and serves as an introduction to future
substantive areas of the law. Second, students learn the basics of tort law and its applicability in a legal practice, from the client's initial visit through litigation. Finally, it assists students in understanding civil procedure, evidence and other aspects of litigation more clearly in subsequent courses.

**Textbook:**

**Student Evaluation:**

- Case Briefs in Notebook (turned in last class) 10%
- Class Participation 20%
- Case Study Projects 10%
- Accident Case Scenario Project 20%
- Midterm Examination 20%
- Final Examination 20%

**Practical Assignments:**
- Case Briefs (Brief means brief!)
- Accident Case Scenario
  - Client Intake
  - Investigation Plan
  - Car Accident Report
  - Complaint with Interrogatories
  - Answer
  - Settlement Package Preparation
  - Settlement Brochure

**Methods of Instruction:**
Lecture, readings, chapter case questions, class participation, speakers from the profession, several short examinations, viewing and analysis of film “A Civil Action” outside of class.
## COURSE OUTLINE

<table>
<thead>
<tr>
<th>Class</th>
<th>Topic</th>
<th>Class Hours</th>
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<tbody>
<tr>
<td>1</td>
<td>- Expectations of the course</td>
<td>30 min.</td>
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<td>- History and Public Policy, 3 Tort Categories, Plaintiff and Defense</td>
<td>90 min.</td>
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<td>Perspectives</td>
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<td>- Discovery Phase: case facts, accident report, witness statement,</td>
<td>75 min.</td>
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<td>witness credibility, handling of records</td>
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<td>- SPEAKER: Insurance Claims Adjustor</td>
<td>45 min.</td>
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<td>2</td>
<td>- Ohio specific statutes and legal computation of time</td>
<td>45 min.</td>
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<td>- Law firm aspects of defending a claim</td>
<td>30 min.</td>
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<td>- Assessing a case based on practical considerations</td>
<td>45 min.</td>
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<td>- Negligence in case law and how it affects society</td>
<td>90 min.</td>
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<td>- Standards of care</td>
<td>30 min.</td>
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<td>3</td>
<td>- Defenses to Negligence</td>
<td>30 min.</td>
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<td>- Basic Legal Principles in Tort Law</td>
<td>30 min.</td>
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<td>- Fact Patterns and Requisite Elements</td>
<td>60 min.</td>
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<td>- SPEAKERS: Paralegal’s Tasks</td>
<td>60 min.</td>
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<td>- MIDTERM EXAM</td>
<td>60 min.</td>
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<td>4</td>
<td>- Fact Patterns of Intentional Torts</td>
<td>120 min.</td>
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<td>- Defenses to Intentional Torts</td>
<td>120 min.</td>
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<td>5</td>
<td>- History and Evolution of Strict Liability and Product Liability</td>
<td>30 min.</td>
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<td>- Laws dealing with Strict Liability</td>
<td>30 min.</td>
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<td>- Role of the Manufacturer and Seller in Product Liability</td>
<td>30 min.</td>
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<td>- Special Evidentiary Problems in Wrongful Death Actions</td>
<td>30 min.</td>
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<td>- SPEAKERS: Medical Malpractice and Products Liability Cases</td>
<td>60 min.</td>
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<td>- FINAL EXAM</td>
<td>60 min.</td>
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ASSIGNMENTS TO BE COMPLETED PRIOR TO CLASS #1

Reading
Chapters 1 & 2

Assignment
Read/copy your automobile insurance policy. What kind of general coverage do you have? How much uninsured/underinsured coverage do you have? Is it the maximum allowed?

Write Case Briefs (start Case Brief notebook to be turned in last class) for the following 6 Cases:

Negligence: p21 Colby v. Noah
Negligence: Slip and Fall pg. 22 Williams v. Lowes

Medmal: p27 Mezrah v. Bevis
Medmal: P30 Douglas v. Gibson
Premises Liability: P34 Sant v. Hines
Proximate Cause: P 47 Palsgraf v. Long Island RR

Class #1
Objectives
A. Relay expectations of the course. (30 min.)
B. Students will be introduced to the history and public policy of tort law, and the three broad tort categories. (45 min)
C. Learn about the plaintiff and defense perspectives affected by personal injury litigation (45 min)
D. Students will become familiar with the discovery phase to develop techniques to effectively interview and investigate the client and witness and effectively handle records using traditional sources as well as the internet. (75 min.)
E. Speaker (45 min.)

Activities
A. Review the syllabus, emphasizing the assignments, projects, and examinations, which are required, examine the methodology and grading criteria: Emphasis on the Accident Case Scenario Project.
B. Discussion on readings about common law, the paralegal’s role, both plaintiff and defense perspectives. Emphasis will be on the pre-filing stage.
C. Question and answer session on readings, methodology for briefing a case, usage of hypothetical examples and interactive applications.
D. Discovery Phase:
   a. Paired-off partners will utilize their knowledge and check out facts in case study
   b. Students will review and analyze an accident report to prepare for interviewing a witness in a case in the discovery phase
   c. Students will analyze a witness statement and consider witness credibility
   d. Effective handling of records
E. SPEAKER: Possible insurance claims adjustor as speaker.
ASSIGNMENTS TO BE COMPLETED PRIOR TO CLASS #2

Reading
Chapters 3 - 4

Case Study/Review/Project Questions
Chapter 3
  Brief all cases
  Be Prepared to Discuss Problems 1—6. Review Questions 1-9

Chapter 4
  Brief all cases
  Be prepared to Discuss Problems 1-5 & Review Questions 1-7

Accident Case Scenario Project
  - Client Intake
  - Investigation Plan
  - Car Accident Report

Class # 2

Objectives
A. Become familiar with Ohio-specific statutes, which affect commencement of an action and the Ohio Statute of Limitation, and the legal computation of time. (45 min.)
B. Learn about the pragmatic aspects that concern the law firm when bringing or defending a claim. (30 min.)
C. Determine how to assess a case based on practical considerations. (45 min.)
D. Have a general understanding of negligence in case law and its affect on society (90 min.)
E. Know how to apply of the standards of care necessary in tort law. (30 min.)

Activities
A. Students will study the relevant Ohio Revised Code statutes to understand the commencement of an action and the legal deadlines for bringing suit for various types of civil wrongs. Consider the exceptions.
B. Consider questions for client in the initial interview for general tort, medical malpractice and products liability case
C. Consideration of high profile case: e.g. McDonalds Coffee Case, analyze both sides’ perspectives
D. Discussion of readings on the elements of negligence law, the scope of duty and the standards of care necessary in tort law: Duty of Care, Breach of the Duty, causation of injury to the victim (cause in fact), Proximate Cause (foresee ability of injury) and Damages (recovery).
E. Class will discuss case studies from text and from current events to determine if these elements are met.
F. Class will examine how a jury evaluates whether the duty of care has been met by using the “reasonable person standard”

ASSIGNMENTS TO BE COMPLETED PRIOR TO CLASS #3

Reading
Chapters 5-6

Case Study/Review/Project Questions
Chapter 5
Brief all cases
Be Prepared to Discuss Problems 1—5. Review Questions 1-5

Chapter 6
Brief all cases
Be Prepared to Discuss Problems 1—5. Review Questions 1-5

Accident Case Scenario Project
- Complaint with Interrogatories
- Answer

Prepare for Midterm Exam

Class 3
Objectives
A. Learn about defenses to negligence, and under what circumstances they are raised. (30 min.)
B. Understand basic legal principles important in tort law. (30 min.)
C. Learn how to recognize fact patterns of intentional torts and analyze whether the requisite elements are present (60 min.)
D. Speakers: Understand paralegals’ tasks in personal injury, medical malpractice and products liability practice areas. (60 min.)
E. Students take a midterm exam. (60 min.)

Activities
A. Discussion of readings pertaining to legal principles and defense arguments used in negligence claims
B. Class will consider pleadings and motions which contain examples of language where they are presented by defense counsel.
C. Recognize and analyze individually, and in groups, the elements and fact patterns of intentional torts including; assault, battery, intentional infliction of emotional distress, false imprisonment.
D. Work in groups of 2-4 people to develop plaintiff and defense strategies.
E. SPEAKERS: Paralegal speakers from plaintiff and defense firms will present a "day in a life" of the litigation firm.
F. MIDTERM EXAM
ASSIGNMENTS TO BE COMPLETE BEFORE CLASS #4

Reading
Chapter 7-8

Case Study/Review/Project Questions
No Briefing! (read Cases)
Be Prepared to Discuss Problems 1—5. Review Questions 1-5

Accident Case Scenario Project
- Settlement Package Preparation

Class # 4

Objectives

A. Learn how to recognize fact patterns of intentional torts and analyze whether the requisite elements are present. (120 min.)
B. Understand and be able to utilize the defenses to intentional torts (120 min.)

Activities

A. Recognize and analyze the elements and fact patterns of various case studies of intentional torts including; fraud, misrepresentation, malicious prosecution, abuse of process, trespass to land, trespass to chattel, invasion of privacy, toxic tort actions, conversion, libel, and slander
B. Review the information in the textbook on defenses in Chapter 7, and discuss material.
C. Work in groups of 2-4 people to develop plaintiff and defense strategies.
ASSIGNMENTS TO BE COMPLETED BEFORE CLASS #5

Reading
- Chapters 9-12

Case Study/Review/Project Questions
- No Briefing: Read Cases!
- Be Prepared to Discuss all Problems and Review Questions

Accident Case Scenario Project
- Settlement Brochure

Film
- Students must view the film “A Civil Action” prior to class #5 and draft a written analysis of the legal issues in the film. Guidelines for this assignment will be provided by the Facilitator.

Prepare for Final Exam

Class #5

Objectives
A. Understand the history and evolution of strict liability and product liability law, and consider the effect of sovereign immunity and statutes of limitation on cases. (30 min.)
B. Become familiar with the laws dealing with strict/absolute liability, including the elements, defense, nuisance aspects (30 min.)
C. Learn about the role of the manufacturer and seller in product liability cases, and special problems in bringing or defending cases in strict liability, negligence, breach of warranty and design defect (30 min.)
D. Be prepared to deal with the special evidentiary problems which are taken into consideration in wrongful death actions in negligence, including airline crash cases, products liability, airline crash cases and medical malpractice. (30 min.)
E. Speakers: Understand the special concerns of medical malpractice and products liability cases learning how they are handled in the law firm. (60 min.)
F. Students take Final Exam. (60 min.)

Activities
A. Discussion of the case studies and readings regarding the history and management litigation for strict liability, products liability, medical malpractice.
B. Students will view pleadings and/or motions from products liability, medical malpractice cases to become familiar with the format, legal language and research/factual arguments utilized.
C. SPEAKERS: Paralegals who work in products liability and medical malpractice legal practices areas will share their experiences in law firms and/or corporations.
D. FINAL EXAM
LAW LINKS

**Helpful Websites in Investigation**

- Telephone Directory: [www.anywho.com](http://www.anywho.com)
- Reverse Directories: [www.whowhere.com](http://www.whowhere.com)
- Big Book: [www.bigbook.com](http://www.bigbook.com)
- Ultimate White Pages: [www.angelfire.com/pages0/ultimates](http://www.angelfire.com/pages0/ultimates)

- Yellow Pages on Web: [www1.bigyellow.com](http://www1.bigyellow.com)
- Email Directories Online:
  - Four11: [www.pc411.com](http://www.pc411.com)
  - Who-Where: [www.whowhere.com](http://www.whowhere.com)
- Maps on Us: [www.MapsOnUs.com](http://www.MapsOnUs.com)
- Mapquest: [www.mapquest.com](http://www.mapquest.com)
- Online City Search (several U.S. cities): [www.citysearch.com](http://www.citysearch.com)
- Social Security Administration: [www.ssa.gov](http://www.ssa.gov)
- Postal Service: [www.usps.gov](http://www.usps.gov)
- Federal Judiciary home page: [www.uscourts.gov](http://www.uscourts.gov)
- Insurance News Network: [www.insure.com](http://www.insure.com)
- New Claims & Claims Disputes: [www.claimsmag.com/claims-hotsites.html#insure](http://www.claimsmag.com/claims-hotsites.html#insure)

**Credit Reporting Companies**

- Equifax 1(800) 685-1111  P.O. Box 740241 Atlanta, GA 30374-0241  [www.equivax.com](http://www.equivax.com)
- Experian 1(888)397-3742  P.O. Box 2104, Allen, TX 75013-2104  [www.experian.com](http://www.experian.com)
- Trans Union 1 (800) 888-4213  P.O. Box 402, Springfield, PA 19064  [www.transunion.com](http://www.transunion.com)
- Online  [www.icreditreport.com](http://www.icreditreport.com)
Genealogical Resources-Online
Family History Ctrs. (Mormon Library)  www.familysearch.com
                       www.deseretbook.com/famhis/
National Archives and Records  www.access.gpo.gov/nara
Online Genealogical Database  www.gentree.com/gentree.html
National Genealogical Society  www.ngsgenealogy.org

Skip-Tracing Companies
Find People Fast       (800) 829-1807 www.findpeoplefast.com
Infoquest             (800) 562-7547  www.infoquest.com

Newspapers
Associated Press Internet service
lists all newspapers online and
make AP wire service available      www.wire.ap.org
Clipping Service –online  www.customnews.cnn.com/cnews/pna_auth.welcome
Online Newspapers     www.naa.org/hot/
    Cleveland Plain Dealer via Lexis  www.lexis.com