

**STATE UNIVERSITY OF NEW YORK  
COLLEGE OF TECHNOLOGY  
CANTON, NEW YORK**



**MASTER SYLLABUS**

**NEGLIGENCE AND INTENTIONAL TORTS**

**LEST 320**

**Last Updated by: Jondavid DeLong**

**SCHOOL OF BUSINESS AND LIBERAL ARTS  
BUSINESS  
SPRING 2019**

A. **TITLE: NEGLIGENCE AND INTENTIONAL TORTS**

B. **COURSE NUMBER: LEST 320**

C. **CREDIT HOURS: 3**

D. **WRITING INTENSIVE COURSE: NO**

E. **GER CATEGORY: NONE**

F. **SEMESTER(S) OFFERED: SPRING**

G. **COURSE DESCRIPTION:**

Students explore the Law of Negligence and Intentional Torts and how these areas of law affect the business community. Intentional torts include Business Torts, Defamation, Nuisance, Warranty, Strict Liability, Products Liability and an employer's liability for the negligence and torts of agents and employees.

H. **PRE-REQUISITES/CO-REQUISITES:**

a. Pre-requisite(s): Business Law I (BSAD 201), or permission of the instructor.

b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<b><u>Course Student Learning Outcome [SLO]</u></b>	<b><u>PSLO</u></b>	<b><u>GER</u></b>	<b><u>ISLO</u></b>
a. Analyze and explain the rules of negligence and apply them to specific fact patterns.	Demonstrate ability to effectively and professionally communicate in writing.  Demonstrate ability to effectively and professionally communicate orally.  Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.  Demonstrate knowledge of Constitutional Law, Criminal Law and		<b>Industry, Professional, Discipline Specific Knowledge and Skills</b>

Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.

Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.

Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing

**Critical Thinking**  
*Critical Analysis*  
[CA]



	<p>(but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		
<p>c. Analyze and explain the rules of the various intentional torts, defenses thereto, and apply them to specific fact patterns.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law,</p>		<p><b>Industry, Professional, Discipline Specific Knowledge and Skills.</b></p>

Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.

Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.

Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and

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<p><b>d. Analyze and apply the rules of strict liability in appropriate cases.</b></p>	<p>electronic sources of law.</p> <p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (<i>stare decisis</i>) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"><li>• Negligence and Intentional Torts</li><li>• Family Law</li><li>• Real Property</li><li>• Immigration Law and Border Control</li><li>• Wills, Estates and Trusts</li><li>• Environmental Law</li><li>• American Indian Law and Fed. Policy</li><li>• Trial Courts and Rules of Evidence</li></ul> <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities,</p>		<p><b>Industry, Professional, Discipline Specific Knowledge and Skills</b></p> <p><b>Critical Thinking</b> <i>Critical Analysis</i> <i>[CA]</i></p>
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	<p>contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p>		
<p>e. Compare and apply the rules of product liability, including failure to warn, design errors, and manufacturing errors.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil</p>		<p><b>Industry, Professional, Discipline Specific Knowledge and Skills</b></p>



Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.

Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.

Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.

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*[CA]*

<b>KEY</b>	<b><u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u></b>
<b>ISLO #</b>	<b>ISLO &amp; Subsets</b>
<b>1</b>	<b>Communication Skills</b> Oral [O], Written [W]
<b>2</b>	<b>Critical Thinking</b> <i>Critical Analysis [CA], Inquiry &amp; Analysis [IA], Problem Solving [PS]</i>
<b>3</b>	<b>Foundational Skills</b> <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
<b>4</b>	<b>Social Responsibility</b> <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
<b>5</b>	<b>Industry, Professional, Discipline Specific Knowledge and Skills</b>

**J. APPLIED LEARNING COMPONENT:** Yes   X   No       

**K. TEXTS:** Guay, III, G. and Cummins, R. (2014). *Tort Law for Paralegals, (2<sup>nd</sup> Edition)*, Pearson Education, ISBN: 978-0133067941

**L. REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

**M. EQUIPMENT:** Technology Enhanced Classroom.

**N. GRADING METHOD:** A-F

**O. SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, and assignments.

**P. DETAILED COURSE OUTLINE:**

I. Foundations of Tort Law

- a. Tort Defined
- b. Categories of Torts
- c. Purpose of Tort Law

II. Litigating a Cause of action in Tort Law

- a. The Civil Litigation Process
- b. The Trial Process
- c. The Appellate Process

III. The Tort of Negligence

- a. Duty of Reasonable Care
- b. Proximate Cause
- c. Damages

#### IV. Proof of Negligence

- a. Litigation Issues Common to all Litigation
- b. Litigation Issues Unique to Negligence

#### V. Defenses to Negligence

- a. Contributory Negligence
- b. Comparative Negligence
- c. Assumption of Risk

#### VI. Premises Liability

- a. Property Control and Tort Exposure
- b. Nature of Duty Owed on Premises
- c. Scope of Duty on Premises

#### VII. Intentional Torts

- a. Assault, Battery and False Imprisonment
- b. Emotional Distress
- c. Right to Privacy
- d. Defamation
- e. Misuse of Legal Procedure
- f. Harm to Property

#### VIII. Business Torts

- a. Fraud and Misrepresentation
- b. Interference with Economic Relations
- c. Wrongful Discharge
- d. Bad Faith Breach of Contract

#### IX. Doctrine of Nuisance

- a. Public Nuisance
- b. Private Nuisance
- c. Remedies

#### X. Defenses to Intentional Torts

- a. Necessity
- b. Consent
- c. Mistake
- d. Statute of Limitations

#### XI. Privilege and Immunity from Tort Liability

- a. Immunity
- b. Privilege

#### XII. Strict Liability

a. Scope of Liability without Fault

- i. Injury Caused by Animals
- ii. Injury Caused by Dangerous Activity

b. Defenses to Strict Liability

XIII. Product Liability

- a. Contract
- b. Warranty
- c. Negligence
- d. Strict Liability

XIV. Vicarious Liability

- a. Principal-Agent
- b. Independent Contractor
- c. Joint Enterprise
- d. Motor Vehicle Accidents
- e. Dram Shop Liability

**Q. LABORATORY OUTLINE: N/A**