

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



COURSE OUTLINE

LEST 320– NEGLIGENCE AND INTENTIONAL TORTS

LAST REVISED BY: Alexander Lesyk

SCHOOL OF BUSINESS AND LIBERAL ARTS

MARCH 2015

NEGLIGENCE AND INTENTIONAL TORTS

- A. TITLE: NEGLIGENCE AND INTENTIONAL TORTS
- B. COURSE NUMBER/SHORT TITLE: LEST 320
- C. CREDIT HOURS: 3
- D. WRITING INTENSIVE COURSE: NO
- E. COURSE LENGTH: 15 Weeks
- F. SEMESTER(S) OFFERED: Spring
- G. HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:
3 hours per week

H. CATALOG 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.

I. PRE-REQUISITES/CO-COURSES: Business Law I (BSAD 201), or professor's prior approval.

J. STUDENT LEARNING OUTCOMES: Upon completion of this course, student will be able to:

<u><i>Course Objective</i></u>	<u><i>Institutional SLO</i></u>
a. Analyze and explain the rules of negligence and apply them to specific fact patterns.	1. Communication 2. Crit. Thinking 3. Prof. Competence
b. Analyze and explain the defenses to negligence and apply them to specific fact patterns.	1. Communication 2. Crit. Thinking 3. Prof. Competence
c. Analyze and explain the rules of the various intentional torts, defenses thereto, and apply them to specific fact patterns.	1. Communication 2. Crit. Thinking 3. Prof. Competence
d. Analyze and apply the rules of strict liability in appropriate cases.	1. Communication 2. Crit. Thinking 3. Prof. Competence
e. Compare and apply the rules of product liability, including failure to warn, design errors, and manufacturing errors.	1. Communication 2. Crit. Thinking 3. Prof. Competence

K. TEXTS: Guay, III, George E. and Cummins, Robert; Tort Law for Paralegals, 2nd Ed. Upper Saddle River, NJ, [Pearson Education] 2014; Dobbs, Dan B.; The Law of Torts (Hornbook Series), St. Paul, Minn., [West Group] 2000; Rabin, Robert L. and Sugarman, Stephen D.; Torts Stories, New York, NY, [Foundation Press] 2003.

L. REFERENCES:

1) New York Reports, New York Appellate Division Reports, New York Miscellaneous Reports (New York State)

M. EQUIPMENT: Technology Enhanced Classroom

N. GRADING METHOD (P/F, A-F, etc.): Standard A-F scale.

O. MEASUREMENT CRITERIA: Quizzes, Written Assignments, Final Examination and Class Participation.

P. DETAILED OUTLINE:

TOPICS

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