# Personal Injury & Torts PROGRAM OUTLINE

# PROGRAM OVERVIEW

**Blackstone's Personal Injury and Torts advanced paralegal course covers essential topics paralegals need to know if they plan to work in tort law or the personal injury field. This online advanced paralegal course explores the role of a paralegal related to personal injury and tort cases. It addresses the skills necessary to become an effective paralegal during the discovery and review of medical records, and during the tort litigation process before and after trial.**

**The accompanying e-textbook, *Personal Injury and the Law of Torts* presents substantive torts topics and contains expanded coverage of medical malpractice and an enhanced treatment of ethics. It also presents the legal terms of torts and personal injury law, definitions of the various types of torts and the defenses a defendant can raise to each and receive instruction in drafting documents commonly used in this area of law.**

# PROGRAM OUTLINE

Lesson 1 | Personal Injury/Torts 1

Lesson 2 | Personal Injury/Torts 2

Lesson 3 | Personal Injury/Torts 3

Lesson 4 | Personal Injury/Torts 4

Lesson 5 | Personal Injury/Torts 5

Lesson 6 | Personal Injury/Torts 6

# Personal Injury/Torts 1

**LESSON 1**

This lesson defines a tort and gives the sources of tort law; includes a broad overview of negligence, while the following chapters concentrate specifically on each element of negligence; explains the public policy behind tort law. Covers duty, which is the first element of negligence, the concept of reasonable care, and the foreseeable plaintiff. Identifies some of the relationships that lead to a greater duty and concludes with a discussion on negligence per se. Lesson 1. Discusses in detail the reasonable person standard, as well as the Learned Hand formula and the Restatement's risk-utility test, which are used to determine whether a breach of duty has occurred. Good Samaritan law is also covered.

# Personal Injury/Torts 2

LESSON 2

This lesson addresses causation, introducing the but-for and substantial factor tests, which are used to determine actual cause. Discusses foreseeability, joint tortfeasors, the Palsgraf case, and res ipsa loquitur. Explains damages and how negligence damages differ from intentional tort damages. Describes the three types of damages and differentiates between general and special damages. Introduces wrongful death and survival actions. Discusses premises liability, vicarious liability, and negligent infliction of emotional distress; covers the duties owed to trespassers, licensees and invitees; explains the doctrine of attractive nuisance.

# Personal Injury/Torts 3

**LESSON 3**

This lesson explains the defenses to negligence, including contributory negligence, assumption of the risk, and statutes of limitations; describes the difference between contributory and comparative negligence; presents the concept of last clear chance. Discusses medical malpractice and the issues regarding informed consent.

# Personal Injury/Torts 4

LESSON 4

This lesson discusses discusses intentional torts to persons, focusing on all of the elements of the intentional torts.  Discusses intentional torts to property, explaining the damages available for such torts. Explains the difference between real and personal property, as well as the difference between trespass to land, trespass to chattel, and conversion. Covers the affirmative defenses to intentional torts, as well as immunities; explains when a defense is available; discusses the different levels of force which may be utilized in self-defense versus defense of property; explains the difference between a defense and an immunity; describes sovereign, public official, and family immunity.

# Personal Injury/Torts 5

**LESSON 5**

This lesson addresses strict liability and products liability; presents the holding of Rylands v. Fletcher; distinguishes between wild and domesticated animals and the liability imposed on owners of such animals; explains the three theories under which a plaintiff can bring a products liability case. Covers the concept of nuisance; differentiates between a private and public nuisance; describes the remedies to nuisance. Introduces students to workers' compensation. Explains when an injury falls under workers' compensation, the benefits that are available, and how to start a claim.

# Personal Injury/Torts 6

LESSON 6

This lesson covers discovery and review of medical records; explains how to obtain medical records in light of HIPAA; describes how to perform a medical record review through a chronological and topic summary. Discusses what is expected of a personal injury paralegal prior to trial, including assisting with discovery, preparing deponents for their depositions, preparing deposition summaries, arranging for medical evaluations, and searching for expert witnesses. Discusses what is expected of a personal injury paralegal during trial, including preparing the witnesses for trial, the steps involves in trial, and how to prepare a trial notebook.

# PROGRAM OUTCOMES

- The paralegal's role in a family law firm.
- Define tort law and list its categories and purposes.
- Explain the role of foreseeability in tort law.
- Explain the difference between battery and assault.
- Define and explain strict liability.
- Identify the elements and defenses of negligence.
- Discuss the role of products liability in the media.
- Define and identify torts against and within the family and torts connected to the land.
- Explain defamation and related terms.
- Discuss misrepresentation, tortious interference, and tort defenses.
- Define workers' compensation and identify covered diseases and injuries.

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