

BERGEN COMMUNITY COLLEGE
DIVISION OF BUSINESS, ARTS & SOCIAL SCIENCE
DEPARTMENT OF LEGAL STUDIES

Instructor:
Telephone:
Email:
OFFICE HOURS:

Course Title: LGL-234 Personal Injury and Product Liability

Course Description: LGL-234 Personal Injury and Product Liability teaches paralegals the practice and procedures used in developing specializations in personal injury and product liability torts. Students will examine case studies and prepare legal forms for same case problems.

Prerequisites: LGL- 203 New Jersey and Federal Courts
LGL-220 Computer Assisted Legal Research

Credits: 3 credits

Text: *Civil Trial Preparation*, New Jersey Institute of Continuing Legal Education, Greenberg and Wolinetz (2013 or most current edition)

Supplemental Materials: To be provided by professor during the semester.

Learning Objectives: 1. To explore various concepts of personal injury and product liability law as introduced in LGL-101 Fundamentals of Law.

Measure: Students will submit projects during intervals during the course. These projects will relate to analysis of personal injury and product liability case studies and the processes and procedures whereby these issues are recognized. Students will explore the proper course of action necessary in relation to the case study. Students will utilize textbook and case studies. Video presentation will be provided.

Standard: At least 80% of all students will receive an average grade of “70” or better on the projects. Projects will be reviewed with students and concepts reinforced. Homework assignments will be required specifically addressing this course objective.

2. To introduce the student to the special issues and investigatory techniques in the tort case. How to proceed properly and ethically.

Measure: Students will submit projects during intervals during the course which will require the utilization of investigation techniques and the integration of conventional legal research methods with computer assisted legal research skills. Projects will include legal memoranda, legal briefs, use of forms and appropriate practice aides. Students will be required to utilize their legal research and writing skills. Emphasis will also be placed on legal ethical concerns.

Standard: At least 80% of all students will receive an average grade of “70” or better on these examinations and projects. Projects will be reviewed with students and concepts reinforced. Homework assignments will be required specifically addressing this course objective.

3. To provide the student with an understanding of how the personal injury and product liability case applies to the New Jersey System of Legal Ethics NJ Rules of Court, the Court System and to New Jersey Legal Actions through analysis of particular rules, advisory opinions, use of forms, hypotheticals and examination of case studies.

Measure: Students will submit projects during intervals during the course which will have required ethical considerations. The ethical considerations will relate to analysis of the New Jersey State and Federal Court Systems and the processes and procedures required by the respective components of the New Jersey Judiciary.

Standard: At least 80% of all students will receive an average grade of “70” or better on these homework assignments and projects. Projects and homework assignments will be reviewed with students and concepts reinforced.

4. To require students to draft motions, pleadings, briefs and other court documents in processing a tort action from commencement to conclusion.

Measure: Students will submit projects and homework assignments which will have components requiring the student to draft motions, pleadings, briefs and other court documents in processing a tort action

Standard: At least 80% of all students will receive an average grade of “70” or better on the projects. Projects and homework

assignments will be reviewed with students and concepts reinforced.

5. To introduce the student to the special requirements of tort discovery.

Measure: Students will submit projects and homework assignments which will have components requiring the student to draft discovery demands and formulate discovery plans for a case study.

Standard: At least 80% of all students will receive an average grade of “70” or better on the projects. Projects and homework assignments will be reviewed with students and concepts reinforced.

6. To review the requirement of special tort practice such as Title 59 Actions, Worker’s Compensation and Medical Malpractice.

Measure: Students will submit projects and homework assignments which will have components requiring the student to identify special tort practice issues and to take appropriate actions to address client’s needs.

Standard: At least 80% of all students will receive an average grade of “70” or better on the projects. Projects and homework assignments will be reviewed with students and concepts reinforced.

COURSE CONTENT:

CLASS SESSION

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1. Review of Torts: Intentional Torts, Negligence, Products Liability
Lecture
Assignment #1 (Ethics) - Handed Out
2. Review of Henningsen v. Bloomfield Motors, 32 N.J. 358 (1960); Santor v. A & M Karagheusian, 44 N.J. 52 (1965) and related cases; N.J.S.A. 12A:2-314, 316; N.J.S.A. 12A:2A-212, 214 (Students should locate, research, read/brief, copy and bring the cases and statutes to class ready to discuss). Overview of the Courts (Greenberg p 1-8)
Assignment #1 (Ethics) - Due

3. Procedures to Begin a Tort Case – Retainers, Interview Guides, Form Letters, Authorizations, Medical Releases and NJ Rules that Apply to tort Cases (Greenberg p 9-12 and Supplemental Materials)
4. Pre-litigation Procedures for various types of cases: alternative dispute resolution, Tort Claims Act (Title 59), Workman’s Compensation and Medical Malpractice. (Greenberg p 15-30 and Supplemental Materials)
5. Tort Litigation: Summons and Complaint, Causes of Action, Joinder, Fictitious Defendants and other concepts, Case Information (Greenberg p 36-50 (and forms) and Supplemental Materials)
Review for Examination #1
6. Tort Litigation: Default Procedures – liquidated and unliquidated claim, filing procedures, default judgment. (Greenberg p 126-257; 303-318 and Supplemental Materials)
Examination #1
7. Pleadings – Complaint, Answer, Counterclaim, Crossclaim – Third Party Practice – Supplemental and Amended Pleadings. (Greenberg p 36-125)
Assignment #2 (Pleading) – Handed Out
8. Tort Discovery – Theories and Techniques (Greenberg p 126-257)
Assignment #2 (Pleading) – Due
9. Tort Discovery – Discovery Forms, Auto Uniform Interrogatories, Court Rule Appendix, Supplemental Interrogatories, Depositions, Requests for Admission, Demand for Inspection of Property or Things; Physical and Mental Examinations (Greenberg p 126-257) – Cont’d
10. Tort Discovery - Depositions, Requests for Admission, Demand for Inspection of Property or Things; Physical and Mental Examinations (Greenberg p 156-257) – Cont’d
Assignment #3 (Discovery) – Handed Out
Review for Examination #2
11. Discovery: Interrogatories, Depositions, Requests for Admission, Demand for Inspection of Property or Things; Physical and Mental Examinations (Greenberg p 156-257) – Cont’d
Examination #2
12. Pre-Trial Motions – Compel Discovery, Arbitration, Summary Judgment, Intervene and Joinder (Greenberg p 258-301)
Assignment #3 (Discovery) –Due
Final Project (Case Plan) – Handed Out

13. Tort Judgments – Friendly Hearings, Additur and Remittitur (Greenberg and Lecture and Supplemental Materials)
14. Settlement, Trial Verdicts, Post Judgment Enforcement, Pre-Trial Appeals (Greenberg p 327-344 and Lecture)
Final Project (Case Plan) - Due Review for Final Examination
15. Explanation of Auto PIP Procedures, Unsatisfied Claim and Judgment Fund, UM and UIM Claims as Pertaining to Motorist Claims –Greenberg p 346-414.
Course Review (Lecture)
Final Examination
Review of Projects

Evaluation:

Examination #1	10%
Examination #2	10%
Examination #3	10%
Assignment #1 – research - ethics	15%
Assignment #2 - discovery	15%
Assignment #3 - pleading	15%
Project - case plan	<u>25%</u>
	100%

Homework:

Assignment submission may be required for course credit as assigned and required by the Professor during the semester and will be integrated into final grade pursuant to evaluation procedures listed above.

Attendance:

Will be taken at each session and is subject to the rules of the college. Attendance at lectures is imperative to acquisition and understanding of the substantive material of the course. Habitual absence (considered more than two unexcused absences) and/or tardiness may result in loss of credit for the course. Students are instructed to notify the professor prior to absences, if known and are responsible for the materials from classes which are missed. Students are required to take all examinations on the announced date or otherwise scheduled at the discretion of the instructor. All projects and examinations must be completed for credit for the course. Late submissions will be penalized a quarter grade for each day project is late. If a student has an excused absence and misses an exam, that student must be prepared to take an exam on the first day of their return to class. If

a student has an unexcused absence for an exam, that student will receive a zero grade for that exam. If a student misses both the midterm and the final examination that student will not receive a passing grade in the class.

Faculty absence:

A daily listing will appear in the glass case located in the front lobby of the Administration Wing of the main building which will indicate all classes which are cancelled. Another listing will appear in the glass case adjacent to the Hotel/Restaurant bulletin board in East Hall. Students should consult these bulletin boards and the BCC website before going to class.

Cell Phones:

The use of cell phones is not permitted in class and all students must turn off their cell phones prior to class session. Recording of lectures is prohibited.