

## **CJL 3044 – Civil Law**

### **Course Description:**

A study of civil liability for damages caused by breach of an imposed duty, which includes intentional torts, negligence, strict liability, products liability, civil nuisance, defamation, civil wrongful invasion of privacy and damages.

**Prerequisite: CCJ 1210**

### **Course Competencies:**

Competency 1: The student will demonstrate knowledge of intentional torts by:

- a. defining torts to the person and identifying examples
- b. recognizing defenses and privileged invasions of personal interests
- c. defining torts to property and identifying examples
- d. recognizing defenses and privileged invasion of land and chattels
- e. recognizing differences between torts and crimes

Competency 2: The student will demonstrate knowledge of negligence by:

- a. defining negligence based on the “duty of care”
- b. defining negligence based on other acts such as liability of a principle for an agent’s torts
- c. recognizing defenses to negligence
- d. analyzing the impact of liability insurance

Competency 3: The student will demonstrate knowledge of strict liability by:

- a. explaining the concept of strict liability based on injuries caused by either domestic or wild animals
- b. explaining strict liability of one who maintains an abnormally dangerous condition or activity
- c. determining the extent of liability
- d. recognizing the defenses of negligence

Competency 4: The student will demonstrate knowledge of products liability by:

- a. explaining products liability based on an intentional act
- b. determining products liability based on negligence
- c. explaining products liability based on tort
- d. analyzing products liability based on breach of warranty

Competency 5: The student will demonstrate knowledge of civil nuisances by:

- a. determining the plaintiff's interest
- b. analyzing the defendant's conduct
- c. determining if plaintiff's harm is unreasonable
- d. explaining the defenses of contributory negligence and assumption of the risk and the remedies available to plaintiff

Competency 6: The student will demonstrate knowledge of factors which affect the right to sue by:

- a. determining if tort actions survive the death of one of the parties
- b. explaining the different types of wrongful death statutes
- c. explaining "loss of consortium"
- d. explaining "wrongful birth"

Competency 7: The student will demonstrate knowledge of tort immunity by:

- a. explaining intra family immunity
- b. explaining sovereign immunity
- c. defining charitable immunity
- d. distinguishing between contribution among joint tortfeasors and indemnity

Competency 8: The student will demonstrate knowledge of defamation by:

- a. analyzing factors used to determine if the defamatory statement was published
- b. determining if statement harmed plaintiff's reputation
- c. determining if statement contained false facts or merely non-actionable opinion
- d. defining slander, libel, special and punitive damages
- e. determining if any defenses to the statement exist such as consent, truth or legislative, judicial or executive privilege

Competency 9: The student will demonstrate knowledge of wrongful invasion of privacy by:

- a. describing wrongful intrusions into plaintiff's private life or affairs
- b. determining if defendant made a public disclosure of private facts
- c. analyzing if plaintiff's name or likeness was unlawfully appropriated
- d. determining if publication by defendant that placed plaintiff in a "false light" was knowing or reckless

Competency 10: The student will demonstrate knowledge of other torts by:

- a. defining misrepresentation which is based on intent, negligence or strict liability
- b. defining injurious falsehood
- c. explaining the concept of interference with contract or prospective economic advantage
- d. defining abuse of process and malicious prosecution