

ASPEN COLLEGE SERIES

Neal R. Bevans

TORT LAW FOR PARALEGALS

FOURTH EDITION



Wolters Kluwer
Law & Business

Aspen College Series

Tort Law for Paralegals

Fourth Edition

Neal R. Bevans, J.D.

Western Piedmont Community College



Wolters Kluwer
Law & Business

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Published by Wolters Kluwer Law & Business in New York.

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Wolters Kluwer Law & Business
Attn: Order Department
PO Box 990
Frederick, MD 21705

Printed in the United States of America.

1 2 3 4 5 6 7 8 9 0

ISBN 978-1-4548-0872-5

CIP or ISSN

Library of Congress Cataloging-in-Publication Data

Bevans, Neal R., 1961-

Tort law for paralegals / Neal R. Bevans. — 4th ed.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-4548-0872-5 (alk. paper) — ISBN 1-4548-0872-1 (alk. paper)

1. Torts—United States. 2. Legal assistants—United States—Handbooks, manuals, etc. I. Title.

KF1250.Z9B48 2013

346.7303 — dc23

2012024635

241219
9211-4

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**For my sister, Lisa Burnett, my niece, Katie Burnett,
and my nephew, Ben Burnett**

Preface

INTRODUCTION TO THE FOURTH EDITION

The topic of civil injuries or torts continues to be in the forefront of civil practice. In this fourth edition of *Tort Law for Paralegals*, the author has again updated the materials to reflect new trends in the law and technology while continuing to emphasize bedrock principles of tort law. The author continues to provide in-depth discussion of civil injuries law while giving the paralegal student a solid foundation in the practicalities of daily legal work. The reader is introduced to the important concepts of negligence, intentional torts, products liability, and business torts. However, the author also places great emphasis on the practical aspects of tort law, including understanding how law firms function, assessing cases for settlement value, investigating claims, billing hours, and evaluating automobile insurance policies, among many other topics.

As in previous editions, the author has provided a hypothetical case which is used to illustrate various points. The case involves a collision between a car and a train, resulting in the death of a passenger and severe, permanent injuries to the driver. Discussions about the case help develop the differences in civil injury law among the various jurisdictions. A complete file on this case is also provided in the appendix.

In addition to updating the material on technological trends and recent trends in tort law, the author has also added other features, not found in previous editions. These include:

- Additional cases emphasizing case materials

- Extra Web assignments and resources

- Additional end of chapter exercises

- “Tech Topics,” a feature that directly focuses on the role of technology and its impact on the practice of law.

FEATURES

The fourth edition continues the many features from previous editions that emphasize the topics and is designed to appeal to various learning styles. Many of its components give the text a solid, visual appeal.

■ Chapter Objectives

Each chapter begins with clearly stated learning objectives to guide readers in their studies.

■ Issue at a Glance

Scattered throughout each chapter are small synopses of the issues discussed. Students can see a brief summary of the topic and the critical points to be gleaned from the material.

■ Definitions

As each new term is introduced, it is also defined for the student. These on-the-spot definitions provide a handy reference and save the reader time.

■ Figures, Tables, and Diagrams

The chapters have been updated with new figures, tables, and diagrams designed to assist students with the topics and to emphasize the material in different ways.

■ Practical Advice

Practical examples and advice about topics as varied as drafting legal documents, interviewing clients, and billing hours are provided.

■ Case Excerpts

In addition to discussing the legal theory and practical applications, the author has updated the case excerpts in most chapters to reflect newer case law and recent trends in tort law.

■ Litigation Facts

Various figures and tables presenting a wide variety of interesting facts about negligence and personal injury cases in the United States are found throughout the text.

■ Skills You Need in the Real World

In many ways, the text achieves a balance between theoretical discussions and practical applications. The “Skills” sections, which come at the end of each chapter, emphasize a particular skill that all paralegals should develop. Whether discussing investigating a claim, billing hours, or conducting Internet research, this section is designed to assist paralegals in their actual, day-to-day duties.

■ The Life of a Paralegal

To provide additional interest, a section in each chapter highlights the work of an actual paralegal. Here, the reader hears in the paralegal’s own words what working in the legal field is like and the types of activities they engage in. This section also contains tips for students about to embark on a paralegal career.

■ **Ethical Issues for the Paralegal**

Ethics is an important concern in any legal course, and it is emphasized throughout the text. Near the end of each chapter, the author discusses topics as diverse as attorney-client privilege and avoiding insurance fraud.

■ **Chapter Summary**

At the conclusion of each chapter, a condensed overview of the material covered is provided, helping students focus on the key points raised.

■ **Websites**

The fourth edition has been updated to reflect the new and expanding offerings for students on the World Wide Web with legal sites devoted to legal issues. As before, these Websites help the students by emphasizing topics covered in the chapters and giving the student additional resources to explore on their own.

■ **Forms and Court Documents**

This end-of-chapter section reproduces actual court pleadings that pertain to the issues discussed in the chapter, following the text's balance between concepts and practicality.

■ **Key Terms**

The author provides a list of key terms used in the chapter.

■ **Review Questions**

Extensive review questions are provided to test the student's understanding of the important concepts raised in the chapter and to serve as a springboard for classroom discussions.

■ **Applying What You Have Learned**

This section gives students another opportunity to test their practical skills. Students are presented with problems and asked to prepare appropriate pleadings and other documents to address these concerns.

■ **Non-Gender-Specific Language**

In recognition of the impact of gender-specific language, the author has adopted the following convention in the text: each even-numbered chapter uses "he" in general discussions and examples, while the odd-numbered chapters use "she" for the same purposes.

INSTRUCTOR'S MANUAL

The instructor's manual is provided for the newest edition and contains the following much-needed resources:

■ Suggested Syllabi

■ Chapter Lecture Outline and Discussion

Each section contains some introductory remarks about the chapter and a complete chapter outline.

■ Additional Web Resources

These additional Websites provide other resources for classroom discussion and assignments.

■ Additional Assignments

These assignments are in addition to the assignments listed in the text.

■ Answers to Review Questions

The end-of-chapter review questions are answered in detail.

■ Answers to Applying What You Have Learned

Each chapter contains a section entitled “Applying What You Have Learned.” These sections are designed to provide practical, hands-on assignments for the students. This section of the Instructor’s Manual lists the answers to these assignments.

■ Test Bank

The test bank provides a variety of test questions, including:

Essay questions (5 per chapter)

Short answer (10 per chapter)

Multiple choice (25 per chapter)

True-False (10 per chapter)

■ Additional Features on Instructor’s Manual CD PowerPoint Slides

The author has prepared a PowerPoint presentation for each chapter of the text.

■ Additional Cases

Additional cases are provided for classroom discussion. These can be used in a variety of ways, including as lecture handouts and additional assignments.

ACKNOWLEDGMENTS

The author would like to thank the following people for their assistance in preparing this book: Paula Barnes, Betsy Kenny, Richard Mixter, Debra Holbrook, Linda McCurry, Lisa McHugh, Wendy Seagle, Christina Lynn, Gwyn Huffman, Pamela Tallent, Celeste Jenks, Elizabeth Adams, Renae Elam, Christina Truitt, John Purvis, Leah Laidley, Jane Huffman, Lisa Burnett, and Sylvia Rebert.

Neal R. Bevans

July, 2012

Tort Law for Paralegals

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