

TORT LAW

FOR LEGAL
ASSISTANTS

Third Edition

Linda L. Edwards, J.D., Ph.D and J. Stanley Edwards, J.D.

TORT LAW FOR LEGAL ASSISTANTS Third Edition

**Linda L. Edwards, J.D., Ph.D.
J. Stanley Edwards, J.D.**



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TORT LAW FOR LEGAL ASSISTANTS

Third Edition

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DEDICATION

We dedicate this edition to Stan's father, William Henry Dean, who passed away during the most recent reincarnation of our book. Without Bill's kindness and loving guidance to Stan as an adolescent, this text, Stan's first attempt at authoring, would most certainly have never been possible.

PREFACE

“If it’s not broken, don’t fix it.” This has been our guiding adage throughout the second revision of this text. The feedback we have received throughout the years the first and second editions have been on the market has been so positive, we were reluctant to make any major changes. We hoped to maintain the balance of readability and academic integrity created in the previous editions. We therefore edited with a light hand. The core of the text has remained unchanged except for updates where necessary and additional information where helpful.

The text retains the hypotheticals introducing each chapter and the “Putting It into Practice” exercises that encourage students to immediately put into application concepts to which they have been exposed. The “Practice Pointers” continue to introduce practical procedural skills, such as drafting pleadings, preparing medical authorization requests, documenting damages, writing FOIA letters, and assembling trial exhibits. The “Tort Teasers” at the end of each chapter continue to provide stimulating fact patterns in the form of actual cases, which can be used in class to discuss the tort principles presented in that chapter.

The features that have been added are all designed to make the text even more student-friendly. We had two things in mind when adding these features. First, we wanted to give students more opportunity to be able to assess their mastery of the material covered in each chapter. Second, having written several other texts in the interim between the second and third edition of this text, we have become acutely aware of the interest, on the part of both faculty and students, in Internet resources. Therefore, we added links and exercises that promote Internet usage. The features we have added are

- **Review Questions and Practice Exams**—The review questions are broad questions that require students to assimilate the concepts in each chapter. The practice exams consist of true-false, multiple-choice, fill-in-the-blank, and matching questions that test knowledge of specific principles and vocabulary. The questions are similar to those provided in the “Test Bank” (in the *Instructor’s Manual*); consequently, students can be assured that if they do well on these practice exams (whose answers are provided in Appendix A), they should do well on the exams given in class.

- **Net News**—Links to a wide variety of Web sites are liberally sprinkled throughout the text. Some of these links acquaint students with the more commonly used sites; some provide sample documents and explain concepts or principles; some provide links to federal or state agencies; others offer stimulating articles on issues pertinent to tort law.

INTERNET WARNING: Please remember that Web addresses change frequently, Web sites can undergo construction, and Web pages can simply disappear. For these reasons, the links that are valid at the time of publication may not be valid by the time they are visited by students.

Here are some practical suggestions about what you can do if you type in a Web address we have given you and you get an error message. First, follow the directions in the error message. (Also double-check to make sure you are still connected to the Internet.) If you continue to get an error message, try shortening the Web address by deleting everything after the last slash mark. For example, if the Web address is

<http://www.law.cornell.edu/uniform/probate.html>,

you can shorten it to

<http://www.law.cornell.edu/uniform/>.

If you still get an error message, shorten it again to

<http://www.law.cornell.edu>.

This will take you to the home page (in this case, the Legal Information Institute) unless the site has gone down or moved. If the site has moved, you may still be able to find it by running a search under the site’s name.

- **Local Links**—These prompt students and faculty to consider the rules and practices unique to their jurisdiction. While the text is necessarily generic, these inquiries allow faculty to explain the procedures and terms used in their jurisdiction.

• **Internet Inquiries**—Searching the Internet is the best way to build confidence and become familiar with what is available. These exercises provide some structure to that search. Some of these exercises are a fairly structured means of familiarizing students with particular Web sites whereas other exercises are more exploratory in nature, encouraging students to discover and report what they find.

• **Practical Ponderables**—These exercises include questions that require students to assimilate information they have learned throughout the chapter (sometimes incorporating concepts discussed in previous chapters). The questions are more provocative than those in the Practice Exams and necessitate integration of materials. They could easily serve as the basis for class discussion and homework assignments.

SUPPLEMENTAL TEACHING MATERIALS

• An **Instructor's Manual** that provides suggested responses to the Tort Teasers, Internet Inquiries, and Practical Ponderables is available. Edited cases are provided in the Tort Teasers section so that faculty have an opportunity to read the cited cases when desired. Suggested exercises and discussion questions are included for each chapter, assisting faculty in organizing their in-class presentations. A test bank of questions, including true-false, multiple-choice, and essay questions, is included for those faculty who wish assistance in preparing their exams. These questions are variations of those found in the practice exams in the text as well as questions offered in the Web Tutor.

• An **On-line Resource**TM of review questions is available for those students looking for assistance in mastering the concepts in each chapter.

• The **WebTutor**TM offers questions that augment those in the text and provides immediate feedback so that students know if their response is correct and know the reason if it is incorrect. Vocabulary is tested using "flashcards." Discussion questions challenge students to integrate and assimilate information. A brief introduction at the beginning of each section sensitizes students to what they should focus on.

• **Web page**—Come visit our website at www.westlegalstudies.com, where you will find valuable information such as hot links and sample materials to download, as well as other West Legal Studies products.

• **WESTLAW**[®]—West's on-line computerized legal research system offers students "hand-ons" experience with a system commonly used in law offices. Qualified adopters can receive ten free hours of WESTLAW[®]. WESTLAW[®] can be accessed with Macintosh and IBM PC and compatibles. A modem is required.

• **Strategies and Tips for Paralegal Educators**, a pamphlet by Anita Tebbe of Johnson County Community College, provides teaching strategies specifically designed for paralegal educators. A copy of this pamphlet is available to each adopter. Quantities for distribution to adjunct instructors are available for purchase at a minimal price. A coupon on the pamphlet provides ordering information.

• **Survival Guide for Paralegal Students**, a pamphlet by Kathleen Mercer Reed and Bradene Moore covers practical and basic information to help students make the most of their paralegal courses. Topics covered include choosing courses of study and note-taking skills.

• **West's Paralegal Video Library**—West Legal Studies is pleased to offer the following videos at no charge to qualified adopters:

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Aiken, South Carolina

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South Coast College
Orange, California

Melody K. Brown
Eastern Idaho Technical College
Idaho Falls, Idaho

Jodi McMaster
San Antonio College
San Antonio, Texas

Christie Highlander
Southwestern Illinois College
Belleville, Illinois

Kay Rute
Washburn University
Topeka, Kansas

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Appendix C:

p. 563, list: Reprinted from W. Freedmans, *Richardson on the Law of Insurance* (6th ed., Lawyers Cooperative Publishing, 1991).

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