



CRESTPOINT UNIVERSITY

717 E. Maryland Avenue

Phoenix, AZ 85014

Tel: 800-371-6105

Fax: 866-347-2744

E-mail: info@crestpoint.edu

Website: crestpoint.edu

PLG-101 Torts and Personal Injury Syllabus and Course Guide

The Torts and Personal Injury course is a time-based course built into the Crestpoint learning management system. The course is divided into modules, each of which contains readings and/or video lessons. Each module also contains one or more assessments. Students should aim to complete one module per week and should not work too far ahead or fall too far behind.

All course assessments must be submitted by the course deadline. The deadline can be found by clicking on the Course Name, then Progress Report. Generally, the course deadline is approximately 4 weeks after the last day of the course.

If you are having trouble completing the course, the student is strongly encouraged to contact his or her academic advisor or [Academic Support](#).

Course Description:

Tort law is one of the most important bodies of U.S. law, because it governs basic everyday human interaction. Tort law is one of the most important fields of paralegal employment as well. This course will provide our students with a general understanding of the laws dealing with civil wrongs and the remedies for those wrongs, including intentional torts, negligence, liability of principals for the actions of their agents, strict liability, products liability, nuisance, defamation, invasion of privacy, and various factors that affect the right of a plaintiff to bring suit against a defendant. The course will also focus attention on the nature of personal injury litigation, its documentation and practices, assessing and evaluating claims of damages, losses, and the formalities of adjudication and/or settlement. Because tort law arises from, and is so deeply rooted in, everyday life, it is one of the most interesting, as well as relevant, areas of law that you will study.

Course Objectives:

Upon completion of this course, students will be able to:

- Describe the rules of intentional torts and apply them to specific fact patterns.
- Describe the rules regarding defenses to allegations of such torts and apply them to specific fact patterns.
- Draft a memorandum to a court or supervising attorney applying the elements of a cause of action to a real-life scenario.
- Draft complaints, answers and other pleadings and documents relevant to torts and civil litigation.
- Research the elements of any cause of action under state or federal law, using statutory and/or case law.
- Apply the rules regarding special duties owed, including those by landowners, common carriers, innkeepers, etc. to hypothetical fact patterns.
- Apply the rules of strict and product liability, in product liability cases, including failure to warn, mis-design and mis-manufacture.
- Evaluate whether a defamation action can be successfully brought in a hypothetical fact pattern.
- Apply the elements for causes of action in fraud, malicious prosecution, invasion of privacy and interference with commerce to hypothetical fact patterns.

Textbook:

All reading assignments refer to the Crestpoint courseware, Cases and/or statutes that are specifically mentioned in the syllabus are required reading. The texts of these cases and/or statutes may be accessed directly from the courseware. In addition to the assigned courseware and cases, students should familiarize themselves with the various legal documents listed for each lecture. These documents can be found on the Course Materials, under this course's materials, on the Crestpoint student website. Some, but not all, of these documents will be discussed in class. Reading assignments for each class should be completed prior to the class.

In addition to the courseware's electronic form, you may also view/print out a PDF version of the courseware that includes:

- 1) The courseware**
- 2) All lecture slides**

See the course materials page for the link.

Weekly Interaction Requirement

To ensure that all students are involved, participating, and in compliance within the course, each student should complete one assessment each week. Students who fail to interact in multiple weeks may be subject to academic and financial aid consequences, in accordance with Crestpoint's Satisfactory

Academic Policy and other school policies.

Course Structure

After logging into your Crestpoint student account, locate your enrolled course by scrolling down and clicking on the course name. Your course will expand, and you will find eight modules, each corresponding to one week of the course. Slides and documents, assignments, discussions and exams for each week are organized within the respective module. Recorded lectures will be posted as the course goes along.

Assessments

Assessments may be in the form of discussion questions, assignments, and/or exams.

Exams are graded on a scale of 0-100 and must be done in 2-4 hours, depending on the exam. The start exam page indicates the length of time for each exam. Discussions and assignments should be completed in accordance with the assignment instructions. Assignment information can be found at the end of the course syllabus.

Please see the Grading Policy under School Links for specific details regarding the grading of assessments.

Crestpoint Academic Advisor

Each Crestpoint student is assigned an academic advisor upon enrollment. Your academic advisor is a resource that can and should be drawn on if you need academic assistance. This includes advice on studying, help with assignments, general academic questions, etc. You should have received an email from your academic advisor upon enrollment. If you have not received such an email or do not know who your academic advisor is, please contact Anne Lewis at anne@crestpoint.edu.

Crestpoint Plagiarism Policy

All work done by Crestpoint students is expected to be their own work. In addition, Crestpoint students may not share their completed work, answer keys, or sample answers which they have obtained by any method with any other student. Students may NOT upload any sample answer (whether written by themselves or any other person) to any publicly available website or database.

Students are requested and encouraged to please review the [Academic Integrity and AI Use Policy](#). Students are responsible for complying with its terms.

Course Grades

Grades are issued on a classical A through F scale based on the grades scored on the assessments, per this syllabus.

Lesson Schedule

Module 1

Lecture 1

In this class, we will open our torts discussion with the intentional torts against the person; the various causes of action that arise when one person undertakes a voluntary action that causes harm to another person. We will discuss the various intentional torts against a person that exist under the common law, such as assault, battery and false imprisonment. We will go through the various elements involved in these torts and use some hypothetical examples to illustrate their application.

Courseware Reading:

Torts 1 Chapter 1: Torts against Person:

- Battery
- Assault
- False Imprisonment
- Intentional Infliction

Cases:

Garratt v. Dailey

This interesting case, with an odd fact pattern, illustrates the important difference between “intent” and “motive.” Just because one did not want to hurt a person, does not mean that one did not intentionally do so. In addition, the court did indicate that even very young children were capable of forming the intent to commit an intentional tort. In all, this case is a great starting point in our discussion of intent.

Martin v. Houck

This case deals with the tricky issue of when a police officer can be sued for false imprisonment for making a baseless arrest. Although the court recognized the important interest of maintaining efficient and effective law enforcement, the court could not allow a bad-faith arrest to be protected from a charge of false imprisonment. We will discuss the policy considerations on both sides of this case as part of our false imprisonment discussion.

Lecture 2

In class 2, we will move on to intentional torts against property, i.e., trespass to land, trespass to chattel and conversion. We will also discuss the doctrine of transferred intent and how it applies to all intentional torts. We will also discuss some of the pre-trial motion practices that occur in civil cases and take a look at a pre-trial brief and discuss some of the tactics that are important to keep in mind during motion practice, which is often a key stage in tort litigation. We will also spend some time in this class discussing how to draft some of the more important documents involved in commencing a civil lawsuit, including a summons and complaint.

Courseware Reading:

Torts 1 Chapter 2: Torts against Property:

- Trespass to Land
- Trespass to Chattels
- Transferred intent

Complete Weekly Discussion 1

Module 2**Lecture 3**

This class will consist of a Lexis tutorial/ assignment walkthrough. The instructor will use a research assignment from a past or current course to demonstrate the way an assignment should be researched and composed.

The instructor will walk the students through the various Lexis databases and explain to students how to most efficiently use the Lexis system to complete research assignments. Various general aspects of navigating Lexis, including Shepardizing, seeking and finding appropriate search databases, getting a document by citation, etc., may be explored.

The instructor will also discuss how to most effectively plan, outline, organize and draft research assignments. Model answers and/or past student submissions may be used to illustrate what a “4” assignment looks like and how to compose one.

Lecture 4

We will spend this class discussing the various defenses that exist to intentional torts, such as consent, self-defense and defense of property. Included in this discussion will be an analysis of when these defenses can be looked at subjectively (i.e., through the eyes of the actual defendant) and when the “reasonable person” test is applied to these defenses.

Courseware Reading:

Torts 1 Chapter 3: Defenses to Torts against Persons/Property:

- Consent- Persons
- Consent Privileges- Property
- Self Defense

Cases:

O'Brien v. U.S.S. Cunard

This case deals with the issue of implied consent. Consent is often a defense to a suit for a non-life-threatening battery. What actions imply consent though? Can a person use his or her powerless situation as a reason to negate an action that implied consent? That is what this case is about.

Katko v. Briney

This is the classic “gun trap” case. Annoyed and alarmed by a rash of burglaries in his barn, Mr. Briney decided he’d had enough. He rigged his barn door and a gun so that any intruder would be shot upon entry. Unfortunately for Marvin Katco, that turned out to be him. In the subsequent lawsuit, the court needed to decide if such a gun trap was justified. When reading this case, think about whether the outcome would have been different if the building in question had been Mr. Briney’s home rather than his barn. Thinking of an answer to that question may help crystallize the rules of self-defense and defense of property in your mind.

Complete Weekly Discussion 2

Module 3

Lecture 5

We will begin our discussion of the tort of negligence with a discussion of the first two elements relevant to the negligence tort: The duty of care owed by people to society and when a breach of that duty has occurred. We will discuss the foreseeability prerequisite to liability for negligence and some of the doctrines that have developed to guide courts in deciding negligence cases. We will also touch on the theory behind liability for negligence and how that theory was expressed in the seminal case of *Palsgraf v. L.I.R.R.*

Courseware Reading:

Torts 1 Chapter 4: Negligence Section 1:

- Introduction to Negligence
- Duty of Care 1
- Duty of Care 2
- Breach of Duty 1
- Breach of Duty 2

Cases:

Palsgraf v. Long Island Railroad

This is the seminal case in the area of negligence. This case, between the majority and dissenting opinions, sets forth and discusses the theory of negligence law and when it should be applied. We will look to this case as the basis for our discussion of negligence law.

United States v. Carroll Towing

How far is one obligated to go in assuring that one does not damage another person? In this case, the great Judge Learned Hand put this question into mathematical form, devising an algebraic formula that would determine whether someone, in fact, breached his duty to another. We will discuss how the facts and ruling in this case present the dilemma that is so often faced by people who own or maintain dangerous instrumentality.

Lecture 6

We will continue with our discussion of the rules of negligence. We will start the class by going through the causation element of the negligence tort and the doctrines related to causation that have been developed to protect various interests throughout the years. We will also discuss the various types of damages that exist in negligence actions, along with the various remedies that are involved to compensate an aggrieved plaintiff in a negligence action. We will close the class by looking at a typical complaint for negligence and we will focus on how each of the elements of negligence is and must be alleged in a civil complaint.

Courseware Reading:

Torts 1 Chapter 5: Negligence Section 2:

- Cause and Harm
- Proximate Cause
- Indirect Causation

Cases:

Summers v. Tice

In this interesting case, logic and fairness are pitted against the fundamental proposition in American civil law that the plaintiff must prove its case! If one of two negligent defendants definitely caused the plaintiff harm, but it is impossible to prove which one, should the defendants still be liable? We will look at this case and analyze whether courts should allow fairness considerations to revamp the basic rules of tort litigation. There is hardly a better framework for posing that question than that presented by this case!

Benn v. Thomas

In this case, the court had to look at the distinction between the damages rule, which looks at foreseeability of the extent of the harm as irrelevant (the “eggshell” rule) and the causation rule, which looks at foreseeability as very relevant. This case involves a case that’s on the border between the two. Is the court splitting hairs here or is there a fundamental difference between the analysis of causation and damages?

Complete Weekly Discussion 3

Module 4

Lecture 7

In this class, we will begin a discussion of special duties that can attach to various members of society by operation of law or because a person has impliedly undertaken a special duty. Included in this discussion will be the rules of when a person has a responsibility to act on behalf of a third party. We will also discuss the scenarios under which one can be responsible for the negligent actions of another person.

Courseware Reading:

Torts 1 Chapter 6: Special Duties Section 1:

- Statutory Duties
- Aid in Emergency
- Contractual Agreements/ Common Carriers
- Actions of Third Persons 1
- Actions of Third Persons 2

Cases:

Christensen v. Swenson

When analyzing a *respondeat superior* claim, it is critical that one be able to determine what actions are and are not within the scope of one's employment. What about driving to a café during an unscheduled coffee break? Is that within the scope of one's employment? Reading how the Utah Supreme Court attacked this question can give one insight into the way in which courts analyze tort law and the deference that must be given the triers of fact in civil cases.

Perry v. S.N.

This case applies the concept of negligence *per se* to a failure to report case. In this case, a daycare center was sued for the actions of its employee and the failure to report that action. Since failure to report child abuse in a daycare center is a crime, the plaintiff argued that negligence *per se* should apply, settling the issue of liability. However, was the failure to report what actually caused the injury in this case? That is one of the interesting questions the court had to grapple with in determining whether to apply *negligence per se*.

Lecture 8

In this class we will start by continuing our discussion of situations in which people are assigned special duties of care, failure to live up to which can lead to liability for negligence. We will discuss special responsibilities imposed on land occupiers to protect their guests (and even trespassers in some cases) from harm. We will also discuss the controversial tort of negligent infliction of emotional distress. We will also look at a form that some jurisdictions have to allow a plaintiff to fill out a simplified complaint for an injury suffered by a guest. These simplified forms are sometimes used when litigation is streamlined in cases that may be relatively low complexity, straight forward cases.

Courseware Reading:

Torts 1 Chapter 7: Special Duties Section 2:

- Land Occupiers
- Lessors
- Emotional Distress

Cases:*Smith v. Green*

In this case, the Massachusetts Supreme Court set forth the landlord's duty to either warn tenants of dangerous conditions or to fix those conditions. This can be applied as long as the landlord should have known of the defect. We will discuss how this rule has immense practical ramifications in landlord-tenant law.

Reilly v. United States

This case deals with the modern view of the elements for torts involving infliction of emotional distress. Here the court had to grapple with the question of whether medical malpractice causing damage to a child could allow the *parents* a cause of action for negligent infliction of emotional distress.

Complete Weekly Discussion 4

The Midterm Exam can be taken at this point.

Module 5**Lecture 9**

In this class, we will discuss the various doctrines that can limit the liability of a party who was negligent and whose negligence caused injury. We will also note that some of these defenses are only partial defenses, while others are complete bars to recovery.

Courseware Reading:

Torts 1 Chapter 8: Defenses to Negligence:

- Contributory Negligence
- Comparative Negligence
- Assumption of Risk

Cases:*Li v. Yellow Cab*

This case illustrates an example of the application of the pure comparative negligence theory that is the rule that is followed by most of the country today.

Barnes v. N.H. Karting Association

The interesting and very important question in this case was whether signing a form waiver of liability before engaging in a dangerous activity (in this case, practice race car driving) constitutes an assumption of risk that will release all liability on the part of the activity's organizer. The concept of waivers of liability in participating in dangerous activities is common, from ski resorts to skydiving companies. Does this inherently release liability based on assumption of risk or should the organizer be forced to rely on some sort of contract defense to limit liability.

Documents:

Sample Diet Drug Litigation forms

Complete Assignment 1

Lecture 10

In this class, we will focus on the doctrine of strict liability. This is the controversial concept of liability without any fault on the part of the defendant. We will discuss the limited circumstances in which strict liability is applicable. We will also begin our discussion on one of the largest areas of tort law today: product liability. We will discuss briefly the theory of product liability and how it ties in with the concept of strict liability.

Courseware Reading:

Torts 2 Chapter 1: Strict Liability:
- Introduction to Strict Liability
- Injuries Inflicted by Animals
- Abnormally Dangerous Activities

Cases:

Rylands v. Fletcher

This is the seminal case in the area of strict liability. In this case, a canal flooded a neighbor's mine through no fault of the canal owner. Nevertheless, the court held the canal owner liable because operating a canal is an "ultra-hazardous activity." Therefore, the operator of the activity should be held strictly liable for the injuries caused by it. When reading this case, think about the rationale behind strict liability and whether it makes sense. Why does it ever make sense to hold someone liable for something that was not his or her fault? That is one important question that we will discuss.

Jividen v. Law

This case involves an application of the "one free bite" rule, where the court refused to apply strict liability in a case where there was no inherent reason to know that a farm animal was dangerous before it committed an assault that gave rise to the lawsuit.

Complete Weekly Discussion 5

Module 6

Lecture 11

We will turn our attention to the area of products liability. We will touch on the circumstances and theories under which a manufacturer is liable for harm caused by their products after they have been placed in the stream of commerce. We will also discuss the relationship between strict liability and products liability, why this connection is necessary and how it applies. Other issues to be discussed will include the different forms which product liability takes, including breach of warranty, failure to warn, etc. and the liabilities of merchants who handle products at various stages of the stream of commerce. We will also discuss some of the forms relevant to product liability actions.

Courseware Reading:

Torts 2 Chapter 2: Products Liability:

- Liability for Intentional Torts, Negligence and Strict Liability
- Defects
- Liability and Defenses to Products Liability
- Breach of Warranty

Cases:

MacPherson v. Buick

This case discusses the issue of whether a merchant late in the chain of commerce should be responsible for the negligence of those earlier in that chain. If a car manufacturer puts defective tires on a car, is that the fault of the car manufacturer or should only the tire manufacturer be held liable? This question was pondered and discussed in this very important case.

Greenman v. Yuba Power Products

Although this is only a California appellate court case (not even the State Supreme Court), it is a very significant case in the annals of American tort law. This case first announced the doctrine, since then picked up around the country as well, of strict products liability. That is, any mis-manufactured product can lead to no-fault liability for the manufacturer. Once again, the key question is... why? We will discuss how economic and mathematical concepts contributed to this rule being enacted and whether those arguments really justify the rule.

Documents:

- Sample Radiation Exposure Compensation Form
- Vioxx– Master Complaint
- Vioxx- Answer

Complete Assignment 2

Lecture 12

At the outset of this class, we will briefly touch on the tort of nuisance. Then, we will launch into our main discussion, the tort of defamation. We will examine the elements of defamation and discuss the historical backdrop against which the controversial tort has developed. We will discuss the elements of defamation and the circumstances under which they are met. We will also go into various defenses that exist against a charge of defamation.

Courseware Reading:

Torts 2 Chapter 3: Nuisance

- Nuisance

Torts 2 Chapter 4: Defamation:

- General Principles of Defamation 1

- General Principles of Defamation 2

- Defenses to Defamation

Cases:

Romain v. Kallinger

The court in this case had to analyze the difficult question as to when a statement (or book, in this case), crosses the line from mere innuendo to defamation. There is no question that putting forth an implication that another person did something wrong can be defamation. However, it must be clear from the statement what the implication is and who the implication is directed against. This case deals with the question of how to walk that tightrope.

Neiman-Marcus v. Lait

This case deals with the difficult concept of group defamation. If you defame a large group of people, have you defamed each member of the group? Obviously, saying that “all men are bad” does not open one up to over 3 billion causes of action for defamation. But where does one draw the line? This case analyzes this problem, and we will discuss the conclusion that it comes to.

Complete Weekly Discussion 6

Module 7

Lecture 13

We will focus in this class on the Constitutional implications of the tort of defamation, especially as it relates to the balancing act that must be performed by a court when a media outlet defames a person. We will examine the Supreme Court’s formula for balancing the right of a person to avoid having his or her name or reputation defamed against the First Amendment’s guarantees of freedom of speech and

freedom of the press. Finally, we will discuss the torts that are related to invading the privacy of a person. We will walk through the various forms that invasion of privacy can take.

Courseware Reading:

Torts 2 Chapter 4: Defamation:

- Constitutional Privileges

Torts 2 Chapter 5: Invasion of Privacy:

- Introduction to Invasion of Privacy
- Intrusion upon Seclusion
- Public Disclosure of Private Facts
- Appropriation of Plaintiff's Name or Likeness
- False Light

Cases:

New York Times v. Sullivan

This is one of the most famous Supreme Court cases in all of Torts law. In this case, the Court gave unprecedented protection to the press against defamation lawsuits brought by public officials. The Court did not give the press carte blanche to write anything and be free of liability, but it did give a high measure of protection. We will discuss the case and what the ramifications are for newspapers and other media outlets whose job it is to cover famous people and public events.

Pearson v. Dodd

This case, involving the theft of some documents from a U.S. Senator, illustrates the intersection between invasion of privacy and a tort we covered earlier in the course: conversion. In this case, the question arose whether stealing and photocopying documents is considered invasion of privacy and/or conversion. We will discuss the similarity between the two torts in cases like this.

Lecture 14

Tonight, we will discuss various economic torts; torts that hurt a person financially or hurt a person's business rather than those that hurt the person physically or damage his or her property. These include fraud, interference with contracts and malicious prosecution. In our discussion of fraud, we will compare the tort of fraud to the contract defense of misrepresentation and discuss what actions rise to the more serious level of fraud and why.

Courseware Reading:

Torts 2 Chapter 6: Economic Torts:

- Misrepresentation
- Injurious Falsehood
- Interference with Contracts
- Malicious Prosecution

Cases:

Ritter v. Custom Chemicides, Inc.

The elements of intentional misrepresentation are rather straight forward. However, negligent misrepresentation is another matter. Historically, scienter, or intent to defraud, was necessary for a fraud tort to be sustained. However, recently, courts have allowed misrepresentation cases to go forward as long as the person who made the misrepresentation should have known of the falsity of the statement. This recent case from the Tennessee Supreme Court represents an excellent example.

Dutt v. Kremp

This case discussed the elements of “malicious prosecution” and when it can be applied to someone who brings a frivolous civil action. When reading this case, note the requirement of malicious or spiteful intent for this cause of action. This is one of the few times, especially in civil law (as opposed to criminal law), that the law cares about the ultimate motives of a person who commits wrongdoing.

Module 8

Lecture 15

In our final class, we will tie up various loose ends about tort law. We will discuss the options available to the family of a tort victim, including the survival and wrongful death actions. We will also discuss the immunity that various people and/or organizations can enjoy from a civil lawsuit based on torts committed by them. Finally, we will analyze the problem of multiple tortfeasors; i.e., what happens when two or more people contribute to the commission of a tort. We will discuss how the law sometimes allows plaintiffs to hold individual defendants liable for a complete civil award even though other tortfeasors had a hand in causing the harm to the plaintiff. We will also use our remaining time to discuss some civil forms, including complaints in wrongful death proceedings and civil case information statements.

Courseware Reading:

Torts 2 Chapter 7: Factors Affecting Right to Sue

- Survival of Tort Actions
- Derivative Suits for Family Members
- Tort Immunity
- Joint and Several Liability and Indemnity

Cases:

Molitor v. Kaneland Community Unit District No. 302

Unfair though it may seem, governments generally have “sovereign immunity,” which means, among other things, that they cannot be sued without their consent. Some state courts, like the Illinois court, in this case, have tried to abolish sovereign immunity for civil suits filed against their states. In discussing this case, we will look at sovereign immunity as it applies to the federal government as well and we will also discuss how torts claims acts have abrogated sovereign immunity to a large extent.

Documents:

- Sample Trial Ready-List
- New Jersey Civil Case Information Statement
- Sample Complaint in Wrongful Death Case – Completed

The Final Exam can be taken at this point

Course Assignments

Assignment #1 - Drafting a Complaint for intentional torts

You work as a paralegal in a personal injury practice located in the hypothetical state of New Manitoba. Rwanda McDonald walks into the office and asks to speak to you and an attorney. At the meeting, Rwanda tells you the following:

So, last Friday I was hanging out and, all of a sudden, this guy comes up to me and grabs my purse which I was wearing and starts running away. So, I ran after him. He picks up a rock and just throws it at me. So I duck and it misses me. But, sadly for him, I am a two-time World Cup sprinting medalist and I tracked him down, in 8 seconds. I grabbed my pocketbook back and he starts yelling at me and says, "You stupid b----, drop dead!" I was really hurt inside. I turned around and went home. When I got home, I realized that my wallet had fallen out of the purse while he was running with it, and I lost the wallet, which had \$60 in cash and many other important personal items.

Rwanda then tells you that she later found out that the guy's name is Christopher Stone. She also makes it 100% clear that she wants to sue Mr. Stone for every cause of action you can think of.

You are asked to please draft the complaint to be filed in state court. Assume that the state court had jurisdiction over the case based on Rule 1.1 of the New Manitoba State rules of litigation.

Please draft an appropriate complaint, making sure to allege as many causes of action as can be reasonably alleged. You should use a sample complaint from the “documents” page on the student website. However, realize that the torts and elements are different in this case than in that document.

Assignment #2 - Negligence and Strict Liability

Bob owns a contracting company that is hired by the state of Ohio to do some road repairs on I-77, outside of Akron. Part of this work includes using dynamite to blast away some dangerous rock and overhangs on top of the road. Bob's company, "Gravel is Us" closes down the road, as they are allowed to do, and commences the dynamiting procedure. The company posts a guard on the highway to make sure that no cars enter the area.

Unfortunately, the guard falls asleep on the job and Zoe, who does not see the road closure sign, drives right into the dynamiting zone. Zoe's car is hit by a falling rock (that was blasted) and Zoe suffers severe injuries.

Bob argues that he was not negligent at all and therefore cannot be liable. Even if his guard fell asleep, Bob argues, the sign should have been adequate warning. In any case, the blasting was done in a completely safe manner and any injuries suffered by Zoe can only be attributed to bad luck.

Zoe comes to your firm for legal representation. Please write an essay for Zoe, *arguing for her and against Bob*. Please discuss as many issues as you like as to why Zoe should be able to recover from Bob.

Note that this assignment is a position paper. I am telling you which side you are on and which side to argue for. Unless you work for a judge, this is the position you will usually be in.

An IRAC-style essay IS appropriate for this assignment.