

Winslow Township School District

Civil Law

Unit 1: Tort Law

Unit 1: Tort Law

Overview: This unit will examine what is Tort law, its purpose, the different types of torts, legal defenses, and current efforts to reform it. Students will examine limits placed on individuals’ ability to file lawsuits against the government here in the state of New Jersey. The concept of negligence will be explored in depth including mock trial and litigating a negligent tort. Torts involving different categories of property will be explored including both real property and intellectual property. Significant time will be spent researching and discussing current cases. The unit will conclude with a discussion of criticisms of the current tort system and efforts to reform it.

Overview	Performance Expectations	Unit Focus	Essential Questions
<p>Unit 1</p> <p><i>Tort Law</i></p>	<ul style="list-style-type: none"> • 6.1.12.CivicsPI.14.a • 6.1.12.CivicsPI.14.b • 6.1.12.CivicsPI.14.c • 6.1.12.CivicsPI.14.d • 6.1.12.CivicsCM.14.a • 6.1.12.CivicsCM.14.b • 6.1.12.CivicsPD.14.a • 6.1.12.CivicsDP.14.a • 6.1.12.HistoryCA.14.b • 6.1.12.HistorySE.14.a • 6.1.12.CivicsPD.16.a • 6.1.12.CivicsPR.16.a 	<p>Students will be able to:</p> <ul style="list-style-type: none"> • Define the term "tort" and describe the purpose of tort law • Given case scenarios, identify the parties involved in a tort action • Explain the concept of liability • Describe the general ways in which tort actions are resolved • Explain what a personal injury does • Define and distinguish the three main categories of torts: intentional, negligent, and strict liability • Describe the difference between an intentional tort and a crime and how society treats each • Given a case scenario, identify the type of tort, if any, that occurred • Compare tort cases and criminal cases 	<ul style="list-style-type: none"> • What type of actions should a society consider “wrong” and therefore actionable by persons harmed by that wrong? • What is the difference between Tort Law and Criminal Law? • What are the benefits and criticism of Tort Law? • Should individuals be able to sue the government? • What are the elements of a negligent tort? • What are the elements of a strict liability tort? Should we hold individuals strictly liable?

Winslow Township School District

Civil Law

Unit 1: Tort Law

		<ul style="list-style-type: none">• Identify those which can be sued in a tort action• Identify the different types of auto insurance and discuss the types of accidents that will be covered by each• Identify the types of intentional torts• Describe the three basic defenses to intentional torts that injure people• Define the terms "trespass" and "conversion"• Analyze the amount of force that may be used to protect property and an individual• Define the term "negligence" and list the 4 elements that constitute negligence• identify the breach of duty in a given situation• Analyze a negligence situation in order to determine what damages the plaintiff has sustained and can recover• Describe the "egg shell skull" rule• Explain the reasonable person standard• Explain the most commonly encountered defenses in negligence suits.	
--	--	--	--

Winslow Township School District

Civil Law

Unit 1: Tort Law

*Unit 1:
Enduring
Understandings*

- Actions of society are governed by rules of conduct that prescribes conduct with responsibilities toward individuals, that do not rise to criminal behavior, but rather are consensual rules that only have civil consequences A Tort is an action based upon a wrongdoing not based upon contract law or criminal law. The wrongdoing involves exposing another to an unreasonable risk of harm, with that harm resulting.
- Tort law involves an individual seeking compensation or other action in response to harm done to them by another individual or group of individuals. Like criminal law, torts are defined by statute however the standard of proof is lower because the repercussions for defendants are not as serious. The standard that must be met to meet a tort case is the plaintiff must show that a preponderance of evidence supports their case.
- Tort law is meant to deter misbehavior as a well as provide an opportunity for an individual to be compensated for harm done to them. Critics of the current tort system claim it is filled with frivolous lawsuits as individuals try to receive a big payday from those perceived to have “deep pockets,” mostly businesses and corporations. These lawsuits are time consuming and expensive and drive up the costs of key services, such healthcare.
- The principle of sovereign immunity derives from British common law and holds that the “King can do no wrong,” meaning the government is immune from lawsuits. Legislatures, however, have passed statutes, such as the New Jersey Tort Claims Act which allows individuals to file lawsuits but only under certain circumstances
- There four elements to a negligent tort. The defendant must have had a legal duty to the plaintiff, meaning a responsibility to avoid potential harm. The defendant must have breached this duty, meaning failed to take reasonable precautions. The reasonable person standard, what the ideal member of society would have done, is used to

Winslow Township School District

Civil Law

Unit 1: Tort Law

	<p>determine duty and breach. The plaintiff must have been harmed by the defendant's actions or lack thereof. Lastly, breach of duty must have been a proximate cause of the harm done to the plaintiff.</p> <ul style="list-style-type: none">• Strict liability is legal responsibility without fault or negligence. The plaintiff must only prove causation and damages. Strict liability only applies to certain dangerous activities, such as owning an exotic animal, as defined by statute. The purpose is to ensure that those engaging in such dangerous activities take every possible precaution to avoid harming others.	
--	--	--

Winslow Township School District

Civil Law

Unit 1: Tort Law

Curriculum Unit 1	Performance Expectations		Pacing	
			Days	Unit Days
Tort Law	6.1.12.CivicsPI.14.a	Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.	1	19
	6.1.12.CivicsPI.14.b	Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.	2	
	6.1.12.CivicsPI.14.c	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.	3	
	6.1.12.CivicsPI.14.d	Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.	1	
	6.1.12.CivicsCM.14.a	Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.	2	
	6.1.12.CivicsCM.14.b	Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.	1	
	6.1.12.CivicsDP.14.a	Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.	2	
	6.1.12.CivicsPD.14.a	Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the economy, and social reforms.		

Winslow Township School District

Civil Law

Unit 1: Tort Law

6.1.12.HistoryCA.14.b	Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence.	1	
6.1.12.HistorySE.14.a	Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.	1	
6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.	4	
6.1.12.CivicsPR.16.a	Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.	2	
Assessment, Re-teach and Extension			

Winslow Township School District

Civil Law

Unit 1: Tort Law

Unit 1	
Core Ideas	Performance Expectations
Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international level.	6.1.12. CivicsPI.14.a Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.b Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.c Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.d Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.	6.1.12.CivicsCM.14.a Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic	6.1.12.CivicsCM.14.b Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.

Winslow Township School District

Civil Law

Unit 1: Tort Law

identity and values in one place are different in other places, is essential.	
Personal interests and perspectives impact the application of civic virtues, democratic	6.1.12.CivicsDP.14.a Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.
Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.	6.1.12.CivicsPD.14.a Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the economy, and social reforms.
Evidence from multiple relevant historical sources and interpretations can be used to develop a reasoned argument about the past.	6.1.12.HistoryCA.14.b Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence
Historical sources and evidence provide an understanding of different points of view about historical events.	6.1.12.HistorySE.14.a Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.
Civic participation and deliberation are essential characteristics of productive citizenship.	6.1.12.CivicsPD.16.a Construct a claim to describe how media and technology has impacted civic participation and deliberation.
Historical, contemporary, and emerging processes, rules, and laws/policies address a variety of civic issues requiring interpretations as societies change in an effort to promote the common good and protecting citizens' rights.	6.1.12.CivicsPR.16.a Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.

Winslow Township School District

Civil Law

Unit 1: Tort Law

Unit 4

Assessment Plan

1. Tests and Quizzes
2. Compare and contrast the OJ Simpson criminal and civil trial. Research the evidence used in each and specifically identify the differences between a civil and criminal trial.
3. Create a timeline of the evolution of tort law in U.S. history.

Alternative Assessments:

1. Textbook problems with explanation.
2. Venn Diagram: Civil v. Criminal
3. Have students research proposed tort reforms, determine the problem it is meant to solve and evaluate the extent to which they would be successful. Then write a letter to legislators advocating for or against the reform.

Resources

- Textbook, “Street Law”
<https://store.streetlaw.org/content/StreetLawSampler.pdf>
 - Real vs Personal Property
<https://study.com/learn/lesson/real-property-vs-personal-property-overview-examples.html>
- Defamation, Slander, and Libel
<https://www.legalzoom.com/articles/differences-between-defamation-slander-and-libel>

Activities

- 1. Analyze scenarios from Problem 18.1 in Street law textbook and identify the plaintiff and defendant in each case. Determine whether the plaintiff should be paid damages.
- 2. Discuss defamation and analyze the case described in the “Bad Yelp Review Gets Couple Sued” AOL article.
- 3. Discuss copyrights and analyze the “‘Blurred Lines’ and 5 other songs sued for copyright infringement” This Week article.
- 4. Read the New Jersey Tort Claims Act and determine whether or not a person can sue the government in a list of scenarios.
- 5. Divide students into groups and assignment them either Intentional Torts ,Negligent Torts, or Strict Liability Torts and have them present the key concepts involved in each and examples of current cases involving each type of tort law.
- 6. Read about and discuss the concept of qualified immunity. Why is it controversial in the context of the recent killings of unarmed black men and how should it be reformed?

Winslow Township School District

Civil Law

Unit 1: Tort Law

Instructional Best Practices and Exemplars

1. Identifying similarities and differences
2. Summarizing and note taking
3. Reinforcing effort and providing recognition
4. Homework and practice
5. Nonlinguistic representations

6. Cooperative learning
7. Setting objectives and providing feedback
8. Generating and testing hypotheses
9. Cues, questions, and advance organizers
10. Manage response rates

9.1 Personal Financial Literacy - Income And Careers & 9.2 Career Awareness, Exploration, And Preparation - Career Awareness & 9.4 Life Literacies and Key Skills

9.2.12.CAP.5: Assess and modify a personal plan to support current interests and postsecondary plans.

9.4.12.CI.2: Identify career pathways that highlight personal talents, skills, and abilities (e.g., 1.4.12prof.CR2b, 2.2.12.LF.8).

9.4.12.CT.2: Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).

9.4.12.DC.3: Evaluate the social and economic implications of privacy in the context of safety, law, or ethics (e.g., 6.3.12.HistoryCA.1).

9.4.12.TL.4: Collaborate in online learning communities or social networks or virtual worlds to analyze and propose a resolution to a real-world problem (e.g., 7.1.AL.IPERS.6).

The implementation of the 21st Century skills and standards for students of the Winslow Township District is infused in an interdisciplinary format in a variety of curriculum areas that include, English language Arts, Mathematics, School Guidance, Social Studies, Technology, Visual and Performing Arts, Science, Physical Education and Health, and World Language.

Additional opportunities to address 9.1, 9.2 & 9.4:

Philadelphia Mint

<https://www.usmint.gov/learn/kids/resources/educational-standards>

Different ways to teach Financial Literacy.

<https://www.makeuseof.com/tag/10-interactive-financial-websites-teach-kids-money-management-skills/>

How to Become a Lawyer

<https://njsbf.org/wp-content/uploads/2017/03/How-to-Become-a-Lawyer.pdf>

Legal Occupations

<https://www.bls.gov/ooh/legal/home.htm>

Law Today

<https://www.law.com/njlawjournal/?slreturn=20220615105106>

Winslow Township School District

Civil Law

Unit 1: Tort Law

Modifications for Special Education/504

Students with special needs: The students' needs will be addressed on an individual and grade level using a variety of modalities.

Accommodations will be made for those students who need extra time to complete assignment. Supports, Accommodations, and Modifications must be provided as stated in IEP, 504 Plan, or CST Intervention Plan, and may include (but are not limited to) the following:

Presentation accommodations: Listen to audio recordings instead of reading text Learn content from audiobooks, movies, videos and digital media instead of reading print versions Use alternate texts at lower readability level Work with fewer items per page or line and/or materials in a larger print size Use magnification device, screen reader, or Braille / Nemeth Code Use audio amplification device (e.g., hearing aid(s), auditory trainer, sound-field system (which may require teacher use of microphone) Be given a written list of instructions Record a lesson, instead of taking notes Have another student share class notes with him Be given an outline of a lesson Be given a copy of teacher's lecture notes Be given a study guide to assist in preparing for assessments Use visual presentations of verbal material, such as word webs and visual organizers Use manipulatives to teach or demonstrate concepts Have curriculum materials translated into native language

Response accommodations: Use sign language, a communication device, Braille, other technology, or native language other than English Dictate answers to a scribe Capture responses on an audio recorder Use a spelling dictionary or electronic spell-checker Use a word processor to type notes or give responses in class Respond directly in the test booklet rather than on an answer sheet.

Setting accommodations: Work or take a test in a different setting, such as a quiet room with few distractions Sit where he learns best (for example, near the teacher, away from distractions) Use special lighting or acoustics Take a test in small group setting Use sensory tools such as an exercise band that can be looped around a chair's legs (so fidgety kids can kick it and quietly get their energy out) Use noise buffers such as headphones, earphones, or earplugs

Timing accommodations: Take more time to complete a task or a test Have extra time to process oral information and directions Take frequent breaks, such as after completing a task

Scheduling accommodations: Take more time to complete a project Take a test in several timed sessions or over several days Take sections of a test in a different order Take a test at a specific time of day

Organization skills accommodations: Use an alarm to help with time management Mark texts with a highlighter Have help coordinating assignments in a book or planner

Winslow Township School District

Civil Law

Unit 1: Tort Law

Modifications for At-Risk Students

Formative and summative data will be used to monitor student success. At first signs of failure, student work will be reviewed to determine support. This may include parent consultation, basic skills review and differentiation strategies. With considerations to UDL, time may be a factor in overcoming developmental considerations

- Increase one on one time
- Teachers may modify instructions by modeling what the student is expected to do
- Oral prompts can be given.
- Using visual demonstrations, illustrations, and models
- Give directions/instructions verbally and in simple written format.

English Language Learners

All WIDA Can Do Descriptors can be found at this link:
<https://wida.wisc.edu/teach/can-do/descriptors>

- Grades 9-12 WIDA Can Do Descriptors:
 - Listening Speaking
 - Reading Writing
 - Oral Language

Students will be provided with accommodations and modifications that may include:

- Assist with organization
- Use of computer
- Emphasize/highlight key concepts
- Teacher Modeling
- Peer Modeling
- Label Classroom Materials - Word Walls

Modifications for Gifted Students

Students excelling in mastery of standards will be challenged with complex, high level challenges related to the topic.

- Students can complete extended research outside of the classroom
- Inquiry-based instruction
- Independent study
- Higher order thinking skills
- Adjusting the pace of lessons
- Interest based content
- Project Based Learning
- Real world scenarios
- Student Driven Instruction
- [Gifted Programming Standards](#)
- [Webb's Depth of Knowledge Levels and/or Revised Bloom's Taxonomy](#)
- [REVISED Bloom's Taxonomy Action Verbs](#)

Winslow Township School District

Civil Law

Unit 1: Tort Law

Interdisciplinary Connections

CCSS.ELA Standards

CCSS.ELA-LITERACY.RH.9-10.1- Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2-Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.RH.9-10.3-Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CCSS.ELA-LITERACY.RH.9-10.4-Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.

CCSS.ELA-LITERACY.RH.9-10.5-Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

CCSS.ELA-LITERACY.RH.9-10.7-Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

CCSS.ELA-LITERACY.RH.9-10.8-Assess the extent to which the reasoning and evidence in a text support the author's claims.

CCSS.ELA-LITERACY.RH.9-10.9-Compare and contrast treatments of the same topic in several primary and secondary sources.

CCSS.ELA-LITERACY.RH.9-10.10-By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

Integration of Computer Science and Design Thinking NJSL 8

8.1.12.DA.5: Create data visualizations from large data sets to summarize, communicate, and support different interpretations of real-world phenomena.