

Unit 3: Torts (Weeks 8-12)

Content Area: **Template**
Course(s):
Time Period: **Full Year**
Length: **Full Year**
Status: **Published**

UNIT RATIONALE

In civil litigation, contract and tort claims are by far the most numerous. The law attempts to adjust for harms done by awarding damages to a successful plaintiff who demonstrates that the defendant was the cause of the plaintiff's losses.

ESSENTIAL QUESTIONS

- Why do most legal systems have tort law?

- What are the three kinds of torts?

- How does tort law relate to criminal law?

- What are negligent torts and defenses to claims of negligence?

- What are strict liability torts and why are they included in the US legal system?

STANDARDS

New Jersey (NJSL) - Grades 9-12 - Social Studies (2020)

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| SOC.6.1.12.CivicsPR.2.a | Use primary sources to explain how judicial review made the Supreme Court an influential branch of government and construct an argument regarding the continuing impact of the Supreme Court today. |
| SOC.6.1.12.HistoryUP.2.c | Explain why American ideals put forth in the Constitution have been denied to different groups of people throughout time (i.e., due process, rule of law and individual rights). |
| SOC.6.1.12.CivicsPI.3.b | Describe how the Supreme Court increased the power of the national government and promoted national economic growth during this era. |

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| SOC.6.1.12.CivicsHR.8.a | Analyze primary and secondary sources to explain how social intolerance, xenophobia, and fear of anarchism led to restrictive immigration and refugee laws, and the violation of the human rights of individuals and groups. |
| SOC.6.1.12.CivicsPR.10.a | 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. |
| SOC.6.1.12.CivicsDP.13.a | Analyze the effectiveness of national legislation, policies, and Supreme Court decisions in promoting civil liberties and equal opportunities (i.e., the Civil Rights Act, the Voting Rights Act, the Equal Rights Amendment, Title VII, Title IX, Affirmative Action, Brown v. Board of Education, and Roe v. Wade). |
| SOC.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. |
| SOC.6.3.12.HistoryCA.12 | Analyze a current foreign policy issue by considering current and historical perspectives, examining strategies, and presenting possible actions. |

NEW JERSEY STUDENT LEARNING STANDARDS: CAREER READINESS, LIFE LITERACIES AND KEY SKILLS

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| TECH.9.4.12.CI.1 | Demonstrate the ability to reflect, analyze, and use creative skills and ideas (e.g., 1.1.12prof.CR3a). |
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NEW JERSEY STUDENT LEARNING STANDARDS: COMPUTER SCIENCE AND DESIGN THINKING

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| CS.9-12.8.1.12.IC.1 | Evaluate the ways computing impacts personal, ethical, social, economic, and cultural practices. |
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PRE-ASSESSMENTS

Students will take a low stakes general "What do you know about torts?" quiz to see what background knowledge they have.

Intro to Torts

INSTRUCTIONAL PLAN

Torts: A Civil Wrong

MODULE 1

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| Student Learning Intentions (SLI) WALT: (We are learning to...) | <p>Understand what a tort is and how it plays into the legal system.</p> |
| Student Learning Strategies | <ul style="list-style-type: none"> • Active lecture note-taking • Close Reading • Think-Pair-Share • Case Notes • Making Connections • Debate/Socratic Seminar • Short written responses • Pear Deck responses • Discussion Groups |
| Success Criteria | <ul style="list-style-type: none"> • Explain why a sound market system requires tort law. • Define a tort and give two examples. • Explain the moral basis of tort liability. • Describe the purposes of damage awards in tort. |
| Formative Assessment (drives instructional decisions) | <ul style="list-style-type: none"> • Pear Deck interactive slide real-time feedback • In class discussions • Low-stakes group work |
| Activities and Resources | <ul style="list-style-type: none"> • Simulations • Discussion • Case Study analysis • Debate |

- Deliberations (Structured Academic Controversy)
- iCivics lessons

English Language Learners

Native language support: The teacher provides auditory written content to students in their native language.

Adjusted Speech: The teacher changes speech patterns increase student comprehension. This could include facing students, paraphrasing, clearly indicating the most important ideas, and speaking more slowly.

Visuals: The teacher uses graphics, pictures, visuals, and manipulatives. This helps ELL students better understand comprehend the subjects at hand.

Front-Loading Vocabulary: The teacher front-loads vocabulary. This means providing students with a list of important vocabulary words they will need to know for a lesson, etc. prior to the lesson being taught. Including pictures to go with the vocabulary words is also very beneficial for students.

Special Education Students

Chunking: The teacher presents information in a way that makes it easy for students to understand and remember. Chunking is based on the presumption that our working memory is easily overloaded by excessive detail. The best way to deliver information is to organize it into meaningful units. Because students with special needs get overloaded easily, chunking is an effective strategy to use with them.

Suggested Modifications

Checking for Understanding: It is important to constantly check for understanding, especially for students who have accommodations. Teachers want to make sure students understand the concepts being covered in a way that makes sense to them.

Extra time: The teacher provides students with special needs extra time to complete work or answer questions. It is important to give students enough time to process their thoughts.

Oral Reading: The teacher will read work orally to students. Classwork such as tests and literature circles may need to be read aloud to the student.

Timers: The teacher will use timers as an instructional tool. The use of timers is beneficial for students who have trouble completing tasks. Timers can be helpful so the student is aware of how much time they have to complete an assignment.

Students with 504 Plans

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Gifted & Talented Strategies

Extensions/Enrichments: Teachers will provide gifted ar talented students with extension/enrichment projects. Students will be challenged to further their understanding, apply acquired knowledge, and/or produce something in reference to acquired knowledge.

Modify/Change Activities: Teachers will monitor and mo activities to accommodate those students who need to be challenged further. Additional reading, problem-solving, writing, or project work is necessary for those students wh are ready to move on at a rate more accelerated than thei peers. In this way, G & T students are provided the same opportunity for support as special needs students.

Students at Risk of School Failure

Directions or Instructions: Make sure directions and/or instructions are given in limited numbers. Give directions/ instructions verbally and in a simple written format. Ask students to repeat the instructions or directions to ensure understanding occurs. Check back with the student to ens he/she hasn't forgotten.

Peer Support: Peers can help build confidence in other students by assisting in peer learning. Many teachers use 'ask 3 before me' approach. This is fine, however, a stude risk may have to have a specific student or two to ask. Se up for the student so he/she knows who to ask for clarifica

before going to you.

Alternate or Modified Assignments: Always ask yourself "How can I modify this assignment to ensure the students at risk are able to complete it?" Sometimes you'll simplify the task, reduce the length of the assignment or allow for a different mode of delivery. For instance, many students may not have a pen or pencil. In that case, the at-risk student may jot notes and give you the information verbally. Or, it just may be that you will need to assign an alternate assignment.

Increase One-to-One Time: When other students are working, always touch base with your students at risk and find out if they're on track or need some additional support. A few minutes here and there will go a long way to intervene as the need presents itself.

Contracts: It helps to have a working contract between you and your students at risk. This helps prioritize the tasks that need to be done and ensure completion happens. Each day, you write down what needs to be completed, as the tasks are done, provide a checkmark or happy face. The goal of using contracts is to eventually have the student come to you for completion sign-offs.

Hands-On: As much as possible, think in concrete terms and provide hands-on tasks. This means a child doing math may require a calculator or counters. The child may need to tape record comprehension activities instead of writing them. A child may have to listen to a story being read instead of reading it him/herself.

Tests/Assessments: Tests can be done orally if needed. Break tests down in smaller increments by having a portion of the test in the morning, another portion after lunch, and the final part the next day.

Seating: Seat students near a helping peer or with quick access to the teacher. Those with hearing or sight issues need to be close to the instruction which often means near front.

MODULE 2

Intentional Torts

Student Learning Intentions (SLI) WALT: (We are learning to...)

Understand the two general types of intentional torts, how judicial system treats intentional torts and the defenses to intentional tort.

Student Learning Strategies

- Active lecture note-taking
- Close Reading
- Think-Pair-Share
- Case Notes
- Making Connections
- Debate/Socratic Seminar
- Short written responses
- Pear Deck responses
- Discussion Groups

Success Criteria

- Distinguish intentional torts from other kinds of torts.
- Give three examples of an intentional tort—one that causes injury to a person, one that causes injury to property, and one that causes injury to a reputation.

Formative Assessment (drives instructional decisions)

- Pear Deck interactive slide real-time feedback
- In class discussions
- Low-stakes group work

Activities and Resources

- Simulations
- Discussion
- Case Study analysis
- Debate
- Deliberations (Structured Academic Controversy)
- iCivics lessons

Suggested Modifications

English Language Learners

Native language support: The teacher provides auditory written content to students in their native language.

Adjusted Speech: The teacher changes speech patterns increase student comprehension. This could include facing students, paraphrasing, clearly indicating the most important ideas, and speaking more slowly.

Visuals: The teacher uses graphics, pictures, visuals, and manipulatives. This helps ELL students better understand comprehend the subjects at hand.

Front-Loading Vocabulary: The teacher front-loads vocabulary. This means providing students with a list of important vocabulary words they will need to know for a lesson, etc. prior to the lesson being taught. Including pictures to go with the vocabulary words is also very beneficial for students.

Special Education Students

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Oral Reading: The teacher will read work orally to students. Classwork such as tests and literature circles may need to be read aloud to the student.

Timers: The teacher will use timers as an instructional tool. The use of timers is beneficial for students who have trouble completing tasks. Timers can be helpful so the student is aware of how much time they have to complete an assignment.

Students with 504 Plans

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Gifted & Talented Strategies

Extensions/Enrichments: Teachers will provide gifted and talented students with extension/enrichment projects. Students will be challenged to further their understanding, apply acquired knowledge, and/or produce something in reference to acquired knowledge.

Modify/Change Activities: Teachers will monitor and modify activities to accommodate those students who need to be challenged further. Additional reading, problem-solving, writing, or project work is necessary for those students who are ready to move on at a rate more accelerated than their peers. In this way, G & T students are provided the same opportunity for support as special needs students.

Students at Risk of School Failure

Directions or Instructions: Make sure directions and/or instructions are given in limited numbers. Give directions/instructions verbally and in a simple written format. Ask students to repeat the instructions or directions to ensure understanding occurs. Check back with the student to ensure he/she hasn't forgotten.

Peer Support: Peers can help build confidence in other students by assisting in peer learning. Many teachers use 'ask 3 before me' approach. This is fine, however, a student may have to have a specific student or two to ask. Set up for the student so he/she knows who to ask for clarification before going to you.

Alternate or Modified Assignments: Always ask yourself "How can I modify this assignment to ensure the students at risk are able to complete it?" Sometimes you'll simplify the task, reduce the length of the assignment or allow for a different mode of delivery. For instance, many students may hand something in, the at-risk student may jot notes and give you the information verbally. Or, it just may be that you will need to assign an alternate assignment.

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Contracts: It helps to have a working contract between you and your students at risk. This helps prioritize the tasks that need to be done and ensure completion happens. Each day, write down what needs to be completed, as the tasks are done, provide a checkmark or happy face. The goal of using contracts is to eventually have the student come to you for completion sign-offs.

Hands-On: As much as possible, think in concrete terms

provide hands-on tasks. This means a child doing math may require a calculator or counters. The child may need to tape record comprehension activities instead of writing them. A child may have to listen to a story being read instead of reading it him/herself.

Tests/Assessments: Tests can be done orally if need be. Break tests down in smaller increments by having a portion of the test in the morning, another portion after lunch, and the final part the next day.

Seating: Seat students near a helping peer or with quick access to the teacher. Those with hearing or sight issues need to be close to the instruction which often means near the front.

MODULE 3

Negligence

Student Learning Intentions (SLI) WALT: (We are learning to...)

- understand the concept of negligence
- understand what are the legal elements of negligence
- understand the defenses a person charged with negligence might use.

Student Learning Strategies

- Active lecture note-taking

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| | <ul style="list-style-type: none"> • Close Reading • Think-Pair-Share • Case Notes • Making Connections • Debate/Socratic Seminar • Short written responses • Pear Deck responses • Discussion Groups |
| <p>Success Criteria</p> | <ul style="list-style-type: none"> • Describe how the duty of due care relates to negligence. • Distinguish between actual and proximate cause. • Explain the primary defenses to a claim of negligence |
| <p>Formative Assessment (drives instructional decisions)</p> | <ul style="list-style-type: none"> • Pear Deck interactive slide real-time feedback • In class discussions • Low-stakes group work |
| <p>Activities and Resources</p> | <ul style="list-style-type: none"> • Simulations • Discussion • Case Study analysis <ul style="list-style-type: none"> ◦ RetroReport: McDonald's Coffee Cup Case • Debate • Deliberations (Structured Academic Controversy) • iCivics lessons |
| <p>Suggested Modifications</p> | <p><u>English Language Learners</u></p> |

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MODULE 4

Strict Liability

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| Student Learning Intentions (SLI) WALT: (We are learning to...) | Understand torts in which defendants are held to strict liability standards because they engaged in extremely hazardous activities. |
| Student Learning Strategies | <ul style="list-style-type: none">• Active lecture note-taking• Close Reading• Think-Pair-Share• Case Notes• Making Connections• Debate/Socratic Seminar• Short written responses• Pear Deck responses• Discussion Groups |
| Success Criteria | <ul style="list-style-type: none">• Describe how strict liability torts differ from negligent torts.• Explain the historical origins of strict liability under common law.• Be able to apply strict liability concepts to liability for defective products. |

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| | <ul style="list-style-type: none"> • Distinguish strict liability from absolute liability, and understand the major defenses to a lawsuit in product liability cases. |
| <p>Formative Assessment (drives instructional decisions)</p> | <ul style="list-style-type: none"> • Pear Deck interactive slide real-time feedback • In class discussions • Low-stakes group work |
| <p>Activities and Resources</p> | <ul style="list-style-type: none"> • Simulations • Discussion • CaseStudyanalysis • Debate • Deliberations (Structured Academic Controversy) • iCivics lessons |
| <p>Suggested Modifications</p> | <p><u>English Language Learners</u></p> <p>Native language support: The teacher provides auditory written content to students in their native language.</p> <p>Adjusted Speech: The teacher changes speech patterns increase student comprehension. This could include facing students, paraphrasing, clearly indicating the most important ideas, and speaking more slowly.</p> <p>Visuals: The teacher uses graphics, pictures, visuals, and manipulatives. This helps ELL students better understand comprehend the subjects at hand.</p> <p>Front-Loading Vocabulary: The teacher front-loads</p> |

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MODULE 5

Torts and Public Policy

Student Learning Intentions (SLI) WALT: (We are learning to...)

Understand the goals of the tort system:

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| | <ul style="list-style-type: none"> • compensate harmed persons in a prompt and efficient w • fairly allocate benefits to victims and costs to wrongdoer: • deter conduct that is unreasonably risky or dangerous |
| Student Learning Strategies | <ul style="list-style-type: none"> • Active lecture note-taking • Close Reading • Think-Pair-Share • Case Notes • Making Connections • Debate/Socratic Seminar • Short written responses • Pear Deck responses • Discussion Groups |
| Success Criteria | <p>Evaluate the importance and fairness of the tort system as assess current tort reform efforts.</p> |
| Formative Assessment (drives instructional decisions) | <ul style="list-style-type: none"> • Pear Deck interactive slide real-time feedback • In class discussions • Low-stakes group work |
| Activities and Resources | <ul style="list-style-type: none"> • Simulations • Discussion • Case Study analysis • Debate |

- Deliberations (Structured Academic Controversy)
- iCivics lessons

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Modify/Change Activities: Teachers will monitor and mo activities to accommodate those students who need to be challenged further. Additional reading, problem-solving, writing, or project work is necessary for those students wh are ready to move on at a rate more accelerated than thei peers. In this way, G & T students are provided the same opportunity for support as special needs students.

Students at Risk of School Failure

Directions or Instructions: Make sure directions and/or instructions are given in limited numbers. Give directions/ instructions verbally and in a simple written format. Ask students to repeat the instructions or directions to ensure understanding occurs. Check back with the student to ens he/she hasn't forgotten.

Peer Support: Peers can help build confidence in other students by assisting in peer learning. Many teachers use 'ask 3 before me' approach. This is fine, however, a stude risk may have to have a specific student or two to ask. Se up for the student so he/she knows who to ask for clarifica

before going to you.


Alternate or Modified Assignments: Always ask yourself "How can I modify this assignment to ensure the students at risk are able to complete it?" Sometimes you'll simplify the task, reduce the length of the assignment or allow for a different mode of delivery. For instance, many students may not be able to hand something in, the at-risk student may jot notes and give you the information verbally. Or, it just may be that you will need to assign an alternate assignment.

Increase One-to-One Time: When other students are working, always touch base with your students at risk and find out if they're on track or need some additional support. A few minutes here and there will go a long way to intervene as the need presents itself.

Contracts: It helps to have a working contract between you and your students at risk. This helps prioritize the tasks that need to be done and ensure completion happens. Each day, you write down what needs to be completed, as the tasks are done, provide a checkmark or happy face. The goal of using contracts is to eventually have the student come to you for completion sign-offs.

Hands-On: As much as possible, think in concrete terms and provide hands-on tasks. This means a child doing math may not require a calculator or counters. The child may need to tape record comprehension activities instead of writing them. A child may have to listen to a story being read instead of reading it him/herself.

Tests/Assessments: Tests can be done orally if needed. Break tests down in smaller increments by having a portion of the test in the morning, another portion after lunch, and the final part the next day.



Seating: Seat students near a helping peer or with quick access to the teacher. Those with hearing or sight issues need to be close to the instruction which often means near front.

REFLECTIONS

INTERDISCIPLINARY CONNECTIONS: NEW JERSEY STUDENT LEARNING STANDARDS FOR ELA, SOCIAL STUDIES, SCIENCE AND/OR MATHEMATICS

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| LA.K-12.NJSLSA.R1 | Read closely to determine what the text says explicitly and to make logical inferences and relevant connections from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text. |
| LA.RH.11-12.1 | Accurately cite strong and thorough textual evidence, (e.g., via discussion, written response, etc.), to support analysis of primary and secondary sources, connecting insights gained from specific details to develop an understanding of the text as a whole. |
| LA.K-12.NJSLSA.R4 | Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone. |
| LA.K-12.NJSLSA.R8 | Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence. |
| LA.K-12.NJSLSA.R9 | Analyze and reflect on how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take. |