

WESTERN STATE UNIVERSITY COLLEGE OF LAW
COURSE POLICIES

COURSE: MEDICAL MALPRACTICE
SECTION: 551A
SEMESTER: SPRING 2016
TIMES: Wednesday – 6:30 to 9:45 pm
PROFESSOR: Michael J. Doubet
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- I. **REQUIRED TEXTS.** All required texts and supplementary materials are available on line. The primary sources that will be used are as follows:

Horvitz & Levy MICRA Manual, 2012 edition.
(http://horvitzlevy.com/images/ps_attachment/attachment740.pdf)

Judicial Counsel of California, Civil Jury Instructions (CACI) (primarily the 500 series)

Supplemental Readings: There will be numerous additional sources of supplemental reading or information that can be accessed as needed. All are available on-line and will be discussed in class.

- II. **COURSE COVERAGE & OBJECTIVES.** The course is will cover both the substantive law of medical malpractice and incorporate a skills component. The purpose of this course is two-fold. First, the course will identify for you the substantive law specific to medical malpractice. While the course will focus almost exclusively on California medical malpractice law for obvious reason, the goal would be to provide the student with a framework to understand basic medical malpractice and apply that understanding to the specific laws in other jurisdictions. Second, the course is intended to introduce and teach the student the skills to be able to appropriately and effectively apply that specific law of medical malpractice in a number of different contexts (memorandum, briefs, pleadings, etc.) that are used in the typical law practice specializing in medical malpractice.

CLASSROOM PARTICIPATION. Legal education is a cooperative venture. You must be prepared to participate in each class. During each class, students will be asked to answer questions and hypothetical problems. Students will be expected to actively participate in discussions. To encourage participation, 10% of the final grade will be based upon class participation.

Being prepared means that you completed ALL of the assigned reading and homework. If you have not completed all of the reading and answered the assigned questions, you are unprepared. If you wish to challenge this determination, you must turn in to me all work done by you in preparation for class (e.g., written answers to the questions, case briefs, outlines or breakdowns of rules, and etc.) in writing, at the end of the same class session for which I mark you unprepared, before I leave the classroom. *Note that this requirement may not be met at any time other than immediately after class and only by turning in to me a hard copy (paper) and not a computer version of your work.* Students who are unprepared will have their final grade in the course lowered each time they are unprepared.

PLEASE NOTE: There is a difference between being unprepared and being unable to answer a question. I expect you to stay sufficiently ahead of the class in your preparation to insure your readiness to participate in each class. The assertion that you did not anticipate the class getting

so far, you read the assignment too long ago to remember it, or you completed some but not all of the assignment will not excuse a failure to be prepared for class. I will not reduce your grade simply because you incorrectly answer a question unless I believe that your answer reflects inadequate preparation. If you “pass” or are demonstrably unprepared, I may call on you in each succeeding class until you satisfactorily demonstrate you are prepared. Finally, coverage of reading assignments is fluid, i.e., we will not always cover all of the assigned material during the scheduled class periods.

- III. **CLASS ATTENDANCE.** Attendance and participation are required for all classes. Being on time for class is a simple courtesy to your fellow students and your professor. Coming late to class – even if you are only a few seconds late – leaving early or leaving for a prolonged period during class without prior permission, counts as an absence. **Students may be absent no more than two (2) times. Students who miss more than the allowed number of classes may be academically dismissed from the class.** You – and you alone – are responsible for keeping track of your attendance; you will not receive a warning that you have reached the allowed number of absences.
- IV. **EXAMINATIONS AND GRADING.** Each student will receive a numeric grade for the course. Course grades will be based on 6-8 written assignments throughout the semester consisting of various legal briefs that are typically filed and used in medical malpractice and a final paper on a current topic in medical malpractice that will be assigned and due on the day scheduled for the final exam by the end of the scheduled final exam time. There will be no final exam per se. The written assignments, including the final paper, will be weighted equally and comprise 90% of the final grade.
- V. **OFFICE HOURS.** Office hours will be held on an appointment basis. I will also be available before and after class for a period of time to answer questions. You can make an appointment in advance by email, or you can just let me know before the class or on the break that you would like to meet. You may also submit questions by email and I will make every effort to respond to you, or I will respond to you during the class in which we cover the material in question.

