

**Personal Injury Law**  
**Professor Thomas D. Russell**  
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This writing seminar considers practical, ethical, empirical, and theoretical approaches to personal injury practice intending to equip students to join existing firms or create their own personal injury businesses. The substantive areas of law overlap between negligence and intentional torts, with occasional attention to mass torts.

Topics vary but generally include fee agreements, client relationships, investigation, experts, liability insurance, damages, bargaining and settlement, complaints and answers, discovery, litigation, health insurance, hospital liens, probate, subrogation, disbursement, governmental immunity, advertising as applied to areas including negligence, civil rights, premises liability, defamation, recreational releases, artificial intelligence, and car crashes. The specific topics may vary depending on student interest and the availability of faculty and practitioner guest lectures.

The seminar emphasizes the empirical reality of injuries, claims, and litigation. Students will prepare final papers of roughly 25 pages in length in consultation with Professor Russell. Students will also prepare a substantial intermediate draft.

There is no casebook. Professor Russell will provide the weekly reading in advance of each class meeting. Diamond, Levine, and Bernstein, *Understanding Torts*, 6th ed., (Carolina Academic Press, 2018) is an excellent supplement. Older editions of this book are fine.

We will meet weekly for two hours during the semester. Below is an outline of the topics we will consider.

### **Course Objectives & Student Learning Outcomes**

The objectives of this course are for you

1. Understand practical issues of representation in a personal injury claim, including, most of all, how attorneys get money for their injured clients.
2. Understand some practical issues of beginning and running a law practice.
3. Think like a lawyer, not like a law professor.
4. Understand the work of trial lawyers, including Frederic G. Levin.
5. Explore topics that will make you a more effective summer associate and lawyer.
5. Have fun!

After completing this course, students should understand:

1. The personal injury process from case selection through settlement;
2. The many demands upon money that a client may receive in settlement;
3. The relationship between fee agreements and disbursement;
4. That opening and running a personal injury practice is a realistic possibility.
- 5.

### **Reading Assignments**

You must read and be prepared to volunteer to discuss all the assigned reading for each class. I encourage you to investigate material or sources external to the assigned reading. Would you please add to the class discussion by bringing up things you know about the course material from outside the reading?

Standard 310 of the American Bar Association's (ABA) standards for law schools anticipates that students will devote two hours of out-of-class preparation for every one credit hour of in-class instruction, which means you should expect to spend at least four hours preparing for each week's meeting of the seminar.

Subject to change, the weekly topics of the seminar are as follows:

1. Introduction of students, professor, seminar, and Torts review with an emphasis on damages. (No advance reading required.)
2. Fee agreements
3. Liability insurance
4. Investigation and experts
5. Health insurance, hospital liens, and subrogation
6. Death
7. Complaints and answers
8. Demands, mediation, and settlement
9. Artificial intelligence
10. Advertising
11. Car crashes

12. Premises liability

13. Releases

14. Conclusion

### **Attendance**

Attendance is mandatory and an essential part of the course. Per ABA guidance, you may not miss more than two class meetings.

### **Preparing for and Participating in Class**

I expect you to come to every class prepared to volunteer to participate in class, but I never rely on fear as a teaching tool. If you would like to participate but are reluctant to do so, please make an appointment to talk with me to see if we can ease you into participating in class. Some students may realize a need to regulate their class participation. Learning to express legal concepts orally is crucial for every lawyer; this seminar is a place to practice.

### **Covid-19**

The university provost said, "We also expect people to wear masks in UF buildings." I have been vaccinated twice and received a booster shot.

### **Accommodations**

Students requesting accommodation for disabilities must first register with the [UF Disability Resources Center](#). The Center will provide documentation to the student, who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation. I have no role regarding requests for disability accommodations, but I am happy to assist however I can.

### **Office Hours and Appointments**

There will be two in-person office hours for this class each week with the time to be determined according to students' schedules. I am happy to make telephone or in-person appointments outside of these times. During the pandemic, the telephone was excellent for office hours. If video will aid your understanding and Zoom has not caused you fatigue, I am happy to meet using Zoom. You can sign up for appointments using the QR code or at this [link](#).



## Title IX

As a "Responsible Employee" under Title IX, I am a mandatory reporter of sexual violence, sexual harassment, sex discrimination, sexual misconduct, stalking based on sex, dating/intimate partner violence, or sexual exploitation.

## Academic Honesty

Academic honesty and integrity are fundamental values of the UF Law School community. Students must understand and comply with the [UF Student Honor Code](#) and the Law School's [Honor Code](#).

## Recordings of Class Discussions

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A "class lecture" is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To "publish" means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code." I will refer students failing to follow this rule to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

### Grading Information and Grading Scale

The law school grading policy is available in the [UF Law Student Handbook](#). The following charts describe the specific letter grade/grade point equivalents.

Letter Grade	Grade Points
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

### Final Exam/Final Grade

Your final paper in the course will count for your entire grade. You will write one substantial draft and revise following my suggestions. I will provide more information on the paper during the semester.

### Rescheduling Exams

The Office of Student Affairs handles exam rescheduling and accommodation. See [Exam Delays & Accommodations](#).

### Student course evaluations

Students can provide feedback on the quality of instruction in this course by completing [online evaluations](#). Evaluations are typically open during the last two or three weeks of the semester, and students will receive notice of the specific times when they are open. [Summary results](#) of these assessments are available to students.