

## Course Outline

**COURSE:** LAWS 2003A – Private Law Relationships

**PREREQUISITES:** LAWS 1000

**TERM:** Fall/Winter 2009-2010

**CLASS:** **Day & Time:** Friday 8:35-11:25  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Professor Betina Kuzmarov

**CONTACT:** **Office:** D481 Loeb  
**Office Hrs:** Wednesday 10:00 -12:00 or by Appointment  
**Telephone:** (613) 520-2600 ext. 8810  
**Email:** Please use WebCT e-mail for this course

---

**For Students With Disabilities:** Students with disabilities needing academic accommodations in this course must contact a co-ordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary *letters of accommodation*. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodation. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 16, 2009 (for fall and fall/winter term courses) and March 12, 2010, for winter term courses.

**For Religious Obligations:** Students requesting academic accommodation on the basis of religious obligations should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

**For Pregnancy:** Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

---

**COURSE DESCRIPTION:**

Private law structures a person's daily life. From buying a bus ticket to family relationships and from your house to multinational corporations' headquarters private law arises. This course examines private law relationships in the Canadian context by looking at what private law is, who it applies to and when, where and how private law is used. This course will cover some of the history and development of private law under the common law. In this course we will focus on the specific private law obligations of property, contract, tort and fiduciary duties. We will link these private law relationships to the role of the state in law and will ask questions about the social implications of the way private law obligations are structured and the way the various private law obligations interconnect. Specific topics to be discussed include: the public/private divide, the idea of individualism, legal personality, the exclusiveness of private law, the idea of ownership, duties to our neighbour and the idea of voluntary obligation.

**REQUIRED TEXTS:**

There are two required texts for this course. These are:

Atkinson, L. and Sargent, N. *Private Law, Social Life: An Introduction* (2<sup>nd</sup> Edition Toronto: Lexis Nexis, 2007) [Private Law, Social Life].

Sargent, N. and Atkinson, L. (eds.), *Just Between the Law and Us: Introductory Readings in Private Law* (North York: Captus Press, 2005) [the Casebook].

They have been ordered for you to purchase at the University Bookstore. I recommend trying to find used editions of the textbook and casebook if you can. Please be careful and check the edition when buying your texts. Also, I have placed the texts on reserve in the library and you are always welcome to borrow them there.

**EVALUATION:**

The evaluation for the course will be broken down as follows:

Online Quiz	0%
Fall Term Assignment	20%
December Exam	30%
Winter Term Assignment	20%
April Exam	30%

**Online Quiz:**

A quiz will be posted on WebCT by October 5, 2009. It will consist of five multiple choice questions similar in format to multiple choice questions on the exam. It is based on the first few lectures. It is not marked and does not count towards your grade. However, it will give you some early feedback on the course.

**Assignments:**

The Fall Term Assignment will be handed out in class on October 16, 2009 (and posted on Web CT after that day) and will be due on November 20, 2009. This will be a case comment of 4-6 pages (double spaced). The Winter Term assignment will be handed out in class on January 15, 2010 (and will be posted on WebCT after that day) and will be due on March 5, 2010. This will be an essay question which must be answered in essay format of between 5 and 7 pages (double spaced). More details will follow about the content of the assignments when each assignment sheet is handed out.

Please note that for the assignments, spelling, grammar and proper style must be followed or marks may be deducted. I will explain my expectations for the assignments in class and will include a marking rubric with the assignment sheet. Any late assignments will be penalized at a rate of 5% (1 mark out of 20) a day (including a weekend deduction). All assignments are to be handed in at the Law Department's DROP BOX at C473 Loeb in accordance with DROP BOX policy. All assignments will be returned during class or at my office hours.

Assignments cannot be submitted electronically or to any other place other than the DROP BOX. Also PLEASE KEEP a copy of all assignments as a backup until your final grade is confirmed.

To create a consistent and fair policy I grant extensions only in the circumstances approved by the Registrar's office, and only for the period up to the due date. If you think you may require an extension please see me BEFORE the assignment is due and I will be able to consider your request. Also, I cannot accept assignments AFTER the assignment has been returned to students (approved extensions aside). If you have not submitted your assignment by the time it is returned in class you will not receive a grade, and this is important because ALL assignments must be completed to receive a passing grade in this course.

All written work must be yours alone, and any ideas you include in your work which are not original to you should be properly referenced. I take this very seriously. I will explain further in class about what plagiarism is and what academic integrity means at Carleton, but as a good first step you should familiarize yourself with the department's policies on proper referencing and citation, such as the Department of Law's 'Legal Style Sheet for Term Papers.' As well, it is recommended that you familiarize yourself with the University's policies on academic integrity, and see the Library's webpage on plagiarism.

**Exams:**

The exams – both the December exam and the April exam – will be three hours in length and will have two parts. The first part will consist of sixty multiple choice questions and the second part will consist of a choice of one of three longer answer questions. Longer answer questions are to be answered in full sentences and paragraph form. These questions may take the form of an essay question or scenario type problem. Please note that I do not set the exam dates, nor can I change them. Please do not make any travel plans until after the exam schedule is released.

Standing in this course is determined by the course instructor subject to the approval of the Faculty Dean. This means that any grades submitted by me may be subject to revision. No grades are final until they have been approved by the Dean.

**COURSE HINTS:**

My goal for this course is to provide you with the knowledge, skills (and enthusiasm) to allow you to achieve your best. Here are some tips for how to achieve this...

1. Preparation: Attendance at lecture and preparation for class are necessary to succeed in this course. This requires you to do your readings BEFORE class as this helps you get the most out of each lecture. I also (see WebCT below) post my slides the night before each lecture to help you come prepared.
2. Web CT: Please sign up for a WebCT account. I use WebCT regularly. This course outline will be posted on WebCT as will all assignment sheets after they are handed out, so you can always find them there. You should always look on WebCT first if you have any questions. Also, as mentioned I post my lecture slides on WebCT the night before each class. Lastly, the e-mail on WebCT is the e-mail address to use to get in touch with me for this course.
2. Note taking: You'll notice right away the slides I post are a good OUTLINE to what I am saying, but not the whole story, so attending class and writing your own notes is necessary.
3. Questions: If you are unsure please ask. I am here to answer your questions. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service (Learning Support Services, 4<sup>th</sup> Floor ML), Learning Support Services (4<sup>th</sup> Floor ML) and the Student Academic Success Centre (SASC, 302 Tory).
4. E-mail etiquette: E-mail is a funny thing. E-mail feels like a conversation but it is really a formal way of communicating to your instructor. So please read your e-mail over before sending it and take the time to consider if this is what you would like me to see in writing. You should note that e-mail is a formal record of communication.
5. How to address me – I am pretty flexible on this and I don't mind Betina. If you don't like using first names, I am happy to answer to more formal titles in class and in e-mails.
6. Contesting a grade – If you think you have a reason to contest a grade on assignment please follow this procedure: 1. Wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Grades can be changed only for valid reasons. 2. Contact me with your concerns by e-mail (it helps to set them out in writing) and then we can arrange for you to drop off the marked assignment and set up an appointment to discuss your concerns. You should know that I am happy to change grades for valid reasons. However, requesting to have your grade reviewed can also mean that YOUR GRADE MAY GO DOWN, so please keep that in mind.

**COURSE SYLLABUS:**

## FALL TERM

**11 September WHAT IS PRIVATE LAW? INTRODUCTION**

Introduction and Administrative Matters

**18 September WHAT IS PRIVATE LAW? CONTINUED**

What is Private Law?

Readings:

1. Private Law, Social Life Pages 1-12
2. Casebook Pages 1-6

**25 September WHAT IS PRIVATE LAW? CONTINUED**

Legal Individualism

Readings:

1. Private Law, Social Life Pages 12-14; 15-16; 16-18; 21-23
2. Casebook Pages 14-30

**2 October WHAT IS PRIVATE LAW? CONTINUED**

The Public/Private Distinction

Readings:

1. Casebook Pages 42-48

**9 October UNIVERSITY DAY – NO CLASS****16 October WHO ENTERS INTO PRIVATE LAW RELATIONSHIPS? INTRODUCTION**

Legal Personhood

Readings:

1. Private Law, Social Life Pages 25-33
2. Casebook Pages 54-56; 59-79; 85-87

Note: The Fall Term Assignment is handed out today.

**23 October WHO ENTERS INTO PRIVATE LAW RELATIONSHIPS? CONTINUED**

Women

Readings:

1. Private Law, Social Life Pages 35-36; 37-40
2. Casebook Pages 93-110

**30 October WHO ENTERS INTO PRIVATE LAW RELATIONSHIPS? CONTINUED**

Law and Personhood

Readings:

1. Private Law, Social Life Pages 40-43; 44-47
2. Casebook Pages 120-123; 130-132; 139-143; 200-202; 216-232

**6 November WHO ENTERS INTO PRIVATE LAW RELATIONSHIPS? CONTINUED**

Law and the Family

Readings:

1. Casebook Pages 186-199

**13 November WHO ENTERS INTO PRIVATE LAW RELATIONSHIPS? CONTINUED**

Aboriginal Peoples in Canada

Readings:

1. Casebook Pages 144-150; 152-158

Note: November 16 is the last day to submit to the Paul Menton Centre formal examination accommodation forms for the December examination.

**20 November WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? INTRODUCTION**

Introduction to the types of Private Law Relationships

Property

Readings:

1. Private Law, Social Life Pages 102; 103-108; 108-128
2. Casebook Pages 237-245; 254-256; 262-269; 284-290

Note: The Fall Term Assignment is due today.

**27 November WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Property Rights: Aboriginal Peoples in Canada/The Idea of Property

Readings:

1. Casebook Pages 320-336; 337-341; 343-355

**4 December REVIEW CLASS****WINTER TERM****8 January WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Property Rights: The Family and Changing Ideas of Property

Readings:

1. Casebook Pages 294-308; 314-319; 377-384

**15 January WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Contract

Readings:

1. Private Law, Social Life Pages 49-61; 70-73

Note: The Winter Term Assignment will be handed out today.

**22 January WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Contract: When Will Judges Intervene?

Readings:

1. Private Law, Social Life Pages 62-69
2. Casebook Pages 428-432; 435-446

**29 January WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Tort

Readings:

1. Private Law, Social Life Pages 75-92
2. Casebook Pages 470-490

**5 February WHEN DOES A PRIVATE LAW RELATIONSHIP EXIST? CONTINUED**

Duties to Our Neighbours: Negligence

Readings:

1. Private Law, Social Life Pages 92-99
2. Casebook Pages 495-512; 521-533; 544-550

**12 February WHERE DOES A PRIVATE LAW RELATIONSHIP END? INTRODUCTION**

Introduction

Fiduciary Duties: Special Relationships of Trust and Confidence

Readings:

1. Private Law, Social Life Pages 129-145

**19 February WINTER BREAK --NO CLASS**

**26 February WHERE DOES A PRIVATE LAW RELATIONSHIP END? CONTINUED**

Fiduciary Duties: Case Law

Readings:

1. Casebook Pages 579-620
- 2.

**5 March HOW ARE PRIVATE LAW RELATIONSHIPS “ENFORCED”? INTRODUCTION**

Remedies in Private Law

Readings:

1. Private Law, Social Life Pages 156-176

Note: The Winter Term Assignment is due.

**12 March HOW ARE PRIVATE LAW RELATIONSHIPS “ENFORCED”? CONTINUED**

Remedies in Contract Law

Readings:

1. Casebook Pages 454-457; 462-469

Note: March 12 is the last day to withdraw from Fall/Winter courses. March 12 is the last day to submit to the Paul Menton Centre formal examination accommodation forms for the April examination.

**19 March HOW ARE PRIVATE LAW RELATIONSHIPS “ENFORCED”? CONTINUED**

Remedies in Tort Law

Readings:

1. Casebook Pages 556-566

**26 March REVIEW CLASS**