

Course Outline

COURSE: LAWS 2003 D – Introduction to Private Law

PREREQUISITES: LAWS 1000

TERM: Fall/Winter 2007-08

CLASS: Day & Time: Wednesday, 6:00-9:00 pm
Room: 446 TB (Tory Building)

INSTRUCTOR: Douglas Adlard
(CONTRACT)

CONTACT: Office Hrs: By appointment
Office: C476 LA (Loeb Building)
Telephone: 613-995-7710
Email: Contact me through Web CT

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008 for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

COURSE DESCRIPTION

This course is a general introductory examination of private law relationships in their social context. The course will examine fundamentals of private law doctrine, and will consider the implications of the structure of that doctrine for ordinary private relationships.

REQUIRED TEXTS

Logan Atkinson and Neil Sargent, *Private Law, Social Life: An Introduction* (Toronto: Butterworths, 2003).
Logan Atkinson and Neil Sargent (eds.), *Just Between the Law and Us: Introductory Readings in Private Law* (North York: Captus Press, 2005).

Both of these texts are required, and both are (or will soon be) available in the University Bookstore.

EVALUATION

Student work will be evaluated in accordance with the following formula:

Fall Term Assignment	20%
December Examination	30%
Winter Term Assignment	20%
April Examination	<u>30%</u>
Total	100%

The Fall Term Assignment will be distributed in class on 10 October, and will be due on 31 October. The Winter Term Assignment will be distributed in class on 13 February, and will be due on 12 March. Each assignment will require a response in essay format of eight to ten pages. Complete details will be provided when assignments are distributed.

The December examination will be multiple choice and the April examination will be long answer questions, to be done in three hours during the regularly scheduled examination period. The April examination will cover material from the Winter Term only. Details on the dates, times and places of examinations will be provided as the terms progress.

Both assignments must be submitted (in accordance with details to be distributed) and both examinations must be completed to obtain a passing grade in the course.

COURSE SYLLABUS**FALL TERM**

- 12 Sep** **Introductory Administrative Matters**
Private Law as a System of Classification
Readings: *Private Law, Social Life*, pp. 1-12
Just Between the Law and Us, Chapter 1
- 19 Sep** **Legal Individualism**
Readings: *Private Law, Social Life*, pp. 12-21
Just Between the Law and Us, Chapter 2
- 26 Sep** **The Public/Private Distinction**
Readings: *Just Between the Law and Us*, Chapter 3
- 03 Oct** **Legal Personality**
Readings: *Private Law, Social Life*, pp. 23-33
Just Between the Law and Us, Chapter 4
- 10 Oct** **Women and Personhood**
Readings: *Private Law, Social Life*, pp. 33-38
Just Between the Law and Us, Chapter 5
[The Fall Term Assignment will be distributed today]
- 17 Oct** **Personhood, Partial Personhood and Collective Identity, Part I**
Readings: *Private Law, Social Life*, pp. 38-44
Just Between the Law and Us, Chapter 6 & 7

- 24 Oct The Legal Construction of Family**
Readings: *Just Between the Law and Us*, Chapter 8
- 31 October Parenting, the Law and the State**
Readings: *Just Between the Law and Us*, Chapter 9
[The Fall Term Assignment is due today.]
- 7 Nov The Legal Construction and Justification of Property Part I**
Readings: *Private Law, Social Life*, pp. 93-101
Just Between the Law and Us, Chapter 10
- 14 Nov The Legal Construction of Property Part II**
Readings: *Just Between the Law and Us*, Chapter 10
- 21 Nov Property and the Family**
Readings: *Private Law, Social Life*, pp. 110-117
Just Between the Law and Us, Chapter 12
- 28 Nov Property and Canada's Aboriginal Peoples**
Readings: *Just Between the Law and Us*, Chapter 13

Classes end Dec. 3rd, **No 5 Dec class.**

WINTER TERM

- 9 Jan Changing Conceptions of Property**
Readings: *Private Law, Social Life*, pp. 101-109
Just Between the Law and Us, Chapter 14
- 16 Jan Introduction of the Law of Contract & Contracts – The Family Law Model**
Readings: *Private Law, Social Life*, pp. 45-56 AND 63-67
Just Between the Law and Us, Chapter 15
- 23 Jan Judicial Intervention in Contract**
Readings: *Private Law, Social Life*, pp. 56-63
Just Between the Law and Us, Chapter 16
- 30 Jan Consequences of non-Performance in Contract Part I**
Readings: *Private Law, Social Life*, pp. 56-63
Just Between the Law and Us, Chapter 16
- 6 Feb Consequences of non-Performance in Contract Part II**
Readings: *Private Law, Social Life*, pp. 139-143 & 147-156
Just Between the Law and Us, Chapter 17
- 13 Feb Introduction to the Law of Tort**
Readings: *Private Law, Social Life*, pp. 69-87
Just Between the Law and Us, Chapter 18 -
[The Winter Term Assignment will be distributed today]
- 18 - 22 Feb Mid Term Break**

- 27 Feb** **The Nature of Tort and the Foundations of Liability in Negligence: Part I**
Readings: *Private Law, Social Life*, pp. 88-92
Just Between the Law and Us Chapter 18
- 5 Mar** **The Nature of Tort and the Foundations of Liability in Negligence: Part II**
Readings: Chapter 19
- 12 Mar** **Compensation in Tort Law**
Readings: *Private Law, Social Life*, pp. 143-147 & 156-162
Just Between the Law and Us, Chapter 20
[The Winter Term Assignment is due today]
- 19 Mar** **Introduction to the Law of Fiduciaries**
Readings: *Private Law, Social Life*, Chapter 6
- 26 Mar** **Selected Problems in Fiduciary Relationships**
Readings: *Just Between the Law and Us*, Chapter 21
- 2 Apr** **The Public/Private Distinction Revisited**
Readings: *Just Between the Law and Us*, Chapter 22
- 9 Apr** **Review Week - Optional**