

Course Outline

COURSE:	LAWS 2201 A & T – Persons and Property
TERM:	Fall 2010
PREREQUISITES:	LAWS 1000
CLASS -	Section A: Friday: 8:35-11:25 am Please check with Carleton Central for current room location
Broadcast: -	Section T: Mondays: 9:00-11:30 am Rogers, Channel 243 <i>Note: Lectures are also viewable via:</i> CUTV Webcast ; Video-On-Demand (VOD) online streaming - (fee applies) <i>and at the</i> CUTV Student Centre . See the CUTV website for more information.
	WebCT: WEBCT is essential for this course. Readings, email to Professor, lectures slides, and assignments are available <u>only</u> through this modality.
INSTRUCTOR:	Professor T. Brettel Dawson
CONTACT:	Office: D497 Loeb Office Hrs: Students will be assigned to a Teaching Assistant/Discussion Group early in term via WebCT. The TA will be your first point of contact. The Professor will be available on Fridays between 11.30 – 12.30 and by appointment. Email is also a good way to be in touch – generally, the Professor will aim to respond within 48 hours (2 days) – don't expect instant replies and do think through your inquiry before you email! Telephone: 613-520-2600 X 3670 Email: Email: Please use WebCT connect email for this course

"Students with disabilities requiring academic accommodations in this course must contact a coordinator 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 accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

Origins and scope of the concept of person in law and how concepts of legal personality change over time. Origins and scope of the concept of property and how concepts of property change over time.

This course examines some of the ways in which law regulates relationships among legal persons. We will look at the manner in which concepts of personhood and property are created and protected in law, and also how such concepts may be challenged and can change over time. We will examine interactions between state and market, public and private and individual and collective rights. Topics examining legal personhood include women and

corporations as 'legal persons', legal capacity of 'partial persons (children and people with developmental disabilities) to refuse medical treatment and the status of the body. Topics examining property include the concept and role of a property law system, interactions between private property, public property and common property, and the scope of property rights. Our work will cumulate in two case studies examining the interaction of private law concepts of personhood and property: first in relation to the environment and second, in relation to Aboriginal property.

See detailed overview and topic schedule which follows.

REQUIRED READING

I have prepared an electronic "Casebook" for this course. The Casebook is posted on WebCT under the "Learning Module" tab (later chapters will be posted as term progress). The Table of Contents gives the complete citation for material that is included. You will be able to read online, save to your computer and/or print for your own use. Programs like Foxit or Adobe Standard allow you to annotate and highlight PDF files which is an interesting alternative to printing. Note: Some of the PDF files are very much 'cut and paste' as I become more adept at this editing process. Hopefully they are still legible!

The class schedule (attached) indicates the anticipated flow of topics and readings. Class lectures will further pinpoint the most relevant sections of the extracts. Note: Depending on the flow of our class time, this schedule/readings list may be adjusted.

Recommended Reading

You may find it useful to read Logan Atkinson and Neil Sargent, *Private Law, Social Life*, 2d ed (Toronto: Lexis Nexis/Butterworths, 2007) Available from the Carleton University Bookstore.

EVALUATION

Assignment sheets will be posted on WebCT (under the assignments tab) and are to be submitted on WebCT using the Assignment DropBox. Submissions are due by 2.30pm on the due date. This course uses the 'grade book' in WebCT to allow you to see your marks. Your TA will be your first point of contact to discuss questions related to evaluation. Late assignments are subject to mark reduction penalties of 3% per day (including weekends).

	Component	Value	Available/Due Date/ Grade Return Target
1.	CASE NOTE	20%	Due: October 8, 2010 Posted: September 17, 2010 Graded: October 18, 2010
	<ul style="list-style-type: none"> The Case Note requires you to select from three assigned cases (from classes 2-4) and prepare a short note in which you identify the legal basis for the ruling and relate the case to course themes. The Case Note will be about 2 pages long. It is designed to provide 'early feedback' and familiarize you with the WebCT assignments process. 		
2.	MID-TERM EVALUATION	50%	Due: November 16 Posted November 6 Graded: November 26
	<ul style="list-style-type: none"> The Mid-term Evaluation will cover material from classes 1-9. It will have two components: 1) a Concept Review (20%) and 2) an Analysis Exercise (30%). The Concept Review will be short answer questions related to course material. The Analysis Exercise will require you select one topic (from a choice of 3 or 4 topics) and compare and contrast and assess key cases and/or articles given from course material. There is also a modest research requirement for this Exercise. Answers for the Exercise will be about 4 pages long. 		

3	FINAL EXAMINATION (TAKE HOME)	30%	Due: December 20th (tbc: last day of examination period). Posted: December 6th (last class) Graded: December 31, 2010.
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- The Take Home provides you with an opportunity to apply the material you have learned in the course to analysing and 'solving' a problem. You will be required to address ONE problem scenario (from a choice of two). You will have about 5 pages to complete your answers. The scenarios will be constructed in relation to the material covered in classes 10-12 but you will be able to draw upon any course material in your answers.
- You have until the end of the examination period (to be announced) to complete and submit your examination. If you are unable to complete the final examination, you must request a formal deferral from the Registrar's Office.
- Unlike a scheduled examination with a set number of hours and a requirement to 'show up' at a designed location, you write a "Take Home Examination" at your own pace and space. You have full access to course material. You are not required to do additional research. These kinds of examinations are not about 'regurgitation' but about reflection and analysis of course themes and material.
- A Take Home Examination combines study time with writing time. It takes a while to complete likely over several 'sittings'. It is absolutely essential that you set aside times to work on the exam well ahead of the deadline if you want to avoid a last minute rush, running out of time and various accompanying stress! I recommend that that you plan for several blocks of 3 hours of 'dedicated time' to answer the examination. Schedule this time in relation to your other examinations. It is fine (encouraged) to submit the examination before the due date!

Notes:

- Assignments and examinations are posted and submitted via WebCT.
- Extensions will not be granted for computer problems or work schedule conflicts.
- All components of evaluation must be completed to receive a passing grade in the course.
- All work must be completed individually and must be fully original. Draft (or final) work may not be shared with others in the class. You must follow the University's policies on academic integrity available at <http://www2.carleton.ca/studentaffairs/academic-integrity/>.
- Keep a copy of all assignments and examinations until your final grade is confirmed.

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' available at www.carleton.ca/law. See also the Library's webpage on citing sources at: <http://www.library.carleton.ca/howdol/citing.html>.

SYLLABUS: CLASS SCHEDULE AND READINGS

(Subject to change). Readings are from the WebCT Casebook. I will post slides from classes just ahead of classtime.

	Date	Topic Schedule	Readings	Notes
1	S10	Introduction to Course a. Persons, Property, Private Law b. Case Study: Persons and Markets	Chapter 1A Chapter 1B	
2	S17	Of Persons and Property a. Persons and Property b. Private Law and Power: Case Study	Chapter 2A Chapter 2B	
3	S24	Women as Legal Persons a. Public Persons b. Private Law Capacities	Chapter 3A Chapter 3B	Class pre-taped; shown in class
4	O1	Corporations as Legal Persons a. Antecedents (joint stock) b. Corporate Personality	Chapter 4A Chapter 4B	Class pre-taped shown in class
	O8	University Day – No class		Case Note Due
5	O15	The Body and Personhood I a. Children b. Developmental Disabilities	Chapter 5A Chapter 5B	
6	O22	The Body and Personhood II a. Pregnancy and Autonomy (Abortion and Fetal Protection) b. Pregnancy and Exchange (Surrogacy)	Chapter 6A Chapter 6B	
7	O29	The Body: Personhood and Property a. The Corpse b. Body Parts	Chapter 7A Chapter 7B	
8	N5	Property: Concept and Role of a Property Law System	Chapter 8	
9	N12	Property Systems and Rights a. Private Property, Public Property and Policy b. Common Property	Chapter 9 Chapter 10	
	N16			Mid-Term Due
10	N19	Property and the Environment I Markets	Chapter 11A	
11	N26	Property and the Environment II Eco-systems	Chapter 11B	
12	D3	Aboriginal Persons and Property	Chapter 12	
	D6	--		Take Home Exam posted