

**Carleton University
Department of Law**

**PERSONS AND PROPERTY
Laws 2201 A/T**

COURSE OUTLINE

Term:	Fall 2011
Prerequisites:	Laws 1000
In-Class Lecture: Location	Tuesdays 8.30 – 11.30am Check Carleton Central Public Class Schedule. Note: CUOL students are also welcome to come to the live classes.
Broadcast	Tuesdays 4.00pm – 7.00pm (Rogers, Channel 243) Note: Lectures are also viewable via: CUOL Webcast; VOD (Video-on-Demand) fee applies; and at the CUOL Student Centre in Loeb. See the CUOL website at www.carleton.ca/cuol for more information.
Instructor: Contact:	Professor T. Brettel Dawson Office: Loeb D497 Email: Please email me only through WebCT Laws 2201 Page
WebCT	WEBCT is <u>essential</u> for this course. Email to Professor, lectures slides, and assignments are available <u>only</u> through this modality.
Office Hours:	Students will be assigned to a Teaching Assistant/virtual e-Discussion Group early in term on WebCT. Your TA will be your first point of contact. Professor Dawson will hold open Office Hours for general consultation on Tuesdays after class 11.30 – 1.00pm. Email is also a good way to be in touch – generally, TAs and Professor Dawson will aim to respond within 48 hours (2 days) – <u>don't</u> expect instant replies; <u>do</u> think through your inquiry before you email us! Wait 24 hours after the release of a graded assignment before you email about it.
TAs	Contact information will be provided early in the term.

"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 due dates. 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.

REQUIRED READING

The following casebook has been prepared for this section of the course and is required reading:

T. Brettel Dawson, *Persons and Property in Private Law* (North York, Captus Press, 2011).

Available for purchase in the University Bookstore. (Note: The book is 'hot off the presses' and may arrive into the bookstore a little late but we are hopeful it will be ready for start of classes.)

I may post additional readings or links from time to time through WebCT or through the Library Reserves online system (search by course number).

CLASS SCHEDULE

For the first class, read Chapter 1 of the casebook. In general terms, we will cover a chapter each week and the chapter numbers in the Casebook should track to class numbers. Some chapters have two case studies and may take us longer to work through (or I may make selections about what to cover or leave out).

CLASS SLIDES

I will post slides related to each lecture on WebCT – generally ahead of time. They will be named by class number and general topic. See Appendix for ideas on how to work effectively with posted powerpoint lectures.

EVALUATION

COMPONENT	Value	Due Date/Available (Posted)
1. CASE ESSAY	25%	Due: October 14, 2011 Posted: October 04, 2011
<p>The Case Note requires you to select from two or three assigned cases early in the term and prepare a short essay discussing the case and relating it to a number of themes in the course. The case essay will be about 1250-1500 words long (4-5 pages).</p> <ul style="list-style-type: none"> This assignment is meant to help you engage with core ideas in the course and to provide 'early feedback' and familiarize you with the WebCT assignments process. 		
2. MID-TERM EVALUATION	50%	Due: November 18, 2011 Posted: November 08, 2011
<p>The Mid-term Evaluation will cover material from classes up until the date it is assigned. It will likely 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 will be about 4-5 pages long plus space for short answers.</p>		
3 FINAL EXAMINATION (TAKE HOME)	25%	Due: last day of exam period Posted: last day of classes
<p>The Take Home will provide 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 (likely from a choice of two). You will have about 4-5 pages to complete your answers. The scenarios will be constructed in relation to the material covered in later classes but you will be able to draw upon any course material in your answers.</p>		
<p>Note:</p> <ul style="list-style-type: none"> Due time is 4.00pm. This is set during University working hours so you can contact CCS if you have a problem with submission. Word counts rule not page counts. For research sources, you must provide meticulously correct citations consistent with the Law Department Style Guide following the <i>Canadian Guide to Uniform Legal Citation</i>, 7th edition (the McGill Guide). For course material, you may provide 'short form' citation – giving the author (or case name) and title with page number. It will take about 12 days to mark and return assignments to you through the assignments tab. You will obtain your mark there initially. After a short time, I will also release the marks onto grade book. The Take Home will be released after the FGR has been approved by the Office of the Dean. Likely this will be early in January given University Hours over the holiday break. Keep a copy of all assignments and examinations until your final grade is confirmed. Back up to email, thumb-drive or external drive often as you prepare your work. 		

Online Modality

Assignments are handled electronically rather than in hard copy. Assignments and Take Home sheets will be posted on WebCT. Your answers **MUST** be submitted via WebCT (also using the Assignments tab). You attach a file to your submission containing your answers. You can submit **ONLY ONCE** (that is, you can't take back and edit later). You **MUST** remember to hit submit after you upload or your paper will not be received in the system.

Note: I will set up a test assignment so you can try it out ahead of time.

On Time Expectation and (Draconian) Late Penalties

I am draconian and impose heavy penalties for work which is submitted late and without an extension.

I have every commitment to your success in the course and I know that 'life' can intervene. I also realise that 'student last minute deadline driven' mode is a common path. However, late assignments create a significant administrative burden across the team of people who work with me on the course. There is a significantly higher risk of assignments going astray as well. This is compounded by being such a large class over the live and CUOL sections. Accordingly, I expect and require you to get your assignments in **ON TIME**. To be sensible about this, there is a very modest grace period for unforeseen, very short term situations so you don't have to sweat a few minutes.

Late assignments (case essay and mid-term) will be penalized as follows (Revised for clarity: 21 September):

- You will lose 5% marks if you hand the paper in on the due date after the deadline of 4.00pm but before midnight.
- You will lose a further 5% if you hand it in any time 'next day' (up to 11.59pm);
- You will lose a further 10% for every following day late (anytime up to turn of midnight) including weekend days.
 - In other words, if a paper is due at 4.00pm on Friday and you get it in on Sunday evening, you will have lost 20% - **so don't be late!!!**.
- If you hand in your assignment more than seven days late, your work will be accepted towards course completion but will receive zero marks.

Note: You will receive **zero** if you hand-in the Take Home Examination after the due time and date. You must obtain a formal deferral from the Registrar's Office if you cannot submit on time.

Extensions for the Case Essay and Mid-Term

You can request an extension for serious illness or family and personal emergencies with supporting documentation.

You cannot receive extensions for computer problems. I URGE you to back up your work as you go along: email a draft to yourself whenever you finish a chunk of work on it or copy it to a USB thumb-drive or an external hard drive.

A cold or the flu is not enough for an extension. Work/family schedule conflicts are not a reason for an extension.

Take Home Examination Information

- 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. There are NO extensions for Take Home Examinations apart from very short term, same day grace period (1-2 hours max) which I must approve by email on or before the final day for submission.
- Take Home Examinations submitted after the due date will **not** be accepted for marking.
- 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.
- 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 not doing the quality of work you are capable of producing. I recommend that that you plan for several blocks of 3 hours of 'dedicated time' to review material and prepare your answers. Schedule this time in relation to your other examinations. It is fine (encouraged) to submit the examination before the due date!

The "Rules"

- 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/>. It is an instructional offence to commit plagiarism which is defined as "presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own." Direct quotations must be indicated using quotation marks and footnoted. Anything over 50 words should be indented and single-spaced. Paraphrased material and ideas should be footnoted to source. **I rigorously pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean.**
- Students should note that a "student shall not submit substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs. Minor modifications and amendments such as phraseology in an essay or paper do not constitute a significant and acceptable reworking of an assignment. If 'off topic' or unexpected work is submitted, I reserve the right to consult with other instructors to confirm that you are not 're-using and re-cycling' assignments, which is strictly prohibited.
- Note: Electronic submission makes it relatively easier for us to compare your work with other submissions. I advise you in the strongest possible terms not to share your electronic files with other students as they may copy your work and you will be equally subject to academic investigation.
- I reserve the right to compare all files with other submissions in this course and other offerings of the course. Further if 'off topic' work is submitted, I reserve the right to consult with your other instructors to confirm that you are not 're-using and re-cycling' which is strictly prohibited.

Appendix:

Taking Notes from Slides and Lectures

Compiled Discussion Group Thread Laws 2202 Winter 2011

After a very positive discussion with some students about how they are taking notes in class, I opened up a discussion group for people to share their approaches to taking notes. The following are postings to that discussion group.

Subject: Thanks for all the ideas!

I've been reading through the suggestions and I am impressed and amazed with all of your approaches. It seems that there are many ways to be an effective note-taker and the thing is to find what works best for you. Lots of solid, creative, technical and non-technical ideas have been posted that you might like to try out to help you find your 'ideal method'. Happy explorations!

Professor Brettel Dawson

Subject: Using your Laptop

I find that no other method of note taking truly beats a laptop.

The reason for this is mainly due to the speed at which one may be able to record information and as well, erase any mistakes.

It is however a grey area in my mind. One may find that having access to the internet while in class may be very distracting. The introduction of websites such as Facebook and YouTube within our society has taken quite a toll on the way we now interact with computers. All too many times while sitting in class do I see others watching the highlights of last night's Senators game or flicking through pictures from Saturday night's party. I personally am no angel. I have caught myself doing the exact same things. I quickly realized how important it truly is to simply just pay attention, whether you will be taking notes or not.

Now, I find that turning my internet off helps. I simply just don't use it while in class. As well, I like to turn my phone completely off until class is finished.

As for taking notes, it is very important to develop a familiar and regular system. I personally have created a template for note taking. On my computer I have a template file which I modify for each class. This file includes a title, date and section where I very briefly include four to five of my thoughts on that week's readings. This way, I am able to keep myself organized and on the ball when in class. Having a pre-built template for note taking also helps one never miss a beat as I found that trying to structure my notes in class wasted quite a bit of time where I could have been listening to my professor.

The second half of this word document includes a section where I am able to record what my

professor has been talking about. Of course, this is the most important part of taking notes in class. It is always good to really pay attention and identify the message your professor is trying to convey. It is not always necessary to write their words down exactly as they are spoken. I find that is in fact easier and more helpful in memorizing what they may have said by putting it in my own words. However you record notes, I cannot stress how key it is to develop a comfortable writing style. Ultimately it is you that will be using these notes to study from.

Lastly, I always enjoy reflecting on my notes. I like to add my own comments to my notes when lecture is all said and done with. This helps with assignments as it is similar to developing a thesis on what is discussed in lecture.

Hope this helped somebody, as this surely does help me!

Subject: *Re: Using your Laptop*

I also tried using a lap top in 2nd year- but I was brainlessly typing notes and didn't have to think about what the prof was saying while typing.

Now, in my 4th and final year, I stick by hand writing. I'll listen to what the Prof is saying and then summarize it in to words that I understand while they mention something off topic or a side note. When I walk away from lectures I have really fully taken in the material.

In order to keep my notes organized - and so I never have to worry about losing my notes- I spend about an hour a week typing up all my notes for all my classes. Gives me a second time to re-read all that I learned that week and ensures I have a hard copy and electronic copy. The extra few minutes is really worth the outcome.

Subject: Pen and Paper

I like to just use the traditional pen and paper methods for taking notes.

By the time I enter the class I will have done the readings for the week, and will have taken some "pointers" down pertaining to the notable or important sections of the text. I write for the entire lecture, as it keeps me focused on what is being said. Most of my lecture notes are jibberish. Some portions are not, containing important corrections to the notes about the readings or other misunderstandings that need correction.

After class I try and create the final set of notes for that lecture, combining the rough sets from before and during the lecture. I also continue to highlight and read through these notes to make sure that there is no "gray-area" of understanding.

I tried using a laptop during first year, and found that 90% of the time I was on facebook. I also found during the 10% of the time I was actually taking notes or looking at the slides, other people looking at facebook or playing solitaire was rather distracting. Eventually it just made sense to "ditch the laptop" and do what keeps me focused on the lectures.

On a final note, I have a few friends that do notes for the Paul Menton Centre would swear by

laptops and electronic note taking. One of them uses an iPad. I find this is more of a subjective area: try a couple of different things and find the way that keeps your notes organized for you.

Subject: Taking notes using Power Point

I find the most effective way of taking notes in this case is by using powerpoint.

Before class download the slides for that day.

During class use the notes tab below the slide to write in additional notes. At the end of class simply save the file to save your changes.

When you want to print off your notes open the file, then click the Microsoft button (which is above the home button) and scroll over the publish tab and select "create handouts in Microsoft word", then simply select which way you would like to print it.

Subject: Re:Taking notes using Power Point

You can also use the "Publish" button to take all of the text off of the slides and put it into a word document ---which really helps to cut down on page count and printing costs. I find it helpful to have both printed copies and electronic copies of notes; it saves a lot of time because you can use the 'find' button and search for something specific in your notes rather than flipping through them by hand!!

Subject: Re:Taking notes using Power Point

I personally find it best to have printed off the slides ahead of time. Then during the class I find it quickest to type up my notes in a Microsoft Word document. I have my slides with me to follow along and then add little notes here and there on the slides where directly needed. I just find the professor tends to speak too quickly in order to hand-write the notes and to be flicking through the online powerpoint and adding notes to each slide. Everyone does things differently though :)

Subject: Using a Mac

Does anyone know how to do this with a mac?

Subject: Re:macs

I usually just download the powerpoints onto my mac, and you can type into the bottom of the slide if you're not in presentation mode, as "notes".

I prefer printing the slides 4 per page, and adding notes. I find the professor doesn't deviate too

much from the slides, only with clarifying comments to ambiguous slides. I have blank paper as well just encase something extensive is said and there isn't sufficient room.

I don't think with a mac you can use it directly out of web ct.. mine always downloads it as a safety precaution of it crashing!

(Which is a lot better than losing all your notes at hour 2 1/2 ...)

Subject: Re:macs (and people not using Internet Explorer)

Anyone using Mozilla Firefox the same thing happens - you can't use PPT within Firefox; but as pointed out, then you don't lose your notes at 2.5 hours when your battery decides it's done....