

-Property in its Historical Context 2009-10
Prof. Woodman (Section A)

Class times: Fall Term

Monday: 8:30-10:00, Room 105

Wednesday: 8:30 – 10:00, Room 105

Required texts:

Casebook: Girard & Reynolds and Woodman, *Property in its Historical Context, 2009-10* (2 vols.) compulsory text: Bruce Ziff, *Principles of Property Law*, 4th ed. (Toronto: Thomson/Carswell, 2006)

Course description:

Property law is about the allocation of resources in society. Each society recognizes various sets of rights or claims in differing types of resources, and establishes both macro-level and micro-level rules about how these rights are allocated. An example of a macro-level rule would be the prohibition on polluting watercourses, found in both common law and various pieces of environmental legislation. The goal of this rule is to ensure that water quality is maintained at a certain standard for the public at large. An example of a micro-level rule would be the one determining who, as between the finder of a lost object and the owner of the land where it was found, should have better title to the object.

Much of this course is taken up with micro-level matters: what different sets of property rights exist in what kinds of assets, and how these can be created, transferred, and in some cases extinguished. But we begin with a wide-ranging study of the nature of property rights in general, and of the justifications for one form of property: private property.

Evaluation:

There will be a December exam worth 30%, which is 'fail-safe': i.e., it is not counted if you do better on the final. If you do better in December than in April, the final is counted at 70%. Both exams are closed-book, though you will be given a copy of the table of contents of the casebook and of any legislative provisions covered during the term. There may be occasional quizzes during the term that do not count towards your final mark. In "belling" class marks, I will take into consideration class participation. Class attendance is mandatory.

My office hours are 1:30-2:30 on Mondays, but I am available at other times by appointment. Email queries are welcome; if you pose a question that I think might be of general interest I will reply to the whole class list without revealing your identity.

PROPERTY SYLLABUS – FALL 2009 (Section A –Woodman)

Faye.Woodman@dal.ca

494-1006

office hours: Mon., 1:00-2:00

| Date | Topic | Readings |
|---------------|---|--------------------------|
| Mon. Sept. 14 | Introduction | CB 1-12; Ziff 1-8 |
| Wed. Sept. 16 | Private property: justifications and alternatives | CB 12-34; Ziff 9-42 |
| Mon. Sept. 21 | Classifications of property | CB 35-47; Ziff 68-72 |
| Wed. Sept. 23 | Classifications of property | CB 48-77; Ziff 42-51 |
| Mon. Sept. 28 | Information & ideas (joint*) | CB 78-95 |
| Wed. Sept. 30 | Literary and artistic property | CB 95-129 |
| Mon. Oct 5 | Literary and artistic property | CB 129-153 |
| Wed. Oct. 7 | Personality as property | CB 154-169 |
| Mon. Oct. 12 | Thanksgiving Day | ----- |
| Wed. Oct. 14 | Personality as Property | CB 169-179 |
| Mon. Oct. 19 | Review | ----- |
| Wed. Oct. 21 | Property Claims: Procedural Context (joint*) | CB 180-199 |
| Mon. Oct. 26 | Possession | CB 199-210; Ziff 117-121 |
| Wed. Oct. 28 | Finders | CB 211-224; Ziff 133-140 |
| Mon. Nov. 2 | Finders | CB 224-241 |
| Wed. Nov. 4 | Bailment | CB 242-252; Ziff 296-310 |
| Mon. Nov. 9 | Bailment | CB 252-261 |
| Wed. Nov. 11 | Remembrance Day | ----- |
| Mon. Nov. 16 | Transfer of personal property | CB 262-269 and 290-291 |
| Wed. Nov. 18 | Transfer of personal property | CB 269-271 |
| Mon. Nov. 23 | Transfer of personal property | CB 272-278 |
| Wed. Nov. 25 | Gifts | CB 279-291; Ziff 140-147 |
| Mon. Nov. 30 | Gifts | CB 292-297; Ziff 148-150 |
| Wed. Dec. 2 | Fixtures | CB 298-300; Ziff 102-107 |
| Mon. Dec. 7 | Review/Discussion of Exam | |

*** Joint classes will be held in room 105**

Plagiarism

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

All students in the course must read

- The University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- The Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php)

Policy on H1N1:

Pandemic H1N1 Influenza Advisory in relation to Academic Continuity

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff.

Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies.

Any alternative plan made in individual courses may be superseded by University-wide or Government measures to reduce the spread of the pandemic H1N1 influenza virus.

ACCOMMODATION

Students with Special Needs/Requests for Accommodation

Professor Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon possible and, in any event, no later than the date

on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process.