

DALHOUSIE LAW SCHOOL
Tort Law and Damage Compensation
2009-2010
(Laws 1006X/Y.06)

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Office hours: Mondays 3:15-5:00

or by appointment anytime

Course Outline

This is a compulsory first-year course for 6 credits, taught three hours per week in both terms of the Law School's academic year. We meet in the Fall term on Mondays from 10 to 11:30 in room 309 and on Thursdays from 9 to 10:30 in room 308. In the Winter term, we meet on Tuesdays from 9 to 10:30 in room 308 and on Thursdays from 3 to 4:30 in room L406 (the Glube Room).

Aims and Objectives

The Dalhousie University Calendar 2009/2010 states that "the major objective of this class is to provide a basic understanding of the manner in which losses from injuries to personal, proprietary and economic interests are distributed through tort law."

Course Materials

Required text: *Canadian Tort Law, Cases, Notes & Materials*, 13th ed. (Toronto: Butterworths, 2009) by Allen M. Linden, Lewis N. Klar and Bruce Feldthusen.

Numerous recommended texts are on reserve at the Law Library.

Teaching/Learning Method

Classes will involve a variety of learning methods including lecture, discussion of assigned reading, small group interaction, movies, class exercises, mootings and guest speakers.

Evaluation

The final mark will comprise an examination portion worth 60% and an in-class portion worth 40%. Examinations will present a hypothetical fact scenario and the student will be required to identify and analyze the relevant legal issues.

The exam portion is made up of an open book mid-term examination to be held on Wednesday, December 16th from 2:00 to 3:30, and a final examination, also open book, to be held on Wednesday, April 7th from 2:00 to 5:00. The mid-term examination is a practice/fail-safe exam. If you do better on your final exam than the mid-term does not count. If you do better on the mid-term, then your grade for the examination portion is made up of 30% of your mid-term mark and 70% of your mark on the final.

The other 40% of your final mark is derived from three in-class components. The first, worth 10% of your final grade, is a class participation mark based on your contributions to class discussions throughout the year. The other two are associated with an advocacy exercise to be held in the Winter term: 15% of your final grade will be based on the written argument you will submit in that exercise, the other 15% will be based on the oral argument you will deliver. More information on the advocacy exercise will be given in the Winter term.

Accommodation

Students with Special Needs/Requests for Accommodation

Professor Dianne 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 as 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.

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;
- 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.

Plagiarism

All students in this 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 our 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

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.

Tort Law and Damage Compensation
Course Readings Fall Term, 2009
Section B/Blaikie

Page references are to *Canadian Tort Law, Cases, Notes & Materials*

1. The Nature and Function of Tort Law: 1-36
2. Accidental, Negligent and Intentional Conduct: 43-46
3. Volition and Capacity: 47-53
4. Direct v. Indirect: Notes 6-10 at 39
5. Assault: 53-61
6. Battery: 62-63
7. False Imprisonment: 75-82
8. Trespass to Land: 83-92
9. Infliction of Mental Suffering: 70-74
10. Invasion of Privacy: 97-102
11. Extent of Liability for Intentional Torts: 63-67
(*Bettel v. Yim*)
12. Proof: 40-43
13. Consent: 103-131
14. Self-Defence: 132-135
15. Defence of Property: 135-140
16. Necessity: 138-146
17. Legal Authority: 146-154
18. Private Nuisance: 586-607

