

Property in its Historical Context 2010-11

Prof. Reynolds (Section C)

(902) 494-1034; graham.reynolds@dal.ca

Class times: Fall Term

Wednesday: 10:30am-12:00pm, Room 305

Friday: 10:30am-12:00pm, Room 305

Required texts:

Casebook: Ginn, Reynolds and Woodman, *Property in its Historical Context, 2010-11 (2vols.)*
Compulsory text: Bruce Ziff, *Principles of Property Law*, 5th ed. (Toronto: Thomson/Carswell, 2010)

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:

In December, there will be a “fail-safe” examination on the first term materials. “Fail-safe” means that if you get a higher mark on your April Property exam, your April mark will be your final mark. If you do better on your December exam, the December mark will count for 30% of your final grade.

The December and April exams are both closed-book.

Computerized examination system:

Examinations will be administered using Exam4 software. Instructions for downloading the software to your laptop computers will be provided by the Associate Dean’s office in due course. The law school has a limited number of laptops that will be made available for exam purposes to

students who do not have a laptop computer. Students who wish to handwrite their exams must notify the Associate Dean's office in accordance with instructions that will be sent to all students.

Office hours:

My office hours (room 425) are 1:30-3:00pm on Wednesdays, but I am available at other times by appointment (or just drop by my office). 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.

Email communication/Online Web Learning (OWL):

During the term I may send emails out to the entire section with course or class information. These emails will be sent to students' dal.ca email address. Please read these emails! Students will be deemed to have received course information sent by email. I have also set up a classroom space on Online Web Learning (OWL), which is accessible through my.dal.ca. I'll be uploading Powerpoint slides for each class to this classroom space. I may also upload other information and resources, including the class syllabus.

Requests for Accommodation:

Students seeking special accommodation with regard to course evaluation, such as exam deferral and extensions to deadlines, should consult with Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, and before an exam is scheduled to be written or an assignment is due. Requests for special accommodation for reasons such as illness or personal circumstances will require an application to the Law School Studies Committee. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes if they require more information about the Studies Committee process. Students wishing to discuss arrangements for classroom assistance should see Professor Wildeman, the law faculty advisor to students with disabilities.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for the writing of tests, quizzes and exams should make their request to the Office of Student Accessibility & Accommodation (OSAA) prior to or at the outset of each academic term (with the exception of X/Y courses). Please see www.studentaccessibility.dal.ca for more information and to obtain Form A – Request for Accommodation. Students may also contact the Office of Student Accessibility & Accommodation directly at 494-2836, and they may contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information.

Plagiarism:

Any paper or assignment submitted by a student at Dalhousie University, Schulich School of Law 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)

Property Syllabus – Fall 2010 (Section C – Reynolds)

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Office hours (rm 425): Wed, 1:30-3pm

Date	Topic	Readings
Wed. Sept. 15	Introduction	CB = Case book CB 1-17; Ziff 1-10
Fri. Sept. 17	Private property: justifications and alternatives	CB 18-34; Ziff 10-47
Wed. Sept. 22	Classifications of property	CB 35-47; Ziff 74-78
Fri. Sept. 24	Classifications of property	CB 48-77; Ziff 47-57
Wed. Sept. 29	Information and ideas (Joint class in 105)	CB 78-95
Fri. Oct. 1	Literary and artistic property	CB 95-145
Wed. Oct. 6	Literary and artistic property	CB 146-153
Fri. Oct. 8	Personality as property	CB 154-169
Wed. Oct. 13	Personality as property	CB 169-179
Fri. Oct. 15	Review	No new readings
Wed. Oct. 20	Property Claims: Procedural Context	CB 180-199
Fri. Oct. 22	Possession	CB 199-210; Ziff 131-137
Wed. Oct. 27	Finders	CB 211-224; Ziff 148-155
Fri. Oct. 29	Finders	CB 224-241
Wed. Nov. 3	Bailment	CB 242-256; Ziff 319-333
Fri. Nov. 5	Bailment	CB 257-261

Wed. Nov. 10	Review	No new readings
Fri. Nov. 12	No class – Study Break	
Wed. Nov. 17	Transfer of personal property (Joint class in 105)	CB 262-269 and 290-291
Fri. Nov. 19	Transfer of personal property	CB 269-278
Wed. Nov. 24	Gifts	CB 279-291; Ziff 156-163
Fri. Nov. 26	Gifts	CB 292-297; Ziff 163-166
Wed. Dec. 1	Fixtures	CB 298-300; Ziff 114-120
Fri. Dec 3	Review / Discussion of Exam	No new readings

*** Joint classes (all three sessions together) will be held in room 105**