

# **Tort Law and Damage Compensation (LAWS 1006.06X/Y) 2018-2019**

## **SECTION A**

### **Professor Michael R. Hadskis**

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#### **1) Contact Information & Office Hours**

*Schulich School of Law, Office 328*

My “official” office hours will be from 3:00 p.m. to 5:00 p.m. on Tuesdays. However, you should feel free to drop by my office whenever you wish. You can also schedule a specific appointment time if you want to ensure that I will be in my office.

*School of Health Administration, Faculty of Health, Office 2A10*

*Sir Charles Tupper Medical Building (2<sup>nd</sup> Floor), 5850 College Street*

Typically, I will be at the School of Health Administration (SHA) on Tuesday mornings and the full workday on Thursdays. You are more than welcome to visit me there, with or without an appointment.

My telephone number for both of the above offices is 902-494-2534. My Dalhousie email address is [michael.hadskis@dal.ca](mailto:michael.hadskis@dal.ca).

#### **2) Class Time & Location**

##### First Term

Tuesdays, 1:30 p.m. – 2:50 p.m. (Room 305)

Fridays, 10:30 a.m. – 11:50 a.m. (Room 305)

##### Second Term

Mondays, 11:30 a.m. – 12:50 p.m. (Room 104)

Wednesdays, 9:30 a.m. – 10:50 a.m. (Room 207)

#### **3) Course Description**

The major objective of this course 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. Attention will also be given to other methods of compensating for such losses, and to the relative merits of tort law vis-à-vis these alternative schemes. Materials to be studied include cases, appropriate legislation and doctrinal writings related to the problems of tort law and damage compensation in a diverse society.

Six credit hours are given for this course. Credit can only be given for this course if X and Y are completed in consecutive terms and partial credit cannot be given for a single term.

#### 4) Course Materials & Information Conveyed During Class

The following constitute required reading for this course:

- Ernest J. Weinrib, *Tort Law: Cases and Materials*, 4<sup>th</sup> ed. (Toronto: Emond Montgomery, 2014);
- 2018-19 Torts Supplement (available on Brightspace); and
- any material distributed in class or made available on Brightspace.

Students are also responsible for all information related to the topics covered in this course that arises during class discussions and lectures, irrespective of whether this information is addressed in the required reading. Students who are absent from class should ensure that they obtain adequate information regarding the content of a missed lecture from a classmate.

#### 5) Secondary Sources

There are several tort law textbooks available in the library that you may choose to consult in order to clarify or augment your understanding of tort law. These texts are **not** required reading. **Be advised** that the authors of these textbooks are merely providing their opinions about what the law is or ought to be. Therefore, a position taken on a particular tort law case or principle in one textbook may not be consistent with the position taken on the same case or principle in another textbook. As well, there may not be complete harmony between these secondary sources and my views on the state of tort law.

Here are a few popular textbooks that can be found in our library:

A.M. Linden and B. Feldthusen, *Canadian Tort Law*, 10<sup>th</sup> ed. (Markham, ON: LexisNexis Butterworths, 2015)

L. N. Klar and C. Jeffries, *Tort Law*, 6<sup>th</sup> ed. (Toronto: Carswell, 2017)

P.H. Osborne, *The Law of Torts*, 5<sup>th</sup> ed. (Toronto: Irwin Law, 2015)

G.H.L. Fridman, *Introduction to the Canadian Law of Torts*, 3<sup>rd</sup> ed. (Markham, ON: LexisNexis, 2012)

#### 6) Teaching Method

This is a large group, lecture-style course. This said, there will be many opportunities for lively classroom discussion and debate. Students are expected to come to class having read the assigned materials and should be prepared to actively engage in class discussions.

## 7) Evaluation

The final grade you will receive for this course will be based on the following components:

### December Exam

Date/time: Friday, December 14, 2018 at 2:00 p.m.  
Grade value: 0% or 30% (see below “Note”)

### Final Exam

Date/time: Wednesday, April 10, 2019 at 2:00 p.m.  
Grade value: 70% or 100% (see below “Note”)

**Note:** If you do better on your final exam than on the mid-term exam, the mid-term does **not** count toward your final course grade. However, if you do better on the mid-term, then your final course grade is made up of 30% of your mid-term exam mark and 70% of your final exam mark.

## 8) Lecture Recording

You are **not** permitted to record lectures. The unauthorised use of any form of device to audiotape, photograph, video-record or otherwise reproduce lectures is prohibited. Students must obtain prior written consent to any such recording. Exceptions may be granted in cases of private use for reason of accommodation.

## 9) Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the 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 and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

## 10) Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

### **11) Inclusivity**

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or visit [http://www.dal.ca/campus\\_life/safety-respect.html](http://www.dal.ca/campus_life/safety-respect.html) for further information on resources and supports on campus and <http://www.dal.ca/cultureofrespect.html> for updates on university initiatives.

### **12) Academic Support**

Academic services are available at Dalhousie to coach, support, and guide students to set and meet educational goals. Visit [https://www.dal.ca/campus\\_life/academic-support/advising.html](https://www.dal.ca/campus_life/academic-support/advising.html) for additional information.

### **13) Copyright Act & Fair Dealing Guidelines**

All members of the Dalhousie University community, including students, have an obligation to comply with the requirements of the *Copyright Act*. Under this Act, express permission of the copyright owner is required before making copies or distributing works, with some exceptions. For information about the Act visit: <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>.