

# **Tort Law and Damage Compensation**

## **LAWS 1006.06**

### **Syllabus**

### **2018-2019**

Section C Small Group

Professor Cynthia L. Chewter  
Office: Room 418  
Telephone: (902) 494-1029  
E-mail: [cynthia.chewter@dal.ca](mailto:cynthia.chewter@dal.ca)

#### **Classes - Fall Term**

Tuesdays 1:30 – 2:50 p.m. in Room 309  
Thursdays 11:00 – 12:20 p.m. in Room 308

#### **Classes - Winter Term**

Tuesdays 2:00 – 3:20 p.m. in Room 308  
Thursdays 1:30 – 2:50 in Room 308

#### **Office Hours – Fall Term**

Fridays 10:30 a.m. – 12:30 p.m.  
or by app't

#### **Office Hours – Winter Term**

Mondays 3:00 – 5:00 p.m.  
Tuesdays 3:30 – 4:30 p.m.  
or by app't

---

## **1. Course Materials and Information Conveyed During Class**

The following constitute required reading for this course:

- Course Text: Ernest J. Weinrib, *Tort Law: Cases and Materials*, 4<sup>th</sup> ed. (Toronto: Emond Montgomery, 2014) – Note: Please do **not** use previous editions of this text. The fall reading list is posted on the class Brightspace site. The winter reading list will be posted before classes resume for the winter term.
- 2018-19 Torts Supplement: available on the class Brightspace site.
- Any other handouts or material posted to Brightspace or distributed in class unless otherwise noted.

Students are also responsible for all information related to the topics covered in this course that arises during class discussions and lectures, regardless of whether this information is addressed in the required reading.

## **2. Secondary Sources**

There are several good Torts textbooks available in the library that you may choose to consult in order to clarify or augment your understanding of the required readings. While

I will draw on each of these texts from time to time in class, no material from secondary sources is examinable except to the extent it is referenced in class.

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)

I have ordered a few copies each of the student editions of the Linden, Klar, and Osborne texts for the convenience of any students wishing to purchase their own copy. If the bookstore sells out, additional copies may be ordered online from the publisher. If ordering the Klar or Linden texts, specify the student edition, a paperback copy that is significantly cheaper than the regular edition.

### **3. Teaching Method**

This is a small group, seminar-style course that will be largely based on group discussion. Students are expected to come to class having read the assigned materials and must be prepared to actively engage in class discussions and exercises. A portion of the final grade is based on class participation.

### **4. Office Hours**

My fall office hours are Thursdays from 3:30 – 4:30 p.m. and Fridays 10:30 a.m. – 12:30 p.m. My winter office hours are Mondays 3:00 – 5:00 p.m. I also try to make myself available for questions and discussion immediately after class as much as possible.

I am happy to see students outside office hours as well – speak to me after class, e-mail me, or drop by my office to see if I am available. Anytime my door is open, I'm happy to chat.

### **5. Evaluation**

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

**Take-Home Problem (Fall Term)**

Description: This exercise is intended to help you prepare for your December examinations. You will receive feedback on this assignment before the start of the December exam period.

Distribution: 3:00 p.m. on Friday, October 26, 2018

Submission deadline: 9:00 a.m. on Monday, October 29, 2018

Mark value: 20% of final course grade

**Advocacy Exercise (Winter Term)**

Description: This is a moot court exercise and will be based on a written argument (a factum) and an oral argument.

Distribution: The moot problem will be distributed at 1:00 p.m. on Friday, January 18, 2019

Factum deadline: 9:00 a.m. on Monday, February 4, 2019

Oral argument: Week of February 11-15, 2019 with sign up times TBA

Mark value: Factum – 20% of final course grade  
Oral argument – 10% of final course grade

**Final Assignment (Winter Term)**

Description: This assignment will require students to demonstrate knowledge of and critical engagement with the material covered throughout the course. It may include a research component.

Distributed: 9:00 a.m. on Friday, March 22, 2019

Submission deadline: 9:00 a.m. on Friday, April 5, 2019

Mark value: 40% of final course grade

**Class Participation**

Description: Class participation will be evaluated taking into account each student's meaningful contributions to class discussions throughout the year and degree of preparedness with the course readings. Quality is encouraged over quantity.

Attendance in class will also be taken into account, but regular attendance without contribution to the class will not result in more than a bare pass for this component of the course.

Mark value: 10% of final course grade

## 6. 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.

## 7. 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.

## 8. Submission of Assignments

Students should submit assignments in the manner stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note that if hard copy is submitted, students may also be required to provide an identical electronic copy of their paper to the instructor by the due date.

Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

## **9. 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.