LAWS 2013: Judicial Remedies (3 credits)
Schulich School of Law
Winter 2017/2018

A. General Information:

Instructor: James P. Barry
Office No.: L114D (in the basement of the law library)
Office Hours: Please email to set up an appointment.
Email: jpbarry@dal.ca

Course Times: Tuesdays and Thursdays, 11:05-12:25 pm.
Course Location: Room 207, Weldon Law Building

B. Course Description

The objective of the course is to give students an understanding of the basic principles of the law applicable to private law remedies and how they are applied by the courts in their efforts to provide appropriate remedies in the wide variety of factual circumstances that give rise to claims. The course method will use case analysis supplemented with comments by the professor.

C. Course Materials

The course textbook is Jeffrey Berryman, et al., Remedies: Cases and Materials (7th edition, 2016), available in the university bookstore. As you can see from the course schedule in section G below, I will occasionally rely on cases not in the textbook. I will post these and any handouts we will be using on Brightspace at least one week before we cover them in class.

D. Evaluation

Evaluation will be by way of a three hour final exam to be written at 9:30 am on Wednesday, April 25, 2018. The exam will be partially open book. You may use only the course text book and your personal notes. No secondary sources (other text books, articles, etc.) may be used.

E. 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 Michael Deturbiude or the Director of Student Services as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require medical 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 494-2836.

F. Plagiarism

All students must read the University policies on plagiarism and academic honesty [http://academicintegrity.dal.ca/](http://academicintegrity.dal.ca/) and the Law School policy on plagiarism [http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html](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.

G. Class Schedule

Note that the readings for each class may be adjusted as we go along depending on our progress.

**Part 1: Damages: General Principles**

Tuesday, January 9        Introductory class (no readings)

Thursday, January 11      The Compensatory Principle, pp. 3-4.  
                          Remoteness: pp. 9-14.  


Thursday, January 18      Mitigation, Part 2: pp. 55-64.
                          *Southcott Estates v. Toronto Catholic School Board*, 2012 SCC 51

Tuesday, January 23      Collateral Benefits: pp. 68-81.  

                          143-151 (to the end of *Johnson*), 152-158  


Tuesday, February 6      Punitive Awards: pp. 194-207 (to the end of note 4).  
Thursday, February 8  Benefit to the Defendant, pp. 239-279

Part 2: Damages: Special Issues

                    Discretionary Benefits: pp. 313-17.


Study Break

Tuesday, February 27  Reliance Measure in Contract, pp. 330-343

Thursday, March 1    Tortiously Inducing a Losing Contract, pp. 345-361

Tuesday, March 6     Property, pp. 387-408, 413-424


Tuesday, March 15    Gender and Injury or Death, pp. 500-523.

Part 3: Equitable Remedies


Thursday, March 29   Specific Performance, Part 1: pp. 889-893
                    906-912, 932-943

Tuesday, April 3     Specific Performance, Part 2: pp. 949-956
                    966-69, 983-992.

Thursday, April 5    Discretionary Denial: pp. 1094-1103, 1110-1112, 1123-1124
                    Private Stipulation of Remedies: 1165-1167.

Tuesday, April 10    Review