

January 10, 2018

CROWN LAW – Laws 2189

SYLLABUS

Instructor: Kathleen McManus
Contact: Justice Canada
Atlantic Regional Office
Civil Litigation and Advisory Section
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Format: lecture, 2 hours per week

Credit Value: 2 credits

Aims & Objectives of Course:

Gain an understanding of the crown, both federal and provincial crown in Nova Scotia, as a legal entity in civil proceedings. This course will explore the crown as a legal entity through an examination of jurisprudence and legislation.

Topics

- 1) **Crown Immunity** – common law; statutory; non-justiciable matters
- 2) **Liability in Tort** – negligence; abuse of public office; statutory bars
- 3) **Employment Law** – crown as an employer and its liabilities
- 4) **Procedure in Civil Proceedings** – discovery; crown as a non-party; exclusion of crown documents from disclosure; limitation of actions
- 5) **Federal Court** – jurisdiction of the court; choosing the correct forum; procedure of the court
- 6) **Remedies against the Crown** – prerogative; certiorari; mandamus; injunction; declaratory; *Charter* s. 24(1)

- 7) Commercial Context** – crown as a creditor; priority of debt when crown a creditor; collection of debt

Materials

Casebook – electronically on Brightspace
Additional Reading – distributed through term

Evaluation

Final examination with option of research assignment (30% of the final grade).

Research assignment to be no more than 15 pages (footnotes inclusive) in length. The research assignment in hard copy must be given to the Professor McManus personally. It is not acceptable to leave the research assignment at the Reception Desk.

Final examination will be 3 hour exam and will be closed book.

Grading will be done pursuant to the grading information stated in the Law School Calendar.

Key Dates

February 21, 2018 – Study Break – no class

March 28, 2018 - optional minor paper due

April 5, 2018 - last day of class

April 17, 2018 - final examination

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to Associate Dean Michael Deturbide as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

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 either classroom participation or the writing of tests and exams should make their request to the Advising and Access Services Center (AASC) prior to or at the outset of the regular academic year. Please visit 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, or they may contact Associate Dean Michael Deturbide for more information.

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 <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, available online at <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.