



uOttawa

TORTS and LEGAL WRITING

CML 1207A (6 credits)
Professor H. McLeod-KILMURRAY

SYLLABUS 2009-10

Office: Fauteux Room 356
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Email: hmcleodk@uottawa.ca
Office Hours: Wednesdays 10-11 and anytime by appointment
CLASS: **FALL:** Monday 1:00-2:30 FTX 316
Wednesday 1:00-3:30 FTX 316
WINTER: Monday 12:30-3:00 FTX 102

* Please note: Legal Writing (LW) forms an integral part of this Torts small group course. In order to accommodate guest speakers, etc., these times will sometimes change, and there will be some flexibility in the use of the Torts and LW course times.

EVALUATION

Your attention is drawn to the "First Year Small Groups", "Rules for Completing Assignments" and "For students in need of learning supports" information sheets on the next page of this syllabus.

TORTS

Mid-Term Exam 25% Wednesday, Dec. 16, 2009 1:30 p.m.
Final Exam 25% Monday, April 19, 2010 9:00 a.m.

LEGAL WRITING

Case Brief	(Pass/Fail)	1 page <u>single</u> spaced	Sept. 23
Citation Exercises	(Pass/Fail)		Sept. 30
Case Synthesis	(Pass/Fail)	2 pages <u>single</u> spaced	Oct. 7
Case Comment	10%	5 pages double spaced	Oct. 21
Memorandum of Law	25%	15 pages double spaced	Nov. 18
MOOT	15% <u>total</u>		
Factum	10%	8 pages double spaced	
			<u>Appellants:</u> Feb. 22
			<u>Respondents:</u> March 1
Moot	5%	N/A	Tues. March 22

MATERIALS

Required

TORTS

- R. W. Solomon et al. *Cases and Materials on the Law of Torts* (7th Student edition) (Toronto: Thomson Carswell, 2007) ("SKM")
- *Torts: Supplementary Readings* (online) (Supp)

Legal WRITING

- Fitzgerald, *Legal Problem Solving: Reasoning, Research and Writing* (4th ed.) (Butterworths, 2007)
- McGill Law Journal *Canadian Guide to Uniform Legal Citation* (6th ed.) (Carswell, 2006)

Useful Additional References

TORTS

Casebooks

Allen LINDEN, Lewis N. KLAR, Bruce FELDTHUSEN *Canadian Tort Law: Cases, Notes and Materials* (12th ed.) (Toronto: LexisNexis Butterworths, 2004)

Textbooks

Klar *Tort Law* (3rd ed.) 2003

Fleming *The Law of Torts* (9th ed.) 1998

Fridman *Introduction to the Canadian Law of Torts* 2003; Fridman *The Law of Torts in Canada* 2002

Linden and Feldthusen *Canadian Tort Law* (8th ed.) 2006

Osborne *The Law of Torts* (Irwin Law) 2000

Rogers, ed. *Winfield and Jolowicz on Tort* (15th ed.) 1998

Weinrib, ed. *Tort Law Cases and Materials*, 2d ed. 2003

Tort Law Theory

Rodgers, Ruparelia & Bélanger-Hardy, *Critical Torts*, (2009)

S. Beaulac, S. Pitel, J. Schultz, eds. *The Joy of Torts* (Toronto: Butterworths, 2003)

Cooper-Stephenson & Gibson, eds. *Tort Theory* 1993

Owen, ed. *Philosophical Foundations of Tort Law* (1995)

Damages, Remedies and Specific Topics

Bruce *Assessment of Personal Injury Damages* (3rd ed) 1999

Feldthusen *Economic Negligence: The Recovery of Pure Economic Loss* (4th ed.) (2000)

LEGAL WRITING

Kunz, McCallum, Schmedemann *Synthesis: Legal Reading, Reasoning, and Writing in Canada* (CCH Canada, 2003) (Kunz)

Tjaden, Ted *Legal Research and Writing* (Irwin Law, 2001) (available on Quicklaw)

Kwaw *The Guide to Legal Analysis, Legal Methodology and Legal Writing* (Emond Montgomery, 1992)

KE250.K92 1992

Kerr *Legal Research: Step by Step* (Emond Montgomery, 1998) KE 250.K477 1998

Best Research Essentials <http://www.legalresearch.org/essential.html>

Garner *The Elements of Legal Style* 2d ed. (Oxford University Press, 2002)

Garner *Legal Writing in Plain English* <http://press-pubs.uchicago.edu/garner/>

Law School Generally

Hutchinson *The Law School Book: Succeeding at Law School* (2000)

Ramsey, Ali et al. *The ABC's of Law School : A Practical Guide* (2002)

First Year Small Groups in Criminal Law and Procedure and Torts

Welcome to the First Year Law program at the University of Ottawa. Each student in the program is registered in a small group of approximately 20 students for either their Torts course or their Criminal Law and Procedure course. In this small group setting, you will not only have the opportunity to study the substantive subject in greater depth and with increased access to your Professor, but you will also learn Legal Writing in a manner integrated with the substantive law that you are studying. At the same time, you will be developing legal research skills through the Law Library that you will have the opportunity to apply in the Legal Writing portion of your small group course. The teaching of Legal Writing represents 11 hours of class time over the course of both semesters, according to the schedule set by your professor. You will not receive a separate grade for legal writing; rather, your grades from your legal writing assignments will form part of your final grade for the substantive course.

Your Legal Research course will be taught separately from your small group class. It will be conducted and graded by the Law Library. As part of this course, all first year students will receive a Library Tour and will be scheduled for the following Computer Labs in the Law Library: Quick Law; Westlaw/eCarswell; and Virtual Library. All students will also receive instruction in the following topics, among others: Case Law research; Statutes; Regulations; Secondary Sources; and Internet research. Please consult the Legal Research syllabus for more details.

The University of Ottawa offers additional programs to support the first year students in acquiring legal research and writing skills. A voluntary moot will be held in the fall term. Students may participate in this opportunity to write a factum and present an oral argument before a panel of judges. Legal Writing workshops, delivered by Wendy Parkes through Student Services, will also be available to supplement the work of the small group Professors.

RULES FOR THE COMPLETION OF ASSIGNMENTS

1. All assignments must be handed in to the Secretariat (FTX 105) no later than the date and time specified in the assignment. The assignment will be stamped with the date and time received.
2. All requests for extensions, as provided in the Faculty Regulations, must be processed through the office for Academic Affairs. Neither professors nor staff at the Secretariat are authorized to accept late assignments. **Assignments handed in late without the appropriate authorization will neither be accepted nor graded.**
3. All work that is handed in must be your own. You are urged to familiarize yourself with the University Regulations on Academic Fraud, which are reproduced in the Faculty Calendar. Academic fraud will implicate the student in the University disciplinary process, which may culminate in penalties ranging from loss of credits for the course to expulsion. Academic fraud will also be reported to the Law Society of Upper Canada, which in turn may refuse admission to practice law in the province. Please consult this Faculty page: <http://www.commonlaw.uottawa.ca/en/list/academics-affairs/academic-fraud/> and the University page: <http://www.uottawa.ca/plagiarism.pdf>.
4. Unless otherwise specified in the assignment, all assignments must be typed using 12 point Times New Roman font, one inch margins, and double spacing of the lines. The individual professor will specify the page length for each assignment. Failure to comply with the length or format requirements will result in:
 - (a) rejection of the assignment in its entirety and entry of a grade of zero for the assignment;
 - (b) refusal by the professor to grade those portions of the assignment that fail to comply with the length or format requirements; or
 - (c) imposition of a grade penalty reflecting the failure to comply with the length or format requirements;as determined by the professor in his or her discretion, having regard to the nature and extent of the non-compliance.
5. All grades on assignments are provisional only and are subject to adjustment prior to or consequent upon submission of final grades to Faculty Council for approval in accordance with the Faculty Regulations. The GPA guideline for first year courses is 6.0, or B.

For students in need of learning supports

Students who require accommodations or academic support because of a physical or learning disability, or any condition that affects their ability to learn, are invited to register with **ACCESS SERVICE**:

Office: UCU 339
Telephone: 613.562.5976
TTY: 613.562.5214
E-mail: adapt@uottawa.ca
Web: www.sass.uottawa.ca/access/

Students can meet with an Access Service specialist to identify their individual needs and to discuss appropriate strategies. **All information provided to Access Services and all accommodations received remain strictly confidential.**

Deadlines to request accommodations for final exams:

Fall Semester: *before 15 November*

Winter Semester: *before 15 March*

For additional information about Access Services you may contact Jessica Simon in Student Services at jsimon@uottawa.ca or at 613.562.5800 x 8891.

COURSE OUTLINE

*** Topics and assigned readings are subject to change upon notification by professor ***

ts 1207A McLeod-KILMURRAY 2009-10

I) INTRODUCTION

- a) Introduction to the Canadian Legal System
- b) Outline of Torts and LW Course
- c) Nature and History of Tort Law SKM 1-8, 17-19
- d) Functions and purposes of Tort Law SKM 19-22

CRITICAL PERSPECTIVES

- Alternatives to Tort Law SKM 998-1006
- Theoretical approaches SKM 985-998

Realities of LITIGATION system, criticisms and alternatives

- Remedies SKM Ch 2
 - (1) Damages SKM 25-26
 - (a) Nominal SKM 27-28
 - (b) Compensatory SKM 29-31
 - (c) Aggravated SKM 32
 - (d) Punitive SKM 32-38
 - (e) Disgorgement SKM 39-42
 - (2) Injunctions

II) NEGLIGENCE

A. GENERAL CONCEPTS

- i) History - Trespass v Case SKM 5-17
- ii) Directness
- iii) Bases of Liability SKM 17-19
 - (1) Intention SKM 43-46
 - (2) Related Concepts
 - (a) Volition SKM 43-46
 - (b) Motive SKM 46
 - (i) Duress SKM 47-48
 - (ii) Provocation SKM 48-49
 - (iii) Mistake SKM 50-52
 - (iv) Accident SKM 52
 - (c) Capacity SKM 53

B. NEGLIGENCE

b) Definitions SKM Ch 9
c) History SKM 265-269
d) Purposes SKM 265-269
e) ELEMENTS SKM 268-274

i) DUTY of CARE SKM Ch 10

(1) General SKM 275

(2) Neighbour Principle
(a) *Donoghue v Stevenson* SKM 276-281
(b) Subsequent Developments SKM 282-295
 Syl Apps Supp

(3) Foreseeability
(a) Foreseeable risk SKM 295-300
(b) Foreseeable plaintiff SKM 301-308

(4) Special Duties

(a) Duties of Affirmative Action SKM Ch 11
(i) Introduction SKM 309-310
(ii) Rescue SKM 311-322
(iii) Control Others
 1. Liability for the Intoxicated SKM 323-332
 Stewart v Pettie Supp
 Childs Supp
 2. Other Duties to Control Others SKM 332
 Parental Responsibility Act Supp
(iv) Prevent Crime and Protect Others SKM 335-344
 B.M. v British Columbia Supp
 Hill Supp
(v) Gratuitous Undertakings SKM 344-350

(b) Other Duties SKM Ch 12

(i) Duties to Secondary Victims
 1. Duty Owed to Rescuers SKM 351-360
 2. The Unborn SKM 361-373
 WRONGFUL LIFE: Paxton v. Ramji (Ont. C.A.) Supp
 DUTY OF MOTHER TO UNBORN:
 - *Winnipeg Child and Family Services* Supp
 - *B.R. v L.R.* Supp
 3. Nervous Shock SKM 374-394
 Mustapha (CA) Supp
 Mustapha (SCC) Supp
(ii) Health Professional's Duty to Inform SKM 394-400
 Health Care Consent Act, 1996 Supp
(iii) Manufacturer's and Supplier's Duty to Warn SKM 400-412
(iv) Duty of Care Owed by a Barrister SKM 412-418

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ii) STANDARD of CARESKM Ch 15

- (1) Introduction SKM 483-484
- (2) "Reasonable Person" SKM 484-487
- (3) Factors SKM 487
 - (a) Probability and Severity of Harm..... SKM 488-494
 - (b) Cost of Risk Avoidance SKM 494-497
 - (c) Social Utility SKM 497-499
 - (d) Economic Analysis SKM 500-503
- (4) Special Standards of Care
 - (a) The Disabled SKM 503-510
 - (b) Children SKM 510-513
 - (c) Professionals SKM 513-519
 - Folland v Reardon* Supp
 - (d) Custom SKM 521-526
 - (e) Degrees of Negligence SKM 519-520

iii) CAUSATIONSKM Ch 16

- (1) Introduction SKM 527-528
- (2) The But-For Test
 - (a) The Test SKM 528-531
 - (b) Established Exceptions to the But-For Test..... SKM 531-532
 - (i) Multiple Negligent Defendants Rule SKM 532
 - (ii) The Learned Intermediary Rule SKM 532
 - (iii) Informed Consent SKM 532-533
 - (c) Recent Attempts to Modify the But-For Test SKM 533-534
 - (i) Material Contribution SKM 534-538
 - Hanke* Supp
 - (ii) Materially Increased Risk Test..... SKM 538-545
 - Arndt v Smith* Supp
 - B.M. v British Columbia*..... Supp
 - (iii) Proportionate Cause and Loss of Chance..... SKM 545-546
- (3) Multiple causes
 - (a) Introduction SKM 546-548
 - (b) Independently Insufficient Causes SKM 548-552
 - (c) Independently Sufficient Causes SKM 552-555
- (4) Issues in Assessing the Plaintiff's Loss SKM 555
 - (a) Successive Causes of Parallel Injury SKM 555-557
 - (b) Devaluing the Plaintiff's Loss..... SKM 557-560

iv) REMOTENESSSKM Ch 17

- (1) Introduction SKM 561-562
- (2) Directness vs foreseeability SKM 562
- (3) The Foreseeability Test SKM 562-567
- (4) Modifications to the Foreseeability test..... SKM 567
 - (a) Kind of Injury SKM 567-570
 - (b) Thin-Skulled Plaintiff Rule SKM 570-576
 - (c) Possibility of Injury SKM 576-582

(5) Intervening causes	SKM 582-594
v) DEFENCES to Negligence	SKM Ch 19
(1) Contributory negligence	SKM 647-657
(a) Apportionment	SKM 657-664
(2) Voluntary assumption of risk	SKM 665-670
(3) <i>Ex turpi Causa</i>	SKM 670-675
(4) Inevitable Accident	SKM 675-678
vi) REMEDIES	
(1) <u>DAMAGES</u>	SKM Ch 18
(a) Introduction	SKM 595-602
<i>Janiak v Ippolito</i>	Supp
(b) Personal injury	SKM 602-625
Chamallas	Supp
<i>H.L. v. Canada (A.G.)</i>	Supp
(c) Survival of Actions and Dependants' claims.....	SKM 625-637
(d) Property Loss	SKM 637-642
(e) Collateral benefits	SKM 642-646
(2) <u>INJUNCTIONS</u>	
vii) Particular categories of negligence	
(1) <u>NEGLIGENT MISREPRESENTATION</u>	SKM Ch 13
(a) Introduction	SKM 419-424
(b) Causing pure economic loss	SKM 424-434
(c) Contract	SKM 434-447
(2) <u>PURE ECONOMIC LOSS</u>	SKM CH 14
(a) Introduction	SKM 449-458
(b) Negligent Performance of a Service	SKM 458-462
(c) Negligent Supply of Shoddy Goods or Structures	SKM 462-472
(d) Relational Economic Loss	SKM 472-481
viii) <u>Tort Liability of PUBLIC AUTHORITIES</u>	SKM Ch 21
(1) Introduction	SKM 703-712
(2) Misfeasance in Public Office	SKM 725-736
<i>Odhavji Estate</i>	Supp
<i>Hill v. Hamilton-Wentworth (SCC)</i>	Supp
(3) Negligence of Public Authorities.....	SKM 713-725
<i>K.L.B. v. B.C.</i>	Supp
(4) Other Torts	SKM 736

III) INTENTIONAL TORTS

a) TRESPASS to the PERSON	.....	SKM Ch 3
i) Battery	.....	SKM 55-61
<i>Larin v Goshen</i>	.....	Supp
ii) Assault	.....	SKM 61-64
iii) False Imprisonment	.....	SKM 66-74
b) INTENTIONAL INTERFERENCE with the PERSON		
i) Malicious Prosecution	.....	SKM 75-78
ii) Abuse of Process	.....	SKM 81-82
iii) Intentional Infliction of Nervous Shock	.....	SKM 82-89
<i>Clark v Canada</i>	.....	Supp
iv) Innominate Intentional torts	.....	SKM 90-91
<i>Cant</i>	.....	Supp
v) Protection of Privacy	.....	SKM 92-101
<i>Somwar</i>	.....	Supp
<i>Caltagirone</i>	.....	Supp
vi) Breach of Confidence	.....	SKM 103-104
vii) Discrimination	.....	SKM 105-108
c) Trespass to PROPERTY		
i) <u>Trespass to Chattels</u>	.....	SKM Ch 4
(1) Introduction	.....	SKM 111-114
(2) Conversion	.....	SKM 118-133
(3) Detinue	.....	SKM 136-140
(4) Recaption & Replevin	.....	SKM 141-143
ii) <u>Trespass to LAND</u>	.....	SKM Ch 5
(1) Trespass	.....	SKM 145-153
	.....	SKM 740
(2) Trespass v Nuisance	.....	SKM 156-158
(3) Airspace and Subsoil	.....	SKM 160-162
d) NUISANCE	.....	SKM Ch 24
i) <u>Private Nuisance</u>	.....	SKM 795-813
ii) <u>Public Nuisance</u>	.....	SKM 814-820

e) DEFENCES

i) Defences re: Trespass to the Person

(1) Consent	.....	SKM Ch 6
(a) Implied	.....	SKM 167-169
(b) Exceeded	.....	SKM 170-71
(c) Competency	.....	SKM 174
(d) Factors vitiating consent	.....	SKM 174-183
(i) Fraud	.....	SKM 175-176
(ii) Mistake	.....	SKM 177
(iii) Duress	.....	SKM 178-180
(iv) Public Policy	.....	SKM 181-182
(e) Consent to medical interventions	.....	SKM 186-204
<i>Health Care Consent Act, 1996</i>	.....	Supp
<i>Brushett</i>	.....	Supp
<i>Malette</i>	.....	Supp
(f) Consent and Culture	.....	Supp
<i>Thomas v Norris</i>	.....	Supp
(2) Other defences	.....	SKM Ch 7
(a) Self-defence	.....	SKM 205-208
(b) Defence of 3 rd parties	.....	SKM 209-211
(c) Discipline	.....	SKM 211-216
(d) <i>Ex turpi causa</i>	.....	SKM 183-185
<i>Norberg v Wynrib</i>	.....	Supp

Defences re: Trespass to Chattels

(3) Defence of Real Property	.....	SKM 217-221
(4) Defence and Recapture of Chattels	.....	SKM 222-223
(5) Necessity	.....
(a) Public	.....	SKM 224-226
(b) Private	.....	SKM 227-230

CONCLUSIONS

a) Alternatives to Torts System	.....	SKM 998-1007
b) Pros and Cons of Torts System	.....	LKF Ch 18 (handout)
c) Future Challenges (handout)	.....	LKF Ch 18

METHOD of EVALUATION

Assignment	Date Assigned	Date Due	Value
Case Brief	Sept. 16	Sept. 23	pass/fail
Citation Exercises	Sept. 23	Sept. 30	pass/fail
Case Synthesis	Sept. 30	Oct. 7	pass/fail
Case Comment	Oct. 7	Oct. 21	10%
Memorandum of Law	Oct. 21	Nov. 18	25%
December Exam	Wednesday, Dec. 16, 2009 1:30 p.m.		25%
Factum	Feb. 8	Appellant Factum: Feb. 22 Respondent Factum: March 1	10%
Oral Moot	March 1	March 22	5%
Final Exam	Monday, April 19, 2010 9:00 a.m.		35%

LEGAL WRITING

Course Schedule

Date	Topic	Assignments and Readings
Wed. Sept. 16	<ul style="list-style-type: none"> • Canadian Legal System • How to read a case • How to brief a case 	Readings: Fitzgerald Ch. 4 & 10
Wed. Sept. 23	<ul style="list-style-type: none"> • The rules of Legal Citation 	Readings: McGill Guide (table of contents, Chapters 1, 2, 3 and 6)
Wed. Sept. 30	<ul style="list-style-type: none"> • Purposes of Legal Writing • How to synthesize cases 	Readings: Fitzgerald Ch. 10 (recommended: Kunz Ch. 4; Lorne Sossin "Discourse Politics: Legal research and Writing's Search for a Pedagogy of its Own" (1995) 29 New Eng. L. Rev. 883)
Wed. Oct. 7	<ul style="list-style-type: none"> • Critical Writing • How to write a Case Comment 	Readings: Fitzgerald Ch. 1, 2, 3, 12
Wed. Oct. 14	<ul style="list-style-type: none"> • Case Comments (cont'd) 	
Wed. Oct. 21	<ul style="list-style-type: none"> • Analyzing legal problems 	Readings: Kunz Ch. 8 & 9
Wed. Oct. 28	<ul style="list-style-type: none"> • Writing Legal Memoranda 	Readings: Fitzgerald Ch. 10, 11, 12; (recommended: Kunz Ch. 10, 11; Hutchinson Ch. 5, 6, 7, App. A)
Wed. Nov. 4	<ul style="list-style-type: none"> • Writing Legal Memoranda 	Readings: Kunz Ch. 12, 13
Wed. Nov. 11	<ul style="list-style-type: none"> • Writing Legal Memoranda (cont'd) 	
Wed. Nov. 18	<ul style="list-style-type: none"> • Preparing for Law School Exams 	Readings: Hutchinson Ch. 9
Wed. Dec. 2	<ul style="list-style-type: none"> • Discuss Memos 	

Wed. Feb. 3	<ul style="list-style-type: none"> • Approaches to Written Advocacy 	Kunz Ch. 16, 17, 18, 19; Hutchinson App. C
Wed. Feb. 10	<ul style="list-style-type: none"> • Tactics for Advocacy 	Eugene Meehan materials
Wed. Feb. 17	<ul style="list-style-type: none"> • Advocacy 	Discussion of Sample Facta
Wed. Feb. 24	<ul style="list-style-type: none"> • Approaches to Oral Advocacy 	Hutchinson Ch. 8
Wed. Mar. 3	<ul style="list-style-type: none"> • Approaches to Oral Advocacy 	Discussion of <i>Childs</i> and <i>Mustapha</i> oral argument
Wed. Mar. 10	<ul style="list-style-type: none"> • Approaches to Oral Advocacy 	
Wed. Mar. 17		
Wed. Mar. 24		Discuss Moot

SCHEDULE

Fall 2009

** These dates are approximate and are subject to change upon notification by professor**

	DATE	TOPIC	ASSIGNMENT
1	Wed. Sept. 9	TORTS: Introduction (a) – (e) (see Syllabus for readings)	
2	Mon. Sept. 14	LW: Introduction, Outline TORTS: <ul style="list-style-type: none"> • Intro cont'd • Theoretical approaches 	
3	Wed. Sept. 16	TORTS: <ul style="list-style-type: none"> • History: Trespass v Case • Directness • Bases of Liability <ul style="list-style-type: none"> • Intention • Related Concepts – Volition and Motive • Capacity 	
4	Mon. Sept. 21	LW: TORTS: REMEDIES <ul style="list-style-type: none"> • Damages • Injunctions 	
5	Wed. Sept 23	TORTS: Introduction to NEGLIGENCE	<i>The Paisley Snail</i>
6	Mon. Sept. 28	LW: TORTS: DUTY of CARE <ul style="list-style-type: none"> • General • Neighbour Principle • Foreseeability 	
7	Wed. Sept. 30	DUTY OF CARE <ul style="list-style-type: none"> • Special Duties • Duties of Affirmative Action • Special Duties • Other Duties 	

8	Mon. Oct. 5	<u>LW:</u> Approaches to Legal Analysis <hr/> TORTS: Wrap up Duty of Care	
9	Wed. Oct. 7	STANDARD of CARE <ul style="list-style-type: none"> • Introduction • "Reasonable Person" • Special Standards: <ul style="list-style-type: none"> • Disabilities • Children 	
	Mon. Oct. 12	THANKSGIVING - no class	
11	Wed. Oct. 14	TORTS: STANDARD of CARE <ul style="list-style-type: none"> • Professionals • Custom DEAN's class visit 2:30-3:30	
12	Mon. Oct. 19	<u>LW:</u> Approaches to Memo Writing <hr/> TORTS: CAUSATION <ul style="list-style-type: none"> • Cause-in-Fact • Multiple Causes 	
13	Wed. Oct. 21	TORTS: GUEST LECTURE: Prof Lynda Collins - TOXIC TORTS **Attendance MANDATORY (material is examinable)**	
14	Mon. Oct. 26	SPECIAL GUEST SPEAKER: Peter Cronyn: "The Practice of Negligence Law" Ftx 147 & 147A 11:30-1 ** Attendance MANDATORY (material is examinable)**	
15	Tuesday Oct 27 th ,	SPECIAL GUEST SPEAKER: Jane Doe 2:30-4:00 pm Marion Hall: large lecture hall ** Attendance MANDATORY (material is examinable)**	

	Wed. Oct. 28	<u>CLASS CANCELED (replaced by Jane Doe lecture)</u>	
16	Mon. Nov. 2	<u>TORTS:</u> Causation (cont'd)	
17	Wed. Nov. 4	<u>TORTS:</u> Causation (cont'd)	
18	Mon. Nov. 9	<u>TORTS:</u> Remoteness	
19	Wed. Nov. 11	<u>TORTS:</u> Remoteness (cont'd)	
20	Mon. Nov. 16	<u>TORTS:</u> DEFENCES Consent: <ul style="list-style-type: none"> • Implied • Exceeded • Competency • Factors Vitiating Consent 	
21	Wed. Nov. 18	<u>TORTS:</u> OTHER DEFENCES	
22	Mon. Nov. 23	<u>TORTS:</u> Other Defences	
23	Wed. Nov. 25	<u>TORTS:</u> Tort Liability of Public Authorities	
24	Mon. Nov. 30	<u>SPECIAL GUEST LECTURE</u> Dean Feldthusen – PURE ECONOMIC LOSS Ftx: 147-147A 11:30-1 (no class 1-2:30) **Attendance MANDATORY (material is examinable)**	
25	Wed. Dec. 2	<u>LW:</u> Writing Law School Exams	
26	Mon. Dec. 7	<u>TORTS:</u> CATCH-UP PRACTICE EXAMS	

SCHEDULE WINTER 2010

**** These dates are approximate and are subject to change upon notification by professor****

DATE	TOPIC	ASSIGNMENT
Mon. Feb. 1	Introduction to INTENTIONAL TORTS TRESPASS to the PERSON <ul style="list-style-type: none"> • Battery • Assault 	DISCUSS EXAM Assign Moot and Factum
Mon. Feb. 8	TRESPASS to the PERSON (cont'd) <ul style="list-style-type: none"> • False Imprisonment • Intentional Infliction of Nervous Shock EXERCISES	
Mon. Feb 15 FAMILY DAY	INTENTIONAL INTERFERENCE with the Person <ul style="list-style-type: none"> • Malicious Prosecution • Abuse of Process 	
Mon. Feb. 22	Innominate Intentional Torts <ul style="list-style-type: none"> • Privacy • Discrimination • Environmental Racism Wrap up of Trespass to the Person	** Appellant Facta DUE
Mon. Mar. 1	TRESPASS to PROPERTY <ul style="list-style-type: none"> • Trespass to Chattels • Trespass to Land 	** Respondent Facta DUE
Mon. Mar. 8	Nuisance Strict Liability Product Liability	
Mon. Mar. 15	Defences to Trespass to Chattels and Land	
Mon. Mar. 22		** MOOT **
Mon. Mar. 29	REMEDIES	Discuss Facta and Moot
Mon. Apr. 5	<u>NO CLASS – Easter Monday</u>	
Mon. Apr. 12	Alternatives to Tort System Critiques of Negligence <u>Summary and Review</u> PRACTICE EXAMS	