TORTS and LEGAL WRITING
CML 1207A (6 credits)
Professor H. McLeod-KILMURRAY

SYLLABUS 2009-10

Office:   Fauteux Room 356
Telephone:  562-5800  X3138
Email:   hmcleodk@uottawa.ca
Office Hours: Wednesdays 10-11 and anytime by appointment

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

MATERIALS

Required

TORTS
• 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

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 Feldthuseh 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)
Cooper-Stephenson & Gibson, eds. Tort Theory 1993

Damages, Remedies and Specific Topics
Bruce Assessment of Personal Injury Damages (3rd ed) 1999

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
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
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 *
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  

b) History  

d) Purposes  

e) ELEMENTS

i) DUTY OF CARE

(1) General

(2) Neighbour Principle
   a) Donoghue v Stevenson  
   b) Subsequent Developments

Syl Apps

(3) Foreseeability
   a) Foreseeable risk  
   b) Foreseeable plaintiff

(4) Special Duties
   a) Duties of Affirmative Action
      i) Introduction  
      ii) Rescue  
      (iii) Control Others
         1. Liability for the Intoxicated
         2. Other Duties to Control Others
   b) Other Duties
      i) Duties to Secondary Victims
         1. Duty Owed to Rescuers  
         2. The Unborn
            WRONGFUL LIFE: Paxton v. Ramji (Ont. C.A.)

DUTY OF MOTHER TO UNBORN:
   Winnipeg Child and Family Services
   B.R. v L.R.
   Mustapha (CA)
   Mustapha (SCC)
   3. Nervous Shock

   Health Professional’s Duty to Inform
   Health Care Consent Act, 1996
   Manufacturer’s and Supplier’s Duty to Warn
   Duty of Care Owed by a Barrister

ts 1207A McLeod-KILMURRAY 2009-10
ii) **STANDARD of CARE** ........................................................................................................ SKM 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) **CAUSATION** .................................................................................................................. SKM Ch 16

(1) Introduction  ................................................................................................................... SKM 527-528
(2) The But-For Test  .......................................................................................................... SKM 528-531
   (a) The Test ................................................................................................................. SKM 532
      (i) Multiple Negligent Defendants Rule ............................................................. SKM 532
      (ii) The Learned Intermediary Rule .................................................................... SKM 532
      (iii) Informed Consent .......................................................................................... SKM 532-533
   (b) Established Exceptions to the But-For Test .................................................. SKM 531-532
      (i) Material Contribution .................................................................................... SKM 534-538
      (ii) Mannerly Increased Risk Test ....................................................................... SKM 538-545
          *Hanke v Smith* ................................................................................................. Supp
      (iii) Proportionate Cause and Loss of Chance ................................................. SKM 545-546
      (iv) Kind of Injury ................................................................................................. SKM 567-570
   (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) **REMTENESS** .................................................................................................................. SKM 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) Ex turpi Causa ......................................................................................................................... SKM 670-675
(4) Inevitable Accident .................................................................................................................. SKM 675-678

vi) REMEDIES

(1) DAMAGES ............................................................................................................................... SKM Ch 18
   (a) Introduction .......................................................................................................................... SKM 595-602
   (b) Janiak v Ippolito .................................................................................................................. Supp
   (c) Chamallas ............................................................................................................................. Supp
   (d) H.L. v. Canada (A.G.) .......................................................................................................... Supp
   (c) Survival of Actions and Dependants’ claims ......................................................................... SKM 625-637
   (d) Property Loss ......................................................................................................................... SKM 637-642
   (e) Collateral benefits .................................................................................................................. SKM 642-646

(2) INJUNCTIONS

vii) Particular categories of negligence

(1) NEGLIGENT MISREPRESENTATION ..................................................................................... SKM Ch 13
   (a) Introduction .......................................................................................................................... SKM 419-424
   (b) Causing pure economic loss ............................................................................................... SKM 424-434
   (c) Contract .............................................................................................................................. SKM 434-447

(2) PURE ECONOMIC LOSS ....................................................................................................... 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) Tort Liability of PUBLIC AUTHORITIES ........................................................................... SKM Ch 21

(1) Introduction ........................................................................................................................... SKM 703-712
(2) Misfeasance in Public Office ................................................................................................. SKM 725-736
   Odhavji Estate .......................................................................................................................... Supp
   Hill v. Hamilton-Wentworth (SCC) .......................................................................................... Supp
(3) Negligence of Public Authorities .......................................................................................... SKM 713-725
   K.L.B. v. B.C. ............................................................................................................................ Supp
(4) Other Torts ............................................................................................................................... SKM 736
III) INTENTIONAL TORTS

a) TRESPASS to the PERSON

   i) Battery
      - SKM 55-61
      * Larin v Goshen - 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
      * Clark v Canada - Supp
   iv) Innominate Intentional torts
      - SKM 90-91
      * Cant - Supp
   v) Protection of Privacy
      - SKM 92-101
      * Somwar - Supp
      * Caltagirone - Supp
   vi) Breach of Confidence
      - SKM 103-104
   vii) Discrimination
      - SKM 105-108

c) Trespass to PROPERTY

   i) Trespass to Chattels
      - 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) Trespass to LAND
      - SKM Ch 5
      (1) Trespass
         - SKM 145-153
      (2) Trespass v Nuisance
         - SKM 156-158
      (3) Airspace and Subsoil
         - SKM 160-162

d) NUISANCE

   i) Private Nuisance
      - SKM 795-813
   ii) Public Nuisance
      - SKM 814-820
e) DEFENCES

i) Defences re: Trespass to the Person

1) Consent
   (a) Implied
   (b) Exceeded
   (c) Competency
   (d) Factors vitiating consent
      (i) Fraud
      (ii) Mistake
      (iii) Duress
      (iv) Public Policy
   (e) Consent to medical interventions

Health Care Consent Act, 1996
Brushett
Malette

2) Other defences
   (a) Self-defence
   (b) Defence of 3rd parties
   (c) Discipline
   (d) Ex turpi causa

Norberg v Wynrib

Defences re: Trespass to Chattels

3) Defence of Real Property
4) Defence and Recapture of Chattels
5) Necessity
   (a) Public
   (b) Private

CONCLUSIONS

a) Alternatives to Torts System
b) Pros and Cons of Torts System
   LKF Ch 18 (handout)
c) Future Challenges
   (handout)
## METHOD of EVALUATION

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Date Assigned</th>
<th>Date Due</th>
<th>Value</th>
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<tr>
<td>Case Brief</td>
<td>Sept. 16</td>
<td>Sept. 23</td>
<td>pass/fail</td>
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<tr>
<td>Citation Exercises</td>
<td>Sept. 23</td>
<td>Sept. 30</td>
<td>pass/fail</td>
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<tr>
<td>Case Synthesis</td>
<td>Sept. 30</td>
<td>Oct. 7</td>
<td>pass/fail</td>
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<td>Case Comment</td>
<td>Oct. 7</td>
<td>Oct. 21</td>
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<tr>
<td>Memorandum of Law</td>
<td>Oct. 21</td>
<td>Nov. 18</td>
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<td>December Exam</td>
<td>Wednesday, Dec. 16, 2009  1:30 p.m.</td>
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<td>Factum</td>
<td>Feb. 8</td>
<td>Appellant Factum: Feb. 22 Respondent Factum: March 1</td>
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<td>March 1</td>
<td>March 22</td>
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<tr>
<td>Final Exam</td>
<td>Monday, April 19, 2010  9:00 a.m.</td>
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## LEGAL WRITING

### Course Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Assignments and Readings</th>
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<tbody>
<tr>
<td>Wed. Sept. 16</td>
<td>• Canadian Legal System</td>
<td>Readings: Fitzgerald Ch. 4 &amp; 10</td>
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<tr>
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<td>• How to read a case</td>
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<td>• How to brief a case</td>
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<tr>
<td>Wed. Sept. 23</td>
<td>• The rules of Legal Citation</td>
<td>Readings: McGill Guide (table of contents, Chapters 1, 2, 3 and 6)</td>
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<tr>
<td>Wed. Sept. 30</td>
<td>• Purposes of Legal Writing</td>
<td>Readings: Fitzgerald Ch. 10 (recommended: Kunz Ch. 4; Lorne Sossin</td>
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<td>• How to synthesize cases</td>
<td>“Discourse Politics: Legal research and Writing’s Search for a Pedagogy of its Own” (1995) 29 New Eng. L. Rev. 883)</td>
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<td>Wed. Oct. 7</td>
<td>• Critical Writing</td>
<td>Readings: Fitzgerald Ch. 1, 2, 3, 12</td>
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<td>• How to write a Case Comment</td>
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<td>Wed. Oct. 14</td>
<td>• Case Comments (cont’d)</td>
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<td>Wed. Oct. 21</td>
<td>• Analyzing legal problems</td>
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<td>Wed. Oct. 28</td>
<td>• Writing Legal Memoranda</td>
<td>Readings: Fitzgerald Ch. 10, 11, 12 (recommended: Kunz Ch. 10, 11; Hutchinson Ch. 5, 6, 7, App. A)</td>
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<td>Wed. Nov. 4</td>
<td>• Writing Legal Memoranda</td>
<td>Readings: Kunz Ch. 12, 13</td>
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<td>Wed. Nov. 11</td>
<td>• Writing Legal Memoranda (cont’d)</td>
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<td>Wed. Nov. 18</td>
<td>• Preparing for Law School Exams</td>
<td>Readings: Hutchinson Ch. 9</td>
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<td>Wed. Dec. 2</td>
<td>• Discuss Memos</td>
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<td>Wed. Feb. 3</td>
<td>• Approaches to Written Advocacy</td>
<td>Kunz Ch. 16, 17, 18, 19; Hutchinson App. C</td>
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<td>Wed. Feb. 10</td>
<td>• Tactics for Advocacy</td>
<td>Eugene Meehan materials</td>
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<td>Wed. Feb. 17</td>
<td>• Advocacy</td>
<td>Discussion of Sample Facta</td>
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<td>Wed. Feb. 24</td>
<td>• Approaches to Oral Advocacy</td>
<td>Hutchinson Ch. 8</td>
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<td>Wed. Mar. 3</td>
<td>• Approaches to Oral Advocacy</td>
<td>Discussion of Childs and Mustapha oral argument</td>
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# SCHEDULE
**Fall 2009**

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

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<tr>
<th>DATE</th>
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<tr>
<td>Wed. Sept. 9</td>
<td><strong>TORTS:</strong> Introduction (a) – (e) (see Syllabus for readings)</td>
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<td>Mon. Sept. 14</td>
<td><strong>LW:</strong> Introduction, Outline</td>
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<td>Wed. Sept. 16</td>
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<td>• Related Concepts – Volition and Motive</td>
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<td>Mon. Sept. 21</td>
<td><strong>LW:</strong></td>
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<td><strong>TORTS:</strong> REMEDIES</td>
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<td>Wed. Sept. 23</td>
<td><strong>TORTS:</strong> Introduction to NEGLIGENCE</td>
<td>The Paisley Snail</td>
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<td>Mon. Sept. 28</td>
<td><strong>LW:</strong></td>
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<td><strong>TORTS:</strong> DUTY of CARE</td>
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<td>• General</td>
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<td>• Special Duties</td>
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<tr>
<td>Mon. Oct. 5</td>
<td><strong>LW:</strong> Approaches to Legal Analysis</td>
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<td><strong>TORTS:</strong> Wrap up Duty of Care</td>
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<td>Wed. Oct. 7</td>
<td><strong>STANDARD of CARE</strong></td>
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<td></td>
<td><strong>Introduction</strong></td>
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<td><strong>&quot;Reasonable Person&quot;</strong></td>
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<td><strong>Special Standards:</strong></td>
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<td>• Disabilities</td>
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<td></td>
<td>• Children</td>
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<td>Mon. Oct. 12</td>
<td><strong>THANKSGIVING – no class</strong></td>
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<td>Wed. Oct. 14</td>
<td><strong>TORTS:</strong> STANDARD of CARE</td>
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<td>• Professionals</td>
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<td>• Custom</td>
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<td><strong>DEAN’s class visit 2:30-3:30</strong></td>
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<td>Mon. Oct. 19</td>
<td><strong>LW:</strong> Approaches to Memo Writing</td>
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<td><strong>TORTS:</strong> CAUSATION</td>
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<td>• Cause-in-Fact</td>
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<td>• Multiple Causes</td>
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<td>Wed. Oct. 21</td>
<td><strong>TORTS:</strong> GUEST LECTURE: Prof Lynda Collins – TOXIC TORTS</td>
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<tr>
<td>Mon. Oct. 26</td>
<td><strong>SPECIAL GUEST SPEAKER: Peter Cronyn:</strong> &quot;The Practice of Negligence Law&quot;</td>
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<td>Ftx 147 &amp; 147A</td>
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<td>11:30-1</td>
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<td>Tuesday Oct 27th</td>
<td><strong>SPECIAL GUEST SPEAKER: Jane Doe</strong></td>
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<td>2:30-4:00 pm</td>
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<td>Marion Hall: large lecture hall</td>
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<tr>
<td>Wed. Oct. 28</td>
<td><strong>CLASS CANCELLED (replaced by Jane Doe lecture)</strong></td>
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<tr>
<td>16 Mon. Nov. 2</td>
<td><strong>TORTS</strong>: Causation (cont’d)</td>
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<td>17 Wed. Nov. 4</td>
<td><strong>TORTS</strong>: Causation (cont’d)</td>
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<td>18 Mon. Nov. 9</td>
<td><strong>TORTS</strong>: Remoteness</td>
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<tr>
<td>19 Wed. Nov. 11</td>
<td><strong>TORTS</strong>: Remoteness (cont’d)</td>
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</table>
| 20 Mon. Nov. 16 | **TORTS**: DEFENCES  
|                | Consent:  
|                | • Implied  
|                | • Exceeded  
|                | • Competency  
|                | • Factors Vitiating Consent |
| 21 Wed. Nov. 18 | **TORTS**: OTHER DEFENCES |
| 22 Mon. Nov. 23 | **TORTS**: Other Defences |
| 23 Wed. Nov. 25 | **TORTS**: Tort Liability of Public Authorities |
| 24 Mon. Nov. 30 | **SPECIAL GUEST LECTURE**  
|                | Dean Feldhusen –  
|                | PURE ECONOMIC LOSS  
|                | Pbc: 147-147A  **11:30-1**  
|                | (no class 1-2:30)  
|                | **Attendance MANDATORY**  
|                | (material is examinable)** |
| 25 Wed. Dec. 2 | **LAW**: Writing Law School Exams  
|                | **TORTS**: CATCH-UP |
| 26 Mon. Dec. 7 | **PRACTICE EXAMS** |
** SCHEDULE  
WINTER 2010  

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

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<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>ASSIGNMENT</th>
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<tr>
<td>Mon. Feb. 1</td>
<td>Introduction to INTENTIONAL TORTS</td>
<td>DISCUSS EXAM</td>
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<tr>
<td></td>
<td>TRESPASS to the PERSON</td>
<td>Assign Moot and Factum</td>
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<tr>
<td></td>
<td>• Battery</td>
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<td>• Assault</td>
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<td>Mon. Feb. 8</td>
<td>TRESPASS to the PERSON (cont’d)</td>
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<td></td>
<td>• False Imprisonment</td>
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<td>• Intentional Infliction of Nervous Shock</td>
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<td>EXERCISES</td>
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<td>Mon. Feb. 15</td>
<td>FAMILY DAY</td>
<td>INTENTIONAL INTERFERENCE with the Person</td>
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<td>• Malicious Prosecution</td>
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<td>• Abuse of Process</td>
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<td>Mon. Feb. 22</td>
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<td>Innominate Intentional Torts</td>
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<td>• Privacy</td>
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<td>• Discrimination</td>
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<td>• Environmental Racism</td>
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<td>Wrap up of Trespass to the Person</td>
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<tr>
<td>Mon. Mar. 1</td>
<td>TRESPASS to PROPERTY</td>
<td>** MOOT **</td>
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<td>• Trespass to Chattels</td>
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<td>• Trespass to Land</td>
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<tr>
<td>Mon. Mar. 8</td>
<td>Nuisance</td>
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<td>Strict Liability</td>
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<td>Mon. Mar. 15</td>
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<td>Defences to Trespass to Chattels and Land</td>
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<td>** MOOT **</td>
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<td>Mon. Apr. 5</td>
<td>NO CLASS – Easter Monday</td>
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<td>Alternatives to Tort System</td>
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<td>Critiques of Negligence</td>
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<td>Summary and Review</td>
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