

Debtor and Creditor Relations - Law 312

Course Description – Spring 2012

Professor: Freya Kodar

Office: Fraser Building, Room 229 (telephone: 721-8190; e-mail: fkodar@uvic.ca)

Course Information

Times: Monday and Wednesday, 1:30 – 3:00 p.m.

Location: Room 142

Unit Value: 1.5 Credits

Course Website: The course Moodle site can be accessed at <http://moodle.uvic.ca/>

Course Description and Objectives

This course examines the remedies available to the unsecured creditor for the collection of debts, and the protections afforded to debtors. It looks at prejudgment remedies, the garnishment of wages and other debts, execution against real and personal property, fraudulent conveyances and fraudulent preferences. The regulation of collection agencies and credit companies is also canvassed, as is consumer bankruptcy and insolvency.

This course aims to:

- provide you with an understanding, in general terms, of the remedies available to the unsecured creditor and the protections available to debtors;
- enable you to identify legal issues in debtor and creditor problems and to work with both substantive law and policy considerations in resolving them; and
- provide you with an opportunity to examine and discuss law reform and policy debates in the area.

Administrative Details

a. Office Hours

I have an open door policy.

b. E-mail

Please check your email account regularly for any notices from me about class cancellations, reading assignments, paper deadlines or other matters.

Please feel free to e-mail me to make an appointment or ask general questions. **Please be advised that I do not answer substantive questions by e-mail.** If you have a substantive question, please see me after class or come by my office to speak with me.

c. Taping

As a general rule I do not permit lectures to be taped. I do make exceptions. If you would like to tape a lecture please speak to me beforehand.

Required Course Materials

The required course materials consist of a statutory supplement available from the Course Distribution Centre, articles, cases and reports available through the course website, materials distributed in class, and materials on reserve in the Diana M. Priestly Law Library.

Time limitations will inevitably prohibit us from having a detailed discussion about every case, legislative provision and idea in the assigned materials. Students are nevertheless expected to be familiar with all of the assigned readings.

Faculty Reading Guidelines

Law faculty guidelines for reading assignments stipulate up to 20 pages per classroom hour for material requiring analysis and 40 pages per classroom hour for background material.

Teaching Methodology

This course will be taught through a combination of lectures, small group work, and discussion sessions. Students may be asked to prepare discussion questions for distribution in advance of class.

It is my expectation that students will (i) have read and thought about the assigned materials before coming to class; and (ii) be able to identify and discuss relevant legal and policy issues raised by the readings.

Classroom Environment

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions and group work. We have both an ethical and legal obligation to support this kind of environment.

For your reference, you may wish to consult the University's Discrimination and Harassment Policy: http://www.uvic.ca/shared/shared_usecdocs/policies/GV0205_1150_.pdf. The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. I expect all aspects of this class to be conducted with this commitment firmly in mind. If you have any concerns about the climate of the class, please feel free to contact the Associate Dean or me.

Scented Products

Scented products aggravate health problems for some people, especially those with asthma, allergies and other medical conditions. In the interests of maintaining a healthy classroom environment please refrain from wearing scented products such as perfume, cologne, hairspray, lotions and creams in class.

Evaluation

Your final grade will be based on the following:

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|----|---------------------------------------|-----------------------------|
| 1) | Essay Assignment (due March 26, 2012) | 1/3 Final Examination Grade |
| 2) | Final Examination (April 12, 2012) | 2/3 Final Examination Grade |
| 3) | 2 Collective Note-taking Submissions | 5 marks |

(1) *Essay Assignment: Due by 10:00 a.m. on Monday March 26, 2012*

The 4-5 page essay assignment will require you to reflect on the materials and ideas discussed in class. It will be distributed in class on Monday March 12, 2012.

(2) *Final Examination: Thursday April 12, 2012 (9:00 to 11:00 a.m.)*

The examination will be two hours and include short answer, and fact pattern questions. The examination will be an in-class, qualified open-book examination. "Qualified open-book" means you can bring your notes, summary/outline, and the required course materials into the examination room.

(3) *Collective Note-Taking: 5 marks (2.5 marks for each submission)*

You and at least one other class member will be responsible for providing collectively produced notes on what goes on in a class. The collective notes must be no longer than **two (2) page, and are due seven (7) days after the class in question.** They can be handwritten or typed. If they are typed, the pages must have 1" margins and the font must be 12 point Times New Roman.

The collective notes will be posted on the course website so that the rest of the class can access them. This will give everyone access to a collectively produced set of "notes" from the course.

The schedule will be posted on the course website after the course drop/add period.

Collective notes will receive a failing grade if they are longer than two (2) pages, or they are not submitted within 7 days of the class in question.

You will receive either 2.5 marks or no marks for each collective note-taking submission.

Accommodations

If you would like to discuss classroom, assignment or exam accommodation necessitated by a permanent or temporary disability, or for other reasons, please see Associate Dean Heather Raven as soon as possible.

Grading

The following breakdown of letters and percentages is the one that the University of Victoria Faculty of Law uses to determine course grades:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

Regulations

- A. **Academic integrity is expected of all participants in the University Community. It is a serious academic offence to engage in plagiarism or other forms of academic dishonesty or to assist others in doing so.** You should familiarize yourself with the University's Policy on Academic Integrity, which is set out in the University of Victoria Undergraduate Calendar 2011-12 ("University Calendar"). The policy is available on-line at:
<http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/PoAcI.html>

“Plagiarism

A student commits plagiarism when he or she:

- *submits the work of another person as original work*
- *gives inadequate attribution to an author or creator whose work is incorporated into the student's work, including failing to indicate clearly (through accepted practices within the discipline, such as footnotes, internal references and the crediting of all verbatim passages through indentations of longer passages or the use of quotation marks) the inclusion of another individual's work*
- *paraphrases material from a source without sufficient acknowledgement as described above*

Students who are in doubt as to what constitutes plagiarism in a particular instance should consult their course instructor.

The University reserves the right to use plagiarism detection software programs to detect plagiarism in essays, term papers and other assignments.”

- B. The Undergraduate Academic Regulations (2011-2012) of the University Calendar set out the University's expectations about attendance, assignments and examinations. These are available on-line at:
<http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/index.html>