

LAW 318: REMEDIES FALL 2010 (2.0 Units)

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Class Time and Location: Monday & Wednesday, 8:30 – 10:30 a.m. Room 158

Course materials, outlines and announcements will be posted on Moodle: <https://moodle.uvic.ca/login/index.php>

COURSE DESCRIPTION AND OBJECTIVES

This course provides a context for understanding the interaction between substantive areas of private law: torts, property and contract, and what may be achieved through the litigation process. The focus is on remedial selection and creative ways for meeting client needs. The major educational goals for this course include:

- Introducing students to a wide variety of remedies available for the protection of legal interests (both common law and equitable remedies).
- Explore the method of remedial choice, emphasizing factors that influence various choices.
- Explore principles governing the assessment of damages and the rationale – What is actually included in a particular remedy and why.
- How remedies inform and give meaning to legal rights.
- Consider public policy considerations that influence courts' choice of remedies.

TEACHING METHODOLOGY

This is principally a lecture course. There will also be class discussions. There is no mark for class participation. However, students are strongly encouraged to participate in class discussions. Directions for class discussions will be contained in lesson plans to be posted on Moodle prior to each class.

REQUIRED TEXTS

- Berryman et al, *Remedies Cases and Materials* (5th Edition, 2006)
- Cassels & Adjin-Tettey, *Remedies: The Law of Damages*, 2nd ed. (2008)

ADDITIONAL RESOURCES

Students may wish to consult the following texts from time to time. They are all available on reserve in the Priestly Law Library.

- Waddams, *The Law of Damages* (1991 -) (looseleaf)
- Sharpe, *Injunctions and Specific Performance* (1998) (Looseleaf)
- Berryman, *The Law of Equitable Remedies* (2000)

Edited versions of cases not in the casebook will be available on Moodle.

Other materials including cases not listed in the syllabus may be mentioned in lesson plans and/or in class [Instructor will provide summaries of relevant materials]. These materials are examinable.

EVALUATION

Students may choose one of the options outlined below:

Option A:

1. Short research paper or case comment worth 30 per cent of the final grade
 - a. Students will choose their own topic or case in consultation with the instructor.
 - b. Papers should be at least 10 pages long and should not exceed 15 pages
 - c. Detailed instructions for the paper will be provided at a later date
 - d. Paper outline and working bibliography due by February 22, 2010.
 - e. Final papers due by April 9, 2010 at 4:30 p.m.

2. Final examination: Final Examination (open book) worth 70 per cent of the final grade

Students who choose this option must inform me of their decision by February 1, 2010.

Depending on the number of students who choose Option A and whether their anonymity can be protected, they may write a shorter final examination compared to those who choose Option B.

Or

Option B

Final Examination (open book) worth 100 per cent of the final grade

The Calculation of Grades

The Law Faculty uses the following marking scheme to determine your final letter grade. The “verbal description” column reflects a rough consensus among faculty members concerning assessing student performance. I adopt this description in my grading for this course:

Numerical %	Grade Point Value	Letter Grade	Verbal Description:
90+	9	A+	Truly Exceptional
85-89	8	A	Excellent/Outstanding
80-84	7	A-	Excellent
75-79	6	B+	Very Good
70-74	5	B	Good
65-69	4	B-	Average/Competent
60-64	3	C+	Fair
55-59	2	C	Poor
50-54	1	D	Unsatisfactory (Marginal Pass)
49>	0	F (Failing Grade)	Totally Unsatisfactory

Classroom Climate

An inclusive, respectful, supportive and diverse classroom environment is crucial for the success of this course. To ensure that all class members feel welcomed and equally comfortable to contribute to class discussions, we (instructor and students) must endeavor to be respectful in our communications, and in particular, pay attention to our language, examples, and the ways in which we conduct ourselves in class. We have both an ethical and legal responsibility to support a positive and safe learning environment. For further information about university policies, please consult the University’s Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html>). Should you have any concerns about the climate of the class or any other matter, do not hesitate to contact me or the Associate Dean, Academic and Student Relations.

Academic Integrity

Academic integrity is very important in the work of faculty and students. Please consult the University Calendar (<http://web.uvic.ca/calendar2006/FACS/UnIn/UARe/PoAcl.html>) for policies regarding paraphrasing, plagiarism, cheating, and multiple submissions of work. Do not hesitate to contact me if you have any concerns or questions, or require clarification.

Students with a Disability

The University has support systems and resources in place for students living with disabilities. There are also various forms of accommodation that can be arranged to meet individual needs of students. For further information or if you wish to access any of the support systems and resources and/or seek accommodation, contact the Associate Dean, Academic and Student Relations or the Resource Centre for Students with a Disability (<http://rcsd.uvic.ca/home.ihtml>).

Accommodation of Religious Observances

The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for students who are unable to participate in a class or an aspect of the course due to a religious holiday. If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday, please speak with me or the Associate Dean, Academic and Student Relations.