

## ADVANCED TOPICS IN PRIVATE LAW: TAKE-HOME TEST

### JURI 4816

You have to answer ALL 5 questions. For the scenarios, you will need to provide the applicable rule. If it is a negligent tort, you will need to think what the standard of care is and include it. For intentional torts, you will have to use the rules that we discussed in class (and the class notes and slides). All scenarios take place in Sault Ste. Marie, Ontario. Make sure that you don't make up or infer facts from the case. If there is not enough information about a fact in the case, say so. Use the suggested **chart to analyze the scenarios** as discussed in class (and the class notes and slides). This take-home exam evaluates your ability to apply the theories, methods, and principles that we discussed. Thus, **you have to apply the law as we discussed in class**, even if that is a simplification of the existing Canadian law. For example, if we discussed a certain rule with no exceptions, then you have to apply that rule as seen in class, even if there is an exception to that rule in Canada.

For the other questions, you are also strongly encouraged to use the suggested format included on the course website. If you do not follow the suggested format and answer in essay format, please make sure that you **precede every argument or idea by its corresponding heading**. In all your answers, you must refer only to sources (topics, theories, elements, examples, readings, cases, etc.) that we discussed in class (or that are in the class notes and slides if you missed class). **No outside sources may be referred to or included in your answers**. You are not permitted to consult with anyone about this test. Please note that everything we discussed during the live sessions is included in the notes and slides posted on the course website. So, if you missed a live session you still have the information on the course website. Please do not ask me questions about the test once this test is posted online. As a matter of fairness, I do not want to give answers to some students that others do not have the benefit (or detriment) of hearing. You will simply have to use your own judgment about how to handle any possible difficulties, including the interpretation of the questions and tasks. **Submission:** You need to submit this evaluation to the Algoma University Moodle platform for this course by the deadline, i.e., **October 26, 2020 by 7.00 pm EST**. If you have technical difficulties, you can send me this evaluation by email. In that case, please write "PRIVATE LAW TEST. JURI 4816" as the subject of the email. We will not have a live session on Oct. 19 so that you can work on this test. Our next live session will be on Oct. 26, i.e., the day you need to submit your test.

## JURI 3906

You have to answer 4 questions in total, i.e., the questions from Sections A, B, C, and one question from Section D. For the scenarios, you will need to provide the applicable rule. If it is a negligent tort, you will need to think what the standard of care is and include it. For intentional torts, you will have to use the rules that we discussed in class (and the class notes and slides). All scenarios take place in Sault Ste. Marie, Ontario. Make sure that you don't make up or infer facts from the case. If there is not enough information about a fact in the case, say so. Use the suggested **chart to analyze the scenarios** as discussed in class (and the class notes and slides). This take-home exam evaluates your ability to apply the theories, methods, and principles that we discussed. Thus, **you have to apply the law as we discussed in class**, even if that is a simplification of the existing Canadian law. For example, if we discussed a certain rule with no exceptions, then you have to apply that rule as seen in class, even if there is an exception to that rule in Canada.

For the other questions, you are also strongly encouraged to use the suggested format included on the course website. If you do not follow the suggested format and answer in essay format, please make sure that you **precede every argument or idea by its corresponding heading**. In all your answers, you must refer only to sources (topics, theories, elements, examples, readings, cases, etc.) that we discussed in class (or that are in the class notes and slides if you missed class). **No outside sources may be referred to or included in your answers**. You are not permitted to consult with anyone about this test. Please note that everything we discussed during the live sessions is included in the notes and slides posted on the course website. So, if you missed a live session you still have the information on the course website. Please do not ask me questions about the test once this test is posted online. As a matter of fairness, I do not want to give answers to some students that others do not have the benefit (or detriment) of hearing. You will simply have to use your own judgment about how to handle any possible difficulties, including the interpretation of the questions and tasks.

**Submission:** You need to send this this evaluation to me by email in a **MS Word attachment** to me on October 26, 2020 by 7.00 pm EST. Please write "PRIVATE LAW TEST. JURI 3906" as

the subject of the email. We will not have a live session on Oct. 19 so that you can work on this test. Our next live session will be on Oct. 26, i.e., the day you need to submit your test.

**Suggested format for the analysis of the scenarios (questions 1 and 2)**

<b>Rule</b>	<b>Conduct</b>	<b>Analysis</b>  <b>(concurrence between facts and rule)</b>
State the applicable rule	Transcribe the conduct.	
<b>Act</b>  Identify the act in the rule	<b>Act</b>  Identify the act as appears in the conduct.	
<b>Causation</b>  Identify causation in the rule	<b>Causation</b>  Identify causation both factual and legal as appear in the conduct.  Factual causation:  Legal causation:	
<b>Nature of conduct</b>  Identify the mental state	<b>Nature of conduct</b>  Identify the plaintiff's mental	

required in the rule.	state as appears in the conduct.	
<b>Damages</b> Identify the damages in the rule	<b>Damages</b> Identify the social harm as appears in the conduct.	
		<b>Conclusion</b> Determine whether there is a tort or not
<b>Other comments</b> Include other comments if needed or as required by the question.		

**Suggested format for question 3**

Main thesis of the text	
Explanation of the main thesis.	
Arguments in support of thesis.	
Examples of the main thesis not mentioned in the text.	
Flaws, if any, of the text.	

**Suggested format for question 4**

<b>Example 1</b>	<b>Explanation</b>
<b>Example 2</b>	<b>Explanation</b>
<b>Example 3</b>	<b>Explanation</b>

**Suggested format for question 5**

<b>Concept 1</b>	<b>Explanation</b>	<b>Example 1</b>	<b>Example 2</b>	<b>Example 3</b>
<b>Concept 2</b>	<b>Explanation</b>	<b>Example 1</b>	<b>Example 2</b>	<b>Example 3</b>