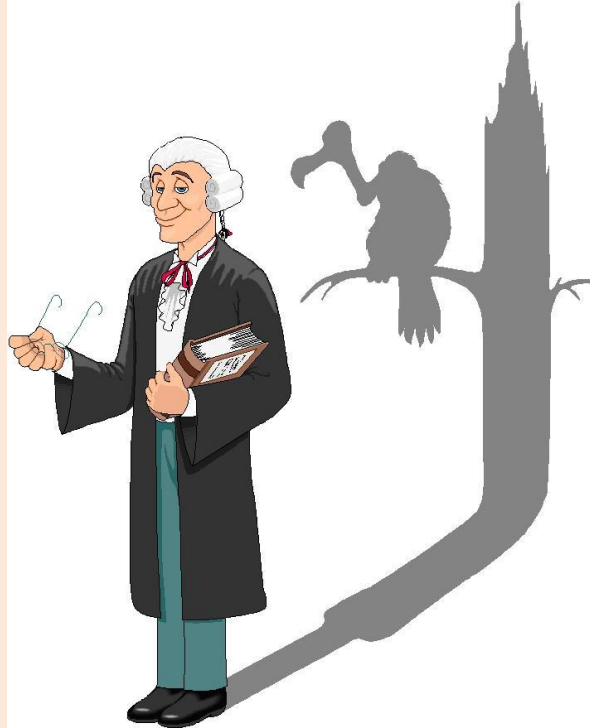


CLASS 1: SONG

Sep. 10



1 2 3 4

By Mojo Nixon

There's a plague on the planet

And they went to law school

A bunch of hornswagglers

Treat us like fools

Know who I'm talkin' about

Let me hear you shout

Destroy all lawyers!

Destroy all lawyers!

Destroy all lawyers!

Bunch of evil weasel poseurs!

Destroy all lawyers!

Watch them push them papers

And bend them laws

Will the chump with the most money

Buy them all?

Grab them by their tails

Spit in their eyes

Well they charge you by the minute

While we get paid by the hour

What I want to know

Is how they steal all this power?

I wanna see them explode

In every zip code

Destroy all lawyers!

Destroy all lawyers!

Bunch of evil weasel poseurs!

Destroy all lawyers!

They got, they got their own bar

Where they drink pints of greed

Let's spay and neuter 'em

So that they can't breed

So let us ??

Is at the bottom of the sea

They're not even new

Yea they're worse than devil

Gonna blow up the planet

Charge God double

Wanna see 'em explode

In every zip code

Destroy all lawyers!

Destroy all lawyers!

Bunch of evil weasel poseurs!

Destroy all lawyers!

Discussion questions

- 1) Why does Mojo Nixon want to destroy all lawyers?
- 2) Are lawyers too powerful in society? What are some of these privileges lawyers have that are mentioned in the song? Are they fair?

- 3) What is the role of lawyers in society?
- 4) What is the image most people have about lawyers? What about yours?
- 5) What types of lawyers give the legal profession a bad reputation? What do they do that make people have such a negative image?
- 6) Do you think there are areas of legal practice that have a worse reputation than others? If so, which one/s?
- 7) If you remember the song One Million Lawyers from last year, what are the similarities?

CLASS 2: SYLLABUS

Sep. 15

- 1) John memorized all the Private Law information from the class activities. The day of the test, he was asked to analyze a short text on Private Law. The information on the text was new. So, John felt very upset that he could not analyze it. He complains to the teacher, saying that it is unfair to ask about something they never saw in class. Suppose you are the teacher, what would you say to John?
- 2) On the mid-term test, Paula answered the following to the question “What is Private Law?” “It is a branch of law. It deals with relations between individuals, and between corporations and corporations, and individuals and corporations.” This information is correct. Read the evaluation criteria from the course syllabus, and grade her midterm. How would you improve her answer? Write what she needs to do to get a better grade. You don’t need to write the entire answer, but you need to identify what she needs to include in her answer to improve it.
- 3) On the midterm, Alex wrote the following answer to the question “what is Private Law?” “My theory is that Private Law should not exist. I read a book at home about private property. It said that it should be abolished. My hypothesis is that Private Law exists to protect private property.” The teacher gives Alex an F. Alex says that he deserves an A.

He says “the course syllabus says that we need to theorize, and hypothesize, and make connections to information beyond the course. That is exactly what I did. I should get an A, not an F.” Read the evaluation criteria carefully. What would you say to Alex if you were the teacher?

- 4) Write a short extended abstract (A) answer to the question: “Describe Sault Ste. Marie to a student from New York University who has never been to the Sault, but who visited Montreal, Toronto, and Vancouver a few times.”
- 5) A student participates in class very actively. She attended to 85% of classes. She read the texts, worked in small groups, and asked questions to the teacher. Sometimes –but not always- she reported her analysis of the class activities to the whole class. Her analyses were always correct, short, straight to the point. She made simple connections to some of the theories discussed in class. What should her class participation grade be?
- 6) Read the University definition for A grades (80% to 100%). In a 30-student class, how many would you predict will get an A? a) 3; b) 0; c) 10; or d) 25. Is this fair? Do you agree with Algoma University’s grading scheme policy? Why? Why not? If you don’t, how would you change it?
- 7) Suppose the final global exam is an open evaluation where you need to prove how well you have achieved the intended learning outcomes for the course. How would you prove it? What pieces of evidence would you include in your evaluation to prove that you have learned deeply and attained the ILOs? How would you prepare for this evaluation from day 1?
- 8) Suppose that a student from another course asks you what the SOLO taxonomy is. Explain it in your own words.
- 9) Halfway through the Private Law course, a student complains to the teacher that he never teaches. All they do are activities. The student feels frustrated and she wants to know when the teacher is going to start teaching. She feels she is not learning anything. She’d like to see the teacher give lots of information in lectures, where she could take lots of

notes, which she would then study for a “normal” test. What would you tell this student if you were the teacher?

CLASS 3: PUBLIC vs. PRIVATE LAW

Sep. 17

1. Upset that some students that took JURI 1105 with him forgot about the differences between public and private law, Professor Julian Hermida decided to kill one student to send a message to everyone else. What branch/es of law apply/ies?
2. Manu Ginobili wants a better deal for this year. He approaches San Antonio Spurs owner, Peter Holt, to discuss a raise to his annual salary and a better percentage from the sale of merchandising with his image and name. Peter Holt, who has a team-first, contracts-second mentality, tells Ginobili that a raise is out of the question. What branch of law governs this?
3. Professor Hermida’s wife finds out that he likes Brooke Shields more than her. So, she decides to file for divorce. What branch of law applies?
4. Alex is the director of a major theatre in Toronto. Andrea works as international liaison for the theatre. Alex likes her and told her that if she sleeps with him, he will send her to Europe to look for new plays to bring to the theatre. If she does not, he will fire her. What branch applies?
5. Courtney has organized a party. Music was very loud. Her landlord approached her and asked her to turn down the music. She said she would, but she did not. The following day her landlord told her that she should leave the apartment. Courtney refused and stopped paying the rent. The landlord got an eviction order. Courtney hires you for advice. She wants to know what branch of law applies to her case.
6. Larry Cata Backer wrote an article entitled “The Private Law of Public Law and the Public Law Element”. Imagine what the article is about and write the abstract for this article.

7. Wikipedia defines private law as follows. Suppose you are a Wikipedia editor. Make the appropriate corrections. Add information that you think is relevant.

“Private law (Civil law) is that part of a legal system that involves relationships between individuals. This includes the law of contracts or torts and the law of obligations. It is distinguished from public law which deals with law involving the state including regulatory statutes penal law and other law of public order.

In general terms public law involves interrelations between the state and the general population whereas private law involves interactions between private citizens.

The concept of private law in common law countries is a little more broad in that it also encompasses private relationships between governments and private individuals or other entities. That is relationships between governments and individuals based on the law of contract or torts are governed by private law and are not considered to be within the scope of public law.

8. Write a treatment (script outline) for a feature film on private law. Be creative. The film can be of any genre. Try to be specific. Include any aspect of private law or private law in general in the film. Think of a title. Think of the actors that may star in your film.
9. Read the article A European Private Law as a Mixed Legal System and discuss the following questions: What is harmonization? What are Principles as a means of unification? What is uniformity?
10. Read the following passage. Explain it in your own words. You may consult the decisions cited in the text.

One of the most important ideological constructs is the division into public and private realms. This dichotomy is in part linked to the development of the modern nation state and a concern to limit the absolute law making authority of the state. By characterizing a sphere of activity as essentially private, it makes it possible to argue that there are legitimate limits on the authority of the state to interfere and regulate. The public/private distinction is a crucial component of theories of liberalism. It also is a major issue in modern constitutional law and theory, especially where there is a written constitution which purports to create rights for private actors and restrictions on governmental activity. The following court decisions examine the question of how to characterize certain activities. In *Shelley v. Kramer* the U.S. Supreme Court was forced to decide whether judicial enforcement of a restrictive covenant in a property deed constituted state action. If it did, the enforcement of the restrictive covenant would constitute a denial of equal protection of the law, guaranteed by the Fourteenth Amendment of the U.S. Constitution. The Court's sweeping characterization of state action stands in stark contrast to the much more limited approach of the decision of the Canadian Supreme Court in *RWDSU, Local 580 v. Dolphin Delivery Ltd.*, in which the Court was interpreting Section 32 of the Charter of Rights and Freedoms. Note as well the very formalist approach adopted by the Canadian Supreme Court in *Noble & Wolf v. Alley* in which the Court refused to enforce a restrictive covenant, not because it was discriminatory, but because it did not "touch and concern the land" and because of its vagueness. The ideologic effect of the public/private dichotomy is also demonstrated in *Harrison v. Carswell*, dealing with the right of a private owner of a shopping mall to control the activity taking place on mall property. The clash between the rights of private property and the rights of workers, and the conflicting approaches of Justices Dickson and Laskin in defining the limits of private ownership in the face of emerging forms of quasi public spaces make this case a prime vehicle for raising questions about the value of "public" and "private" as legal and social constructs.

CLASS 5: PRINCIPLES OF PRIVATE LAW

Sep. 22

Think of questions about principles of Private Law.

CLASS 6: CONTRACTS

Sep. 29

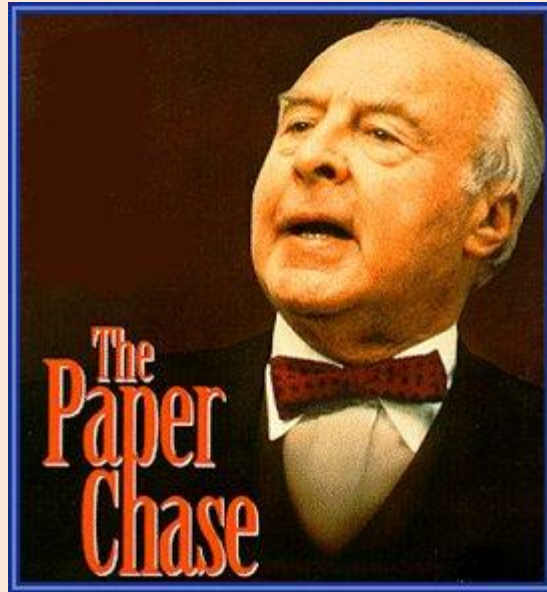


Write a comprehensive common law contract for the future sale and purchase of a pen. Include definitions, recitals, price, delivery, breach, and boiler plate provisions.

CLASS 7: CONTRACTS

Oct. 1

Video scenarios



Analyze whether there is a legally valid contract. Identify the main elements of the contract.

CLASS 8: TRANSGENDER

Oct. 6

- 1) What is transgender? Explain the different transgender types.
- 2) What are the three XX century revolutions mentioned in the video? What are their common elements? How are they differently?
- 3) What are some of the social difficulties which transgender people suffer?
- 4) What is your opinion of Canada's private law policy on transgender issues?
- 5) What can the legal system do to improve the rights of transgender people?

- 6) What are the main objectives of the transgender movement? What does it want to accomplish?
- 7) Write a private bill reforming

CLASS 9: TRANSGENDER

Oct. 8

Read the following article that was published in the Globe and Mail, and answer the following questions.

- What is the main thesis of the article?
- What are the arguments the author uses to support her thesis?
- What is the evidence, if any, the author uses to support her thesis?
- Is the thesis similar to or different from the one held by Lori Chambers in her article “Unprincipled Exclusions”?
- Do you agree with the author’s thesis? Why? Why not?
- Suppose you do not agree. Write a response article arguing for the opposite view, i.e., that the determination of the categories of man and woman should be defined by our beliefs and goals and that the law should reflect these determinations.



Who gets to be a woman?

by Margaret Wentz
Globe and Mail, December 14, 2000

Kimberly Nixon is a statuesque brunette with high cheekbones, fluffy bangs, gold hoop earrings, a broad chest, slim hips, and a large chin. To the untutored eye, she looks a bit like a man in a dress, which is not surprising in that she is equipped with a full set of XY chromosomes.

Ms. Nixon, however, has decided she's a woman. It says so on her driver's licence. She has declared that her chief desire in life is to work as a volunteer counsellor in a rape-crisis centre. And the B.C. Human Rights Commission, a stern defender of the rights of the transgendered, thinks she ought to have her way. Ms. Nixon is now arguing her case before the B.C. Human Rights Tribunal, which is separate from the commission and hears cases the commission recommends.

One might be excused for thinking that the real victim of injustice in this case is not Kimberly Nixon, but the Vancouver Rape Relief Society, a grassroots outfit that has been performing a valuable service on a shoestring for more than 25 years. It has spent the past five years trying to mollify the aggrieved complainant, alas to no avail. Future victims could well include women, many of them raised in highly traditional cultures, who seek the centre's help. They may be disconcerted to find themselves being counselled through the worst trauma of their lives by someone who appears to be a man in drag.

"We feel a bit beleaguered by it all," says Rape Relief worker Suzanne Jay.

Ms. Nixon, who was born male, has lived as a woman for 14 years. She had sex-change surgery in 1990. In 1995, she showed up at Rape Relief for a volunteer training session, and was invited to leave after reluctantly disclosing her original gender. Her feelings were quite hurt. "I could barely see because of the tears in my eyes," she testified on Monday. "All I could think of was the Lions Gate Bridge -- jumping off the bridge."

The very next day, she lodged a discrimination complaint with the B.C. Human Rights Commission.

Human-rights commissions, perhaps running out of other wrongs to right, have lately turned to the rights of the transgendered. In British Columbia, transgendered persons claiming affronts to their dignity have won several cases. Ironically, the losers tend to be feminist volunteer groups that pride themselves on being bias-free, and have few resources to defend themselves.

The people at Rape Relief maintain that growing up female is a bona fide occupational requirement for being a rape-crisis counsellor. Even so, they felt bad that they'd hurt Ms. Nixon's feelings. "We were very apologetic," Suzanne Jay told me. "We looked for ways for her to make a contribution. We suggested she could join a group that raises money for us. We suggested mediation. We offered her \$500 to say we were sorry." But Ms.

Nixon would have none of it.

Unfortunately for Rape Relief, the whole weight of B.C. law and precedent is on the other side. It says that, if Ms. Nixon says she's a woman, then she is a woman, and people have to treat her like any other woman. Ms. Nixon wants \$10,000. She also wants Rape Relief to throw open its doors to all transgendered people and to get sensitivity training for all its volunteers in order to cure them of transphobia.

Feminists are torn up about this one. Judy Rebick will testify for the defence. But other rape-crisis groups have opened their arms to the transgendered. Academics who think gender is a social construct are also on Ms. Nixon's side. And the Human Rights Commission will argue that the rape-relief centre is guilty of "stereotypical biases."

Should you be able to change genders if you don't like the one you were born with? In Canada, the institutional answer is yes, and plenty of trained professionals will help you do it. They will diagnose you with gender-identity disorder or gender dysphoria, and they will offer elaborate, painful and mutilating cures, which, in B.C., are covered by health insurance. Maybe you'll feel better after, or maybe not. No one really knows.

But what if the right answer is not yes? Paul McHugh, chief of psychiatry at Johns Hopkins University, calls it malpractice. "Surgical sex change is nonsense, resting as it does on the preposterous assumption that one's biologic constitution is as much a malleable artifact as one's dress," he wrote recently.

Some people are convinced they can only be fulfilled if they have a leg amputated. But most of us believe that amputating their legs is unethical. Maybe some day we'll think the same way about the people who encouraged Ms. Nixon to amputate her penis.

We can castrate her and shave her Adam's apple. We can give her electrolysis and hormone injections and breast implants. But one thing we cannot do is change her Y chromosome into an X -- no matter what the Human Rights Commission says.

CLASS 10: LAW REFORM

Oct. 15



Discuss the articles by Jan Smits (Legrand's arguments) and Hermida. Which author do you agree with?

CLASS 11: LAW REFORM

Oct. 20



KEILEO ISLAND

Several years ago a new island emerged in the Pacific Ocean. The mild weather and rich environment attracted people to Keileio Island from all over the world. By early 2009 over 50,000 people had moved to the island. Forty percent of the population is of Hispanic origin, thirty percent is of Arab origin and twenty percent is from the US and English Canada. In the beginning, people believed in peace and harmony. Those attracted to the island were individualists who sought a place with minimal government and few regulations. In 1988 Keileo Island was recognized as a state. As the population has grown, problems have arisen because of the diversity in the social and legal norms that each group adhered to.

The English speaking population complained that Hispanics and Arabs did not follow common law rules for commerce, contracts, and other business transactions. Hispanics –strongly influenced by Roman Catholic Church principles- and Anglos strongly disapproved of Arab tradition of multiple wives. Arabs, in turn, rejected the notion of private property of the English and Spanish speaking populations. In September 2009, the white English speaking minority staged a coup of state against the tripartite government made up of a representative of each ethnic group. The coup of state failed, but a large percentage of English speaking Keileans planned a referendum to secede from the rest of Keileo. As advisor to the government, you need to come up with a plan for private law reform so as to avoid new tensions among the three ethnic groups. Please discuss what law reform method you suggest for the implementation of the reform. Draft also an agenda of possible content of private law, taking into account the diverse population of the Island.

CLASS 15 & 16: GROUP PROJECT

Nov. 3 & 5

CLASS 17: FAMILY LAW

Nov. 10



Read the letter that Amnesty International wrote to abolish the law. Write a new one urging the government to reinstate the law for family and inheritance issues.

http://www.amnesty.ca/take_action/actions/canada_ont_arbitration_act.php



CLASS 17: PROPERTY LAW

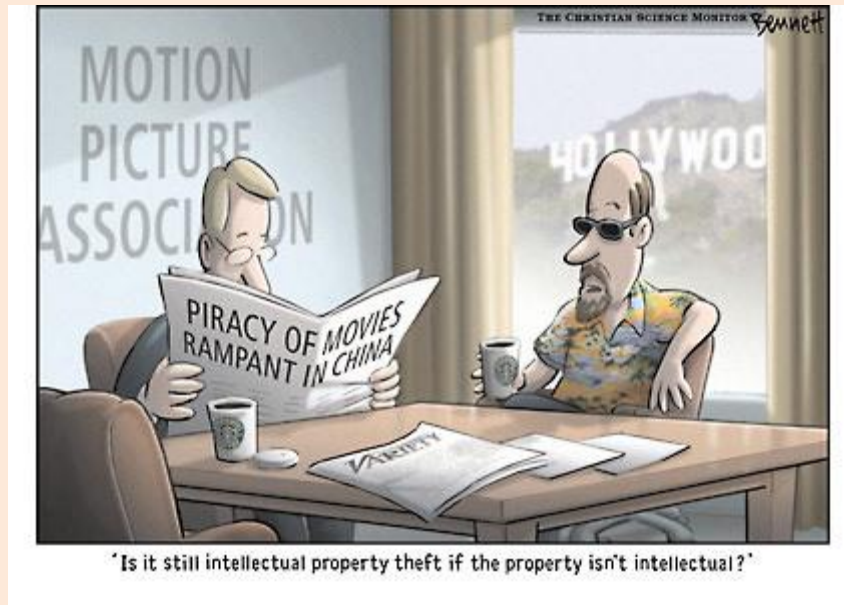


1. Do research about easement (common law) vs. servitude (civil law)
2. Do research about the extent and limits of property.
3. Do research about how rights to property may be lost or gained other than consent in common law and civil law.
4. Do research about the notion of property in civil law and common law.

Find a news article dealing with a private law issue involving property. Explain it in terms of one of the doctrines about the justification of property.

CLASS 18: INTELLECTUAL PROPERTY

Nov. 12



- Why are Intellectual Property rights so overbroad?
- How do Intellectual Property laws affect every day lives?
- What is fair use? Give some examples. What is the importance of fair use? Canadian laws on fair use are tougher than in the States. How can you explain this?
- What is the debate between abolitionist and absolutist perspectives in Intellectual Property?
- What was the legal test used in the US to determine fair use? How did it change? How does it work in Canada?
- How does the new legislative test of fair use hinder innovation?
- Explain the legal problem of ink cartridges.

A 25-year old Montrealer cannot enter a movie theatre nor own any recording device for the next two years after being convicted of illegally copying the film [Dan In Real Life](#) with a camcorder in a cinema.

Louis René Haché, the first Canadian to be charged under Canada's tougher piracy laws and the second to be convicted, was caught red-handed on a late Friday night 18 months ago, comfortably ensconced in his chair, his girlfriend by his side, with a digital camcorder atop a tripod recording [Steve Carell](#)'s comedy.

"We walked in like a SWAT team. Boom, boom, boom, boom. Two guys went up one way, two guys went the other way, I went straight up the middle," recalled Vincent Guzzo, executive vice-president of the independent [Guzzo cinema chain](#). "He had nowhere to go unless he jumped over me. And I'm 245 pounds of robust Italian hot blood."

The city has earned a reputation as a hotbed of film piracy, and Hollywood studios went so far as to threaten to delay film premieres in Canada because of piracy issues, particularly in Montreal and Calgary. Studios can determine at which theatre a film was recorded because each individual reel has a set of watermarks printed onto different frames, generating a unique code for every theatre.

Prodded by the movie industry, the federal government introduced legislation that made filming a movie in theatres an offence under the Criminal Code – and not just illegal to copy a film for commercial purposes as was the case under the [Copyright Act](#). Film industry members have long complained that "it is almost impossible to prove that the person camcording intends to make a copy for commercial distribution (sale or hire)."

[Bill C-59](#), An Act to Amend the [Criminal Code](#) (unauthorized recording of a movie), has just one clause. It creates two offences in the Code — illegal recording of a movie shown in a theatre for personal use, carrying a maximum penalty of two years imprisonment while recording for the purpose of commercial distribution is punishable by up to five years. The two illegal recording offences may, at the prosecutor's discretion, be treated either as indictable offences or as offences punishable by way of summary conviction.

Quebec Court Judge Céline Lamontagne sentenced Haché to 24 months probation and 120 hours of community service.

CLASS 19: INTELLECTUAL PROPERTY

Nov. 17

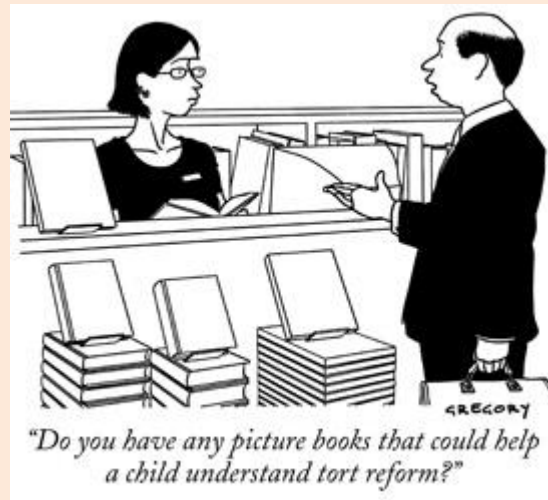
Facebook group advocating for changes in Intellectual Property law.

CLASS 21: TORT REFORM



- 1) Explain the two positions in the tort reform movement.
- 2) What is your opinion about the tort reform movement? Would you agree to cap tort awards? Why? Why not?
- 3) If in favor of the tort reform, how would you do it?
- 4) Are plaintiffs' trial attorneys responsible for multimillion dollar lawsuits?
- 5) What is the ad/PR campaign behind the tort reform movement? What do you think about it?
- 6) Find an article on US tort reform on the web. Analyze it.

- 7) Explain the picture above and the cartoon below. How would you explain tort reform to a child?



OJ SIMPSON

1. What are the differences between the civil and the criminal law trial?
2. What do you think about the different standards between the criminal and the civil trials?
Do you agree with having different standards?
3. What is the goal of the civil trial against O.J. Simpson?
4. Do you agree with the judge's decision not to allow the issue of race to be raised in the civil trial?
5. Why did O.J. Simpson lose the civil trial?
6. What would you have done differently if you were O.J. Simpson's civil lawyers?
7. What changes, if any, would you introduce to civil trials?