

**Course outline**

**SSCLAWJ310 Principles of Private Law - Fall 2020**





## V. Course organization and requirements

### a) General format of class meetings

The method of instruction in the course will be interactive discussion and exercises, supplemented with lectures when necessary. Therefore, students should expect to be actively involved in all class meetings, to the extent that they must be prepared to challenge themselves and fellow classmates to apply their newly gained knowledge critically and creatively.

[In Fall 2020, UCR is adopting a hybrid model of classroom and online teaching. The impact that this will have on the interactive, Socratic Method approach to the course is not yet clear. The instructor may need to adapt the format of the class meetings to optimise learning in the hybrid learning environment.]

### b) Expectations

Students are required to prepare for each session by reading the assigned materials and preparing for exercises.

**The use of phones, tablets or computers during class for any purpose not required for class participation is prohibited.** A student who uses a phone, tablet, or laptop for other purposes without prior consent of the instructor will be instructed to leave the class meeting, which will then be recorded as an absence.

Students with learning needs provisions should show their provisions letter from the UCR Board of Examiners to the instructor prior to the need for provisions arising in class with reasonable time for the instructor to arrange the provisions.

Additionally, general UCR rules and procedures apply.

### c) Attendance and participation

Attendance and participation are required at all classes. A student who misses a class meeting must inform the instructor via email about the absence in advance of the class meeting (or if necessary, within a reasonable time after the missed class). Missing more than four (4) class meetings *will* lead to a significantly lower grade. Students who miss more than six (6) classes (including excursions) will automatically fail the course. **Attendance is mandatory for all in-class and Zoom sessions!**

Students are expected to be actively engaged in class discussion and participate orally in each class meeting. Students' participation in class will not be assessed with a specific grade. However, the quality and consistency of a student's in-class performance may be a factor in calculating the overall course grade pursuant to Student Handbook Rule 6.4.8.

### d) Procedures for communication and for submitting assignments.

Announcements regarding the course will be made via Moodle. Thus, all students should check their email account on a regular basis for messages sent through Moodle to stay well informed about the course. You may contact the instructor by email with any communications about the course. The instructor reserves the right to make minor adaptations of this course outline during the semester to fit the needs of the course. Any changes will be reported to students immediately, and Moodle will be updated to always contain the current version of the course outline.

All assignments must be submitted on Moodle before the deadline indicated in the schedule below. Any assignment delivered differently than as described above will not be considered as submitted. Each submitted assignment should be labelled with the student's name and the title of the assignment [Surname-Assignment] (e.g. Jones-Tort Law Case Briefs).

**Late assignments will be penalized one letter grade for each calendar day they are overdue**, including the first day for assignments that are submitted after the deadline time.

**Suspected plagiarism, fraud or other academic integrity violations will be reported to the Board of Examiners. This could result in a sanction from the Board of Examiners, such as a failing grade on that assessment or a failing grade in the course depending on the circumstances.**

## **VI. Assessment**

Individual assessments will be graded on a scale from 0-100 points. The overall course grade will be determined by calculating a weighted average, which will then be converted into a letter grade according to the table in Section 6.3.1 of the Student Handbook. Work that masters all outcomes of an assessment with only few minor flaws may receive up to 80 points for that assessment, and only work that exceeds expectations will receive a grade exceeding 80 points for that assessment.

The final course grade of each student will be based on the following assessments:

- Comparative legal research paper: 30 % (paper 25% + topic proposal 5%)
- Case briefs: 30% (5% for each case brief)
- Exams: 30% (2 x 15%)
- Simulated mediation exercise: 10%

*Comparative legal research paper* (30%; paper 25% + topic proposal 5%): Students will write a comparative legal research paper on a private law topic (4000-6000 words) comparing how an aspect of the private law is dealt with in at least two different legal systems. Papers will be assessed based on substantive correctness and scientific quality. The purpose of this assignment is to engage in research of private law using an issue-oriented, comparative approach. The assignment requires you to design and execute a small research project about a topic in the field of comparative private law and to write a paper based on your research. The final paper will compare how a private law issue is dealt with in two different legal systems.

*Legal issue briefs* (30%): Students will write legal issue briefs in the areas of property law, tort law and contract law. The briefs will be due throughout the semester (see course schedule). For each of these assignments, students will create two briefs using the IRAC method. The assignments instructions describe how to use the IRAC format, and the instructor will explain this skill further.

*Exams* (30%) A midterm exam (15%) will cover property law and tort law. As part of the examination, students will be expected to apply the principles from the course to hypothetical fact patterns. The final exam (15%) will cover contract law, remedies, unjust enrichment, and private international law. As part of the examination, students will be expected to apply the principles from the course to hypothetical fact patterns. In addition, the final exam may have some comprehensive aspects, drawing on knowledge from the all fields of law studied in the course.

*Mock mediation exercise* (10%): Each student shall participate in the mock mediation exercise in the role of either a lawyer or a client. In preparation for the simulated mediation session, the lawyer and client for each party will prepare together a written mediation position statement, and they will then simulate a mediation session in which they develop and practice negotiation skills.

**VII. Course Schedule: Red/Blue = which group comes to the classroom on the date**

<b>Time</b>	<b>Theme</b>	<b>Readings and other assigned materials</b>
Week 1, Session I Tue, 1 Sep <b>ONLINE ONLY</b> (on ZOOM)	Overview of the course  Private law institutions	Course outline  <i>Gordley &amp; von Mehren</i> , 65-120 (background)
Week 1, Session II Fri, 4 Sep <b>Red group</b>	Property law: Possession	<i>Gordley &amp; von Mehren</i> , 141-157  Introduce case briefs assignment
Week 2, Session I Tue, 8 Sep <b>Blue group</b>	Property law: Ownership	<i>Gordley &amp; von Mehren</i> , 157-167
Week 2, Session II Fri, 11 Sep <b>Red group</b>	Property law: Interferences with ownership	<i>Gordley &amp; von Mehren</i> , 172-190
Week 3, Session I Tue, 15 Sep <b>Blue group</b>	Property law: Easements, covenants, and servitudes	<i>Gordley &amp; von Mehren</i> , 196-206
Week 3, Session II Fri, 18 Sep <b>Blue group</b>	Property law: Doctrine of necessity	<i>Gordley &amp; von Mehren</i> , 213-227
Week 3, Deadline <b>Friday, 18 Sep</b>	<b>Deadline for property law case brief</b>	Upload property law case brief to Moodle before midnight.
Week 4, Session I Tue, 22 Sep <b>Red group</b>	Tort law: structure of tort law	<i>Gordley &amp; von Mehren</i> , 234-235, 240-242, 335- 338
Week 4, Session II Fri, 25 Sep <b>Blue group</b>	Tort law: Intent	<i>Gordley &amp; von Mehren</i> , 339-353
Week 5, Session I Tue, 29 Sep <b>Red group</b>	Tort law: Negligence <i>Meaning of negligence</i>	<i>Gordley &amp; von Mehren</i> , 353-364
Week 5, Session II Fri, 2 Oct <b>Red group</b>	Tort law: Negligence <i>Duty to act</i>	<i>Gordley &amp; von Mehren</i> , 364-373
Week 6, Session I Tue, 6 Oct <b>Blue group</b>	Tort law: Harm to third- parties	<i>Gordley &amp; von Mehren</i> , 322-335
Week 6, Session II Fri, 9 Oct <b>whole class if possible</b> <b>Room TBD</b>	<b>Guest lecture</b>	<i>Mike Wolf &amp; Joost de Kubber</i> , of Wolf Legal in Vlissingen

Week 6, Deadline <b>Friday, 9 Oct</b>	<b>Deadline for tort law case briefs</b>	Upload tort law case briefs to Moodle before midnight.
Week 7, Session I Tue, 13 Oct	<i>Exam preparation</i>	Revision day for exam preparation
Week 7, Session II Fri, 16 Oct <b>ONLINE EXAM</b>	<b>Midterm exam</b>	Exam covering property law and tort law
<b>Fall Break 19 Oct - 23 Oct</b>		
Week 8, Session I Tue, 27 Oct <b>In-class participation to be determined</b>	Discuss midterm exam  Introduce comparative legal research paper assignment	
Week 8, Session II Fri, 30 Oct <b>Red group</b>	Contract law: Offer and acceptance	<i>Gordley &amp; von Mehren, 426-432</i>
Week 8, Deadline <b>Friday, 30 Oct</b>	<b>Deadline for research paper topic proposal</b>	Upload research paper topic proposal to Moodle before midnight.
Week 9, Session I Tue, 3 Nov <b>Blue group</b>	Contract law: Pre-contractual liability	<i>Gordley &amp; von Mehren, 432-447</i>
Week 9, Session II Fri, 6 Nov	<b>NO CLASS MEETING</b>	UCR Moderation
Week 10, Session I Tue, 10 Nov <b>Red group</b>	Contract law: Mistake	<i>Gordley &amp; von Mehren, 448-461</i>
Week 10, Session II Fri, 13 Nov <b>Blue group</b>	Contract law: Fairness	<i>Gordley &amp; von Mehren, 469-487</i>
Week 10, Deadline <b>Fri, 13 Nov</b>	<b>Deadline for contract law case briefs</b>	Upload contract law case briefs to Moodle before midnight.
Week 11, Session I Tue, 17 Nov <b>Red group</b>	Contract law: Excuse	<i>Gordley &amp; von Mehren, 494-503, 505-509, [511-524], 524-527</i>
Week 11, Session II Fri, 20 Nov <b>Blue group</b>	Remedies: Specific performance and damages	<i>Gordley &amp; von Mehren, 527-536</i>
Week 12, Session I Tue, 24 Nov <b>Red group</b>	Remedies: limitations on recovery	<i>Gordley &amp; von Mehren, 536-551</i>

Week 12, Session II Fri, 27 Nov whole class if possible Room TBD	<b>Guest Lecture</b>	<i>Mike Wolf &amp; Joost de Kubber, of Wolf Legal in Vlissingen</i>
Week 13, Session I Tue, 1 Dec Mediation teams	Mock mediation exercise	Simulated mediation sessions
Week 13, Session II Fri, 4 Dec Mediation teams	Mock mediation exercise	Simulated mediation sessions
Week 14, Session I Tue, 8 Dec Blue group	Unjust Enrichment	<i>Gordley &amp; von Mehren, 552-566</i>
Week 14, Session II Fri, 11 Dec	<i>Exam preparation</i>	
Week 15, Session I Tue, 15 Dec ONLINE EXAM	<b>Final exam</b>	Written exam covering contract law, remedies, and unjust enrichment
Week 15, Session II Fri, 18 Dec In-class participation to be determined	Discuss final exam	
Week 15, Deadline Fri., 18 Dec	<b>Deadline for comparative legal research paper</b>	Upload final version to Moodle before midnight.

## VIII. Student learning outcomes

Period	Teaching activities	Student is able to
Weeks 1-3	<p>Instructor demonstrates and students begin using IRAC method of briefing cases.</p> <p>Students read and discuss in Socratic style materials on the principles of property law.</p> <p>Students draft and submit property law case brief</p>	<p>SLO 1 - Learn and begin using a standardized method of summarizing and analysing case decisions.</p> <p>SLO 2 - Summarize, analyse and discuss case decisions to identify the overarching principles.</p> <p>SLO 3 - Apply the principles from case decisions to hypothetical facts and propose an outcome.</p> <p>SLO 4 - Argue and defend a hypothesized case decision.</p> <p>SLO 5 - Consider and comment on the relationship between private law and policy.</p> <p>SLO 6 - Observe and comment on the role of private law in society.</p> <p>SLO 7 - Practice the use of a standardized method of summarizing and analysing case decisions.</p>
Weeks 4-7	<p>Students read and discuss in Socratic style materials on the principles of tort law.</p> <p>Students apply the IRAC method to briefing tort law cases.</p> <p>Midterm exam covering property</p>	<p>SLO 2 - Summarize, analyse and discuss case decisions to identify the overarching principles.</p> <p>SLO 3 - Apply the principles from case decisions to hypothetical facts and argue and defend an outcome.</p> <p>SLO 4 - Argue and defend a hypothesized case decision.</p> <p>SLO 5 - Consider and comment on the relationship between private law and policy.</p> <p>SLO 6 - Observe and comment on the role of private law in society.</p> <p>SLO 7 - Improve the use of a standardized method of summarizing and analysing case decisions.</p> <p>SLO 8 - Demonstrate both an abstract</p>



	law and tort law	and a practical understanding of private law principles.  SLO 9 - Apply the principles learned to either soundly argue a chosen position or soundly critique a position presented.
Weeks 8 - 11	Students read and discuss in Socratic style materials on the principles of contract law.          Students apply the IRAC method to briefing contract law cases.   Simulated mediation exercise	SLO 2 - Summarize, analyse and discuss case decisions to identify the overarching principles.  SLO 3 - Apply the principles from case decisions to hypothetical facts and argue and defend an outcome.  SLO 4 - Argue and defend a hypothesized case decision.  SLO 5 - Consider and comment on the relationship between private law and policy.  SLO 6 - Observe and comment on the role of private law in society.  SLO 7 - Master the use of a standardized method of summarizing and analysing case decisions.  SLO 10 - Negotiate a position in a simulated mediation session
Weeks 11 - 12	Students read and discuss in Socratic style materials on the principles of remedies and unjust enrichment          Submit final version of comparative law paper	SLO 2 - Summarize, analyse and discuss case decisions to identify the overarching principles.  SLO 3 - Apply the principles from case decisions to hypothetical facts and argue and defend an outcome.  SLO 4 - Argue and defend a hypothesized case decision.  SLO 5 - Consider and comment on the relationship between private law and policy.  SLO 6 - Observe and comment on the role of private law in society.  SLO 11 - Develop a research project based on a comparative measure and

	Final exam covering contract law, remedies, and unjust enrichment	apply the functional comparative method  SLO 8 - Demonstrate both an abstract and a practical understanding of private law principles.  SLO 9 - Apply the principles learned to either soundly argue a chosen position or soundly critique a position presented.
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End of course outline