

# DRC4395 – Civil Liability – National Program

Professor Karen Eltis

Term Fall 2022

## Course Description

### OFFICIAL COURSE DESCRIPTION

This course proposes to survey the general theory of the civil law - and its particular application to Quebec - from a comparative perspective. Accordingly, we will provide an overview of and examine the various elements of civil liability, relevant factual and legal presumptions, apportionment, exoneration and the limitations on damages as well as the relationship between public law (primarily Charter rights) and Extra-Contractual liability.

The course will also explore Emerging issues in Civil Liability with particular emphasis on New Technologies (including AI generally, telemedicine, AI and health professional liability in the Digital Age and Self Driving Cars).

### COURSE DESCRIPTION AND OBJECTIVES

To acquaint jurists/attorneys trained in the Common Law tradition with the basic notions of extra-contractual obligations (civil liability/Delict) as understood by the Civil Law tradition. To that end and more specifically, this comparative course offers an overview of the pertinent dispositions of the Quebec Civil Code (C.C.Q.), the analysis and interpretations thereof by the courts and the relevant doctrine (scholarly writing) and situates these within the larger Continental tradition;

This with an eye towards:

- Developing a firm, critical understanding of Quebec civil law notions of extra-contractual liability their context and general legal culture;
- To hone bijural expertise and the capacity to analyse fact patterns and problems from a civilian and comparative perspectives and effectively apply concepts and arguments learned.
- The course further endeavours to hone practical problem-solving skills, crucial to the extra-territorial dimension of many legal questions in the Digital Age by exploring and reflecting on **emerging issues** and how the Civilian framework (in place in many European, Asian, African, Middle Eastern countries *inter alia*) will address pressing questions related to technological advances and AI. The focus will be on issue-spotting in this dynamic area.

### EVALUATION AND GRADING

The evaluation for this course will be divided in the following manner:

**1. Participation via *independent/individual completion of online assignments/ fact patterns*: 20%**

There will be three fact patterns to complete on the course website. Students will be expected to apply legal rules studied to date) and briefly ‘advise’ a fictional client during asynchronous class time, as part of a skill-building, active learning pedagogical approach. The first fact patterns will be assigned during the **week of Module 3, the second during the week of Module 4 and again the week of Module 8. The fact patterns are an integral part of the asynchronous learning modules, alternating between lecture style and practical exercises.**

**Please note that this component is *not* graded substantively but rather merely assigned a Satisfactory/ Unsatisfactory grade upon completion if the work, to be submitted to the Professor via email.**

**2. Recorded Presentations: 10%**

Students will select a topic in comparative civil liability (to be submitted to and approved by the professor via email by **Module 5**. Following that, they will prepare a 15-minute **AUDIO** recording summarizing their preliminary findings and **submit via email** by November 23<sup>rd</sup>.

Presentations will be graded on preliminary research, clarity, concision.

**3. Final Paper 70%**

Comparative civil liability papers on pre-approved topic selected as above. Papers will be graded on quality of research, clarity, concision and critical analysis.

15 pages MAXIMUM. Submitted **via email** on December 16<sup>h</sup> LATEST.

Kindly submit all assignments **via email**: [keltis@uottawa.ca](mailto:keltis@uottawa.ca)

**ONLINE TEACHING METHOD**

**Dynamic Asynchronous delivery of material, integrating guest lectures and practical assignments (fact patterns) to be completed by students individually for participation grades as noted above: (NO live discussions due to different time zones).** Students will receive direct feedback via email.

**The course will be held on Google Classrooms.**

Procedure to access Google Classroom:

## Reading Material

Civil Code of Québec and Coursebook prepared by Professor