

FACULTY OF LAW, UNIVERSITY OF VICTORIA  
2023-2024 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)<sup>1</sup>

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| <b>COURSE</b>                     | LAW 319 Trusts   |
| <b>UNIT VALUE</b>                 | 1.5 Units (3 class hours per week)   |
| <b>INSTRUCTOR</b>                 | Mark Gillen  |
| <b>TERM OFFERED</b>               | Fall 2023  |
| <b>CLASS TIMES</b>                | See Schedule   |
| <b>PREREQUISITES/COREQUISITES</b> | LAW 105 or LAW 105I is a required prerequisite for this course.<br>LAW 109 or LAW 109I is a required prerequisite for this course.<br>LAW 319 Trusts is a recommended (not required) pre- or corequisite for LAW 320 Wills |

### COURSE DESCRIPTION

The course introduces main aspects of express trusts and briefly canvasses trusts created by operation of law. In examining the express trust the course will consider both trusts for persons and trusts for purposes (both charitable and non-charitable). The course will look at the administration of express trusts and will very briefly note trusts by operation of law including both resulting and constructive trusts. Time permitting, other topics will be examined that may include some modern uses of trusts, the public trust doctrine, trust remedies, trusts and conflicts of law, or a comparison of express trusts to other similar legal concepts.

### COURSE OBJECTIVES

Students should be able to:

- 1. Knowledge:** Demonstrate a basic knowledge of the material covered in the course (terminology, legal rules, concepts and policy considerations) by answering short, matching, true/false, or multiple-choice questions on a mid-term quiz and/or final exam. For an on-line version of the course this objective will be indirectly assessed by an open-book mid-term test or assignment and an open-book final exam based on the application objective noted immediately below.
- 2. Application:** Identify legal issues relating to the law of trusts raised in a fact situation, set out the applicable law with reference to relevant case and/or statutory authority, and apply the law to the facts noting, if requested, relevant policy considerations or underlying values and how those policy considerations or underlying values apply in the given fact situation.
- 3. Policy:** Demonstrate an appreciation of broader policy issues by writing an exam essay responding to a question or commenting on a statement or by using a policy analysis in the context of answering a fact-pattern question.

### TEACHING METHODOLOGIES

Achievement of the “knowledge” objective noted above will be based primarily on the readings for the course. **Students will be expected to read through ALL the materials for the course (roughly 470 pages of *Notes on Trusts* and 63 pages of statutory materials) (covering the entire course syllabus).** The classes will consist of a combination of lecture and problem analysis. Sample problems together with a consideration of trust drafting issues will be the primary approach to learning the “application” objective noted above.

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<sup>1</sup> The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, [law.studentservices@uvic.ca](mailto:law.studentservices@uvic.ca).

## **EVALUATION**

The evaluation will be by way of:

- (i) a mid-term closed-book quiz consisting of short, matching, true/false, or multiple-choice questions and/or an assignment counting for a total of 40% of the final mark; and
- (ii) a final open-book exam for 60% of the final mark.

## **ACADEMIC INTEGRITY**

Attention is drawn to the University's [\*Policy on Academic Integrity\*](#).

*June 2023*