COURSE DESCRIPTION

The course provides an introduction to the 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 trust remedies, some modern uses of trusts, the public trust doctrine, trusts and conflicts of law and 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.

2. Application: Identify legal issues relating to the law of trusts raised in a given fact situation, set out the applicable law with reference to relevant statutory or case 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 particular 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 (roughly 500 pages including statutory materials) for the course (covering the entire course syllabus) in preparation for short, matching, true/false, or multiple choice questions on a mid-term or final exam. 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 the “application” objective noted above.

EVALUATION

The evaluation will be by way of: (i) two mid-term closed-book tests counting for 20% each (together counting for 40%) of the final mark; and (ii) a final exam that may consist of a closed-book part and an open-book part or just an open-book part that will count for 60% of the final mark.

ACADEMIC INTEGRITY

Attention is drawn to the University’s Policy on Academic Integrity at: http://web.uvic.ca/calendar2016-09/undergrad/info/regulations/academic-integrity.html.

June 2018

1 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, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).