

**MODULE LGS3040: NEGLIGENCE****Level:** Advanced**Theme:** Social Context**Prerequisite:** None**Module Description:** Students use case studies and scenarios to explore the legal meaning of negligence and legal action relating to negligence.**Module Parameters:** No specialized equipment or facilities.**Supporting Modules:** LGS1010 You & the Law 1 (As a Consumer and as a Family Member)  
LGS1020 You & the Law 2 (In Society and in the Workplace)**Curriculum and Assessment Standards**

Module Learner Expectations	Assessment Criteria and Conditions	Suggested Emphasis
<p><i>The student will:</i></p> <ul style="list-style-type: none"> <li>investigate the area of tort law called negligence</li> <li>demonstrate basic competencies.</li> </ul>	<p><i>Assessment of student achievement should be based on:</i></p> <ul style="list-style-type: none"> <li>correctly answering 50% of the questions randomly generated from a test bank.</li> </ul> <p><i>Assessment Tool</i> <i>Refer to test banks from authorized resources</i></p> <p>and/or</p> <ul style="list-style-type: none"> <li>appropriately analyzing cases/scenarios dealing with different areas of negligence.</li> </ul> <p><i>Assessment Tool</i> <i>LGSCSTDY: Framework for Assessing Analysis of a Case Study or Scenario</i> <i>LGS3040–1: Negligence Sample Case Study</i> <i>LGS3040–2: Negligence Sample Case Study Analysis</i></p> <p><i>Standard</i> <i>Rating of 3</i></p> <ul style="list-style-type: none"> <li>observations of individual effort and interpersonal interaction during the learning process.</li> </ul> <p><i>Assessment Tool</i> <i>Basic Competencies Reference Guide and any assessment tools noted above</i></p>	<p>100</p> <p>Integrated throughout</p>

**MODULE LGS3040: NEGLIGENCE** (continued)

Concept	Specific Learner Expectations	Notes
Elements of Negligence	<p><i>The student should:</i></p> <ul style="list-style-type: none"> <li>• describe the evolution of the area of negligence</li> <li>• describe the elements that make up the legal concept of negligence (duty of care, breach, real loss or injury).</li> </ul>	<p>Donaghue case <i>Law Now</i> (May 1993)</p>
Breach of Duty of Care	<ul style="list-style-type: none"> <li>• define the doctrine of the standard of care of the “reasonable man”</li> <li>• explain how the doctrine of the “reasonable man” applies to special categories; e.g., minors, professionals</li> <li>• explain the term “proximate cause” or “causation.”</li> </ul>	<p><i>Emergency Medical Aid Act</i> Floyd v. Bowers</p>
Damages	<ul style="list-style-type: none"> <li>• describe loss or injury as an element of negligence</li> <li>• identify the types of damages for which a person may claim compensation.</li> </ul>	<p>Mathews et al. v. Macaroon et al.</p>
Defences to Negligence	<ul style="list-style-type: none"> <li>• explain the principle of “contributory negligence”</li> <li>• define what constitutes “voluntary assumption of risk.”</li> </ul>	<p><i>Contributory Negligence Act</i></p>
Special Types of Liability	<ul style="list-style-type: none"> <li>• explain the special situations under which certain types of liability are imposed; e.g., strict, vicarious, occupiers’ liability</li> <li>• identify the liabilities that may apply to the driver and the owner of a motor vehicle as a result of a motor vehicle accident</li> <li>• analyze cases where special types of liability have been a key issue.</li> </ul>	<p><i>Occupiers’ Liability Act</i> <i>Innkeepers Act</i> <i>Highway Traffic Act</i> Mayfield Inn court decision</p>
Suing in Civil Court	<ul style="list-style-type: none"> <li>• describe the structure and process of the civil court (Provincial Court or Queen’s Bench)</li> <li>• prepare documents required to take action in civil court.</li> </ul>	

**MODULE LGS3040: NEGLIGENCE** (continued)

Concept	Specific Learner Expectations	Notes
Challenging Issues	<p><i>The student should:</i></p> <ul style="list-style-type: none"><li>• propose solutions to problems related to negligence in regard to:<ul style="list-style-type: none"><li>– size of damage awards</li><li>– no-fault insurance</li><li>– manufacturers</li><li>– professionals</li><li>– motorists</li><li>– parents</li><li>– contingency fee system.</li></ul></li></ul>	
Law-related Careers	<ul style="list-style-type: none"><li>• describe careers related to civil litigation:<ul style="list-style-type: none"><li>– insurance adjuster</li><li>– driver education instructor (trainer)</li><li>– actuary</li><li>– consumer advocate.</li></ul></li></ul>	