

Course: Laws 2202 B Obligations
Term: Fall - 2012
Prerequisites: Laws 1000
Class: Day & Time: Friday 2.30 p.m. - 5.30 p.m.
Room: Please check with Carleton Central for current room location.
Instructor: Professor Neil Sargent
Contact: Office: D594 Loeb
Telephone: 613-520-2600 X. 8853
Email: neil_sargent@carleton.ca
Office Hours: Tuesday 10.00 - Noon
Wednesday 10.00 - Noon

=====

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/ physical impairments, specific Learning Disabilities (LD), psychiatric/ psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure you receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website: <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. For Religious and Pregnancy accommodations, please contact Equity Services, x 5622 or their website: www.carleton.ca/equity.

=====

COURSE DESCRIPTION

The concepts employed by the law for creating and enforcing legal obligations between persons within society, including contract, tort, fiduciary obligations and restitution. Consideration is given to the role of persons and the role of the state in ordering private legal obligations.

Precludes additional credit for LAWS 2003 (no longer offered)

Required texts:

Neil Sargent and Logan Atkinson, eds., *Just Between the Law and Us, Volume II: Obligations* Toronto: Captus Press, 2010 (Available from the Carleton University Bookstore)

Logan Atkinson and Neil Sargent, *Private Law, Social Life*. Toronto: Lexis Nexis, Butterworths, 2d. Edition, 2007 (Available from the Carleton University Bookstore)

EVALUATION

Research Essay Assignment (February) 40%

Final Examination (April) 60%

All components must be completed in order to get a final grade.

COURSE SCHEDULE

(Note: Chapter references in the following course outline normally refer to “**Just Between the Law and Us: Obligations**”. The chapter references to **Private Law, Social Life** are specified separately).

1. Introduction to the course
Categories of private law obligations, contract as a source of social and legal obligation
Readings: Just Between the Law and Us: Obligations Chap. 1, readings c, d and e;
Private Law, Social Life, chapter 3
2. Private law obligations: Contract as a source of private law obligations
Theories of contract
Legal requirements of a contract
Readings: Chapter 1 a, b, c, f
Private Law, Social Life, chapter 3
3. Contract as a source of voluntary legal obligation, continued.
Contracts and the legal structure of family ordering
Readings: Chapter 1, f, g, h, and I
4. Contract as a source of voluntary legal obligation.
Justifications for judicial intervention into contractual rights and obligations
Readings: Chapter 2, a, b, c, e, and f

5. Remedies for non-performance of contractual obligations.
Compensatory remedies, compliance remedies and restitutionary remedies
Readings: Chapter 3, a, b, c, also Chapter 1, reading e
Private Law, Social Life, chapter 7.
6. Tort as a source of legal obligations. Intentional and unintentional torts
The requirements of liability in negligence
Readings: Chapter 4, a, b, c; Donoghue V. Stevenson
Private Law, Social Life, chapter 4
7. Foundations of liability in negligence, continued
Duty of care and the requirement of foreseeability
Readings: Chapter 5, readings a, b, c, d, e, f, and g
8. Requirements of liability in negligence continued
Direct and indirect causation, tobacco litigation and mass torts claims,
defences against liability
Readings: Chapter 5, 1, j, k, l; also Chapter 4, reading d
9. Compensation in tort law
Functions of tort law remedies
Financial and non-financial damages
Limits of tort law remedies in compensating injuries and deterring harmful behaviour
Readings: Chapter 6, a, b, c., Chapter 4, a, b, c.
Private law, social Life, chapter 7
10. Settlement-oriented approaches and
no-fault compensation mechanisms as an alternative to tort law damages
Readings: Chapter 6, e, f, and g
11. Fiduciary and trust relationships as a source of obligations in Equity
The nature of fiduciary obligations
Readings: Chapter 7, a, b, c, d, e, and g
Private Law, Social Life, chapter 6
12. Vicarious liability and the basis of tort claims against governments and public and private
institutions
Readings: Chapter 8, a, b, c, d, and e; also Chapter 5, readings k and l