

Course Outline

COURSE: OBLIGATIONS - LAWS 2202 B

TERM: Winter 2017

PREREQUISITES: LAWS 1000

CLASS: **Day & Time:** Friday 8:35 am - 11:25 am
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Professor Alberto R. Salazar V., PhD

CONTACT: **Office:** C470 Loeb Building
Office Hrs. : Thursdays 2:30-4:00 pm
Telephone: 613-520-2600 x. 3269
Email: alberto.salazar@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course examines the formation and application of legal obligations in two private law areas, namely, contract law and tort law. The first section discusses the formation of contracts and the performance of contractual obligations. The second section analyzes the concept of tort, the principles of tort liability and the obligation to compensate tort victims. The study of contract and tort obligations is also placed in the context of the challenges of the modern economy and the role of the state in shaping contract law and tort law.

REQUIRED TEXTS:

Neil Sargent, Alberto Salazar and Logan Atkinson, eds., *Just Between the Law and Us, Volume II: Obligations* (Toronto: Captus Press, 2017), 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.

TEACHING METHOD

This course will combine formal lectures and in-class group discussions. A typical session will begin with a lecture. The second part of a session will be devoted to provide students with an opportunity to

review the key concepts and ideas in small groups drawing on the course readings and discuss their applications in the context of case studies that will be provided. A session will usually end with the sharing of some of the ideas, findings and questions that students may have after the in-class group discussions. This method seeks not only to provide students with information about the topics but also to engage them in the discussion of the materials, understand the relevance of the class topics and help students develop their critical academic skills.

The first section of this course will focus on 'Contracts' and 'contract' issues will be discussed in the context of selected case studies. The primary case study will be consumer contracts. The second section of the course will examine the theme of 'Tort' and will use individual and corporate tort examples.

EVALUATION

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

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- In-Class Test (February): 40% (a list of optional essay-type questions will be provided a week before the day of the test)
- Final Examination (during exam period, April 10 – 25, 2017): 60%

LAPTOPS AND CELLPHONES IN CLASS

Students are expected to use technology respectfully in class and to consider the impact of their actions on their fellow students and on my ability to deliver a lecture or conduct a class discussion. If a student is using technology in a way that interferes with the learning environment, I may ask the student to curtail the use of cell phones or laptops in class.

SCHEDULE OF TOPICS

Jan 6th Week 1: Introduction

CONTRACT

Jan 13th Week 2: Contract and Voluntary Obligation (I)

Just Between the Law and Us: Obligations Chapter 1 (p. 1-21); Private Law, Social Life, chapter 3 (p. 49-73)

Jan 20th Week 3: Contract and Voluntary Obligation (II)

Just Between the Law and Us: Obligations Chapter 1 (p. 21-42); Private Law, Social Life, chapter 3 (p. 49-73)

Jan 27th Week 4: Judicial (and Legislative) Intervention in Contract

Just Between the Law and Us: Obligations Chapter 2 (p.43-67)

Feb. 3th Week 5: Consequences of Non-Performance in Contract

Just Between the Law and Us: Obligations Chapter 3 (p.68-81); Private Law, Social Life, chapter 7 (p. 153-176)

Feb. 10th Week 6: Standard Form Contracts, Unfair Terms & Inequality of Bargaining Power

Union des Consommateurs, "Ending Abuse Clauses in Consumer Contracts" (Montreal, 2011), pp. 6-45 and 51-54, online: http://uniondesconsommateurs.ca/docu/protec_conso/EndAbusiveClauses.pdf

- a list of optional essay-type questions will be provided as study sheet for the In-Class Test

Feb. 17th Week 7: IN-CLASS TEST

Feb. 24th Week 8: NO CLASSES - WINTER BREAK (Feb 20th-24th)

TORT

March 3th Week 8: The Nature of Tort Law

Just Between the Law and Us: Obligations Chapter 4 (p. 82-105); Private Law, Social Life, chapter 4 (p.75-99)

March 10th Week 9: Foundations of Liability in Tort (I)

Just Between the Law and Us: Obligations Chapter 5 (p.106-131)

March 17th Week 10: Foundations of Liability in Tort (II)

Just Between the Law and Us: Obligations Chapter 5 (p. 131-148)

March 24th Week 11: The Public/Private Distinction Revisited

Just Between the Law and Us: Obligations Chapter 6 (p.149-189)

March 31st Week 12: Compensation in Tort Law

Just Between the Law and Us: Obligations Chapter 7 (p. 190-214); Private Law, Social Life, chapter 7 (p. 153-176)

April 7th Week 13: Course Review and Preparation for the Final Exam (LAST CLASS)

EXAMINATION: April Examination Period