

**Carleton University Department of Law and Legal Studies  
COURSE OUTLINE**

**Laws 2202 C – OBLIGATIONS**

**Current as of January 7, 2013  
Subject to revision until January 15, 2013**

<b>PREREQUISITES:</b>	LAWS 1000
<b>TERM:</b>	Winter 2013
<b>CLASS TIME:</b>	Fridays 2:35 - 5:25pm
<b>CLASSROOM:</b>	<b>Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	Jennifer Barrigar
<b>CONTACT:</b>	Email through cuLearn

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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://www2.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://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** 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](mailto: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*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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**COURSE DESCRIPTION**

This course examines the concepts employed by the law for creating and enforcing legal obligations between persons within society, including contract, tort, unjust enrichment and fiduciary obligation. Consideration is given to the role of persons and the role of the state in ordering private legal obligations.

These subjects can (and do) form the basis for entire courses, suggesting that our treatment of them this course is selective and driven by a particular and limited focus. As we discuss the law of torts, we focus on negligence causing personal injury rather than the many other dimensions of tort liability. Our focus is on how tort law protects bodily integrity and navigates policy questions between individual autonomy and social responsibility. Is tort law a sentinel of safety? Within the consideration of contract law, material is focused on doctrines of formation, terms, and consideration and how they have changed in response to changes in how markets function, the changing regulatory involvement of the state, and shifts in the role of the judiciary. The broadest contours of unjust enrichment (restitution) are addressed comparing the approach of the courts to defective transactions in the market on the one hand to resolving property disputes in the family in the absence of a formal legislative framework (such as that provided by marriage). A similar broad brush approach is taken to the law of fiduciary obligation, locating it within the thesis that the private law of obligations is concerned not only with markets but also with ensuring that we can rely on one another.

### **Learning Objectives**

By the end of this course you should be able to:

- differentiate between the different kinds (or branches) of obligations in private law;
- identify the essential principles of obligation in each branch as derived from leading cases;
- explain how private law principles reflect social and economic objectives;
- link policy considerations and normative vision of judges to legal outcomes;
- contrast the approaches of the common law and equity particularly in relation to defective transactions and broken relationships; and
- reconcile residual principles in private law (such as reliance, confidentiality and conscience) to the dominant principles of inviolability, and exchange in the market.

I will expect you to be able to give an accurate account of cases, be able compare and contrast cases at the level of sometimes competing principles, accurately outline arguments made in scholarly literature and use theory to generate and explore alternate perspectives on possible legal outcomes.

### **REQUIRED TEXTS**

T. Brettel Dawson, *Obligations in Private Law* (Concord: North York, 2011). This text will be available (only) in the University Bookstore.

Notes: Do NOT purchase Sargent and Atkinson, *Just Between the Law and Us* in any iteration (this text was recently divided into two volumes).

### **cuLearn**

cuLearn, the new Carleton Learning Management System is essential for this course. Lecture slides, course information, lecture slides, discussion boards are available through this modality.

## **EVALUATION**

### **Components**

- 1. Class Participation & Lecture Prep: 10%**
- 2. Torts Assignment: 30 %**
- 3. Contracts Assignment: 30%%**
- 4. Take Home Examination: Value 30%**

### **Notes on Components**

#### **CLASS PARTICIPATION & LECTURE PREPARATION**

- Students will be expected to participate in discussions online and in class.
- At the beginning of the semester, students will be asked to sign up for five (5) of the lecture classes. Sign-up will be done online. Only a certain number of students will be able to select any given class, so students are encouraged to sign up as soon as possible.
- Lecture prep exercises will be submitted by midnight on the Monday preceding class.
- Lecture preparation exercises will NOT be marked substantively. Exercises will be reviewed by the professor and/or TAs but marks will be determined by (1) submission on time and (2) students fulfilling their required 5 exercises

#### **ASSIGNMENTS**

- Assignments will consist of short answer questions and short essay questions.
- You will be required to analyze materials covered in class and readings answering specific questions about cases (principles and reasoning) or literature (arguments and propositions). To do well you will have to read the material in the casebook and review class lectures slides.
- I may include a problem question/essay in each assignment which requires you to apply principles and arguments to providing an answer. Such questions will require you to do a small amount of research (1-2 sources).
- These are not 'quick tests' or 'yes/no' answers but 'mini-essays' which require you to think about the material we have covered. You will be given sufficient time to complete each assignment taking into account the fact that there are several steps involved: 1) On the day posted, download and read the assignment. 2) Review your notes, the slides and readings related to the questions (study time); 3) draft your answers; 4) read them over (and revise) before 5) submitting. So, you do need to devote time to the assignments.

### **Penalties for Late Submission**

- If you submit a piece of coursework after the deadline but within 24 hours of the deadline, your mark will be reduced by 5 percentage points.
- If you submit a piece of coursework during the following six days, your mark will be reduced by a further 10 percentage points. For example, if your essay is due by 16.00 on

Tuesday and you submit it at 15.30 on Thursday, your essay will incur a 5-point penalty because you failed to submit it within 24 hours of the deadline (i.e. by 16.00 on Wednesday) plus an additional 10-point penalty.

- Coursework submitted later than seven days after the deadline, providing that it is submitted before the end of the semester will be awarded a mark of zero but will be considered to be complete, provided the coursework contains material that can be assessed.
- If you fail to submit a piece of coursework, your result for the course will be deemed 'incomplete'

## **SCHEDULE**

### **SCHEDULE AND READINGS**

<b>Class</b>	<b>Topic</b>	<b>Readings</b>	
<b>1 11 Jan</b>	Introduction	Chapter 1	
<b>2 18 Jan</b>	Torts 1: The Glorious Principle	Chapter 2	
<b>3 25 Jan</b>	Torts 2: Contours of Negligence Obligation	Chapter 3	
<b>4 1 Feb</b>	Torts 3: Case Studies	Chapter 4	Torts Assignment Available
<b>5 8 Feb</b>	Contracts 1: Exchange and the Market	Chapter 5	
<b>6 15 Feb</b>	Contracts 2: Formation and Terms	Chapter 6	Torts Assignment Due
<b>7 1 March</b>	Contracts 3: Consideration	Chapter 7	Contracts Assignment Available
<b>8 8 March</b>	Unjust Enrichment 1: Defective Transactions	Chapter 8	
<b>9 15 March</b>	Unjust Enrichment 2: Broken Relationships	Chapter 9	Contracts Assignment Due
<b>10 22 Marh</b>	Reliance	Chapter 10	
<b>11 29 March</b>	Fiduciary Obligations	Chapter 11	
<b>12 5 April</b>	Inequality of Bargaining Power	Chapter 12	
<b>13 10 April</b>	REVIEW CLASS		

## The “Rules”

- You must complete all components of evaluation to receive a passing grade in the course.
- You must follow the University’s policies on academic integrity available at <http://www2.carleton.ca/studentaffairs/academic-integrity/>. You must complete all work individually and it must be fully original. In the essay in particular, you must not rely excessively on quotations as this will not count as being your own work. Do not plagiarize (copy and paste without attribution) from published, unpublished or internet sources. Attribute all sources you have used directly or indirectly (paraphrased) and indicate this by using appropriate citation format. Do not share draft (or final) work with others in the class. Do not share your electronic files with other students as they may copy your work and you will be equally subject to academic investigation.
  - I reserve the right to compare all files with other submissions in this course and other offerings of the course. I rigorously pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean. Further if ‘off topic’ work is submitted, I reserve the right to consult with your other instructors to confirm that you are not ‘re-using and re-cycling’ which is strictly prohibited.
- You must submit your work on time or you will be subject to heavy late penalties.
- You should keep a copy of all assignments and examinations until your final grade is confirmed. We may contact you for an additional copy if something goes wrong in submission.