

## Course Outline

**COURSE:** LAWS 2202D Obligations

**TERM:** Winter 2014

**PREREQUISITES:** LAWS 1000

**CLASS:** **Day & Time:** Thursday 2:35 pm - 5:25 pm  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Professor Alberto R. Salazar V., PhD

**CONTACT:** **Office:** C470 Loeb Building  
**Office Hrs:** Friday 12-1:30 pm  
**Telephone:** 613-520-2600 x. 3269  
**Email:** [alberto.salazar@carleton.ca](mailto:alberto.salazar@carleton.ca)

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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 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 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)

**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 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 a 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, food labeling and sugar-related lawsuits. The second section of the course will examine the theme of 'Tort' and will use tobacco tort litigation in Canada as a case study.

**EVALUATION**

- In-Class Test (February): 40% (a list of optional essay-type questions will be provided a week before the date of the test)
- Final Examination (April): 60%

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

**SCHEDULE OF TOPICS**

**Jan 9<sup>th</sup> Week 1: Introduction**

**CONTRACT**

**Jan 16<sup>th</sup> Week 2: Contract and Voluntary Obligation (I)**

Just Between the Law and Us: Obligations Chapter 1 (p. 1-20); Private Law, Social Life, chapter 3 (p. 49-73)

**Jan 23<sup>rd</sup> Week 3: Contract and Voluntary Obligation (II)**

Just Between the Law and Us: Obligations Chapter 1 (p. 21-43); Private Law, Social Life, chapter 3 (p. 49-73)

**Jan 30<sup>th</sup> Week 4: Judicial Intervention in Contract**

Just Between the Law and Us: Obligations Chapter 2 (p.44-69)

**Feb. 6<sup>th</sup> Week 5: Consequences of Non-Performance in Contract**

Just Between the Law and Us: Obligations Chapter 3 (p.70-85); Private Law, Social Life, chapter 7 (p. 153-176)

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

**Feb. 13<sup>th</sup> Week 6: IN-CLASS TEST**

**Feb. 20<sup>th</sup> NO CLASSES - WINTER BREAK**

**Feb. 27<sup>th</sup> Week 7: Standard Form Contracts, Unfair Terms & Inequality of Bargaining Power**

R. A. Bigwood, "Fairness awry? Reflections on the BCLI Report on proposals for unfair contracts relief" (2012) 52 (2) *Canadian Business Law Journal*, 197-225

**TORT**

**March 6<sup>th</sup> Week 8: The Nature of Tort Law**

Just Between the Law and Us: Obligations Chapter 4 (p. 86-110); Private Law, Social Life, chapter 4 (p.75-99)

**March 13<sup>th</sup> Week 9: Foundations of Liability in Tort (I)**

Just Between the Law and Us: Obligations Chapter 5 (p.111-147)

**March 20<sup>th</sup> Week 10: Foundations of Liability in Tort (II)**

Just Between the Law and Us: Obligations Chapter 5 (p. 147-171)

**March 27<sup>th</sup> Week 11: Compensation in Tort Law (I)**

Just Between the Law and Us: Obligations Chapter 6 (p. 172-183); Private Law, Social Life, chapter 7 (p. 153-176)

**April 3<sup>rd</sup> Week 12: Compensation in Tort Law (II) (Last Class)**

Just Between the Law and Us: Obligations Chapter 6 (p. 183-194)

**FINAL EXAMINATION: April Examination Period**