

Carleton University
Department of Law

PRELIMINARY COURSE PLAN

LAWS 2201 OBLIGATIONS
LAWS 2202 A (Classroom) & V (Broadcast CUOL)

This document is for information purposes only. It is not the course outline and it is subject to change.

Term: Winter 2011

Prerequisites: Laws 1000

Class: **A: Wednesday**, 8.35am-11.25am;
Location: Check Carleton Central for current information.

V: Broadcast (Rogers, Channel 243); time tbc

Note: Lectures are also viewable via: [CUTV Webcast](#); [Video-On-Demand \(VOD\) online streaming](#)- (fee applies) and at the [CUTV Student Centre](#). See the CUTV website for more information.

WebCT **WEBCT** is essential for this course. Readings, email to Professor, lectures slides, and assignments are available only through this modality.

Instructor: Professor T. Brettel Dawson

Contact: Office: Loeb D497

Email: Please email me only through WebCT Laws 2202 WebCT.

Office Hours: Students will be assigned to a Teaching Assistant/Discussion Group early in term via WebCT. The TA will be your first point of contact. The Professor will be available on Fridays between 11.30 – 12.30 and by appointment. Email is also a good way to be in touch – generally, the Professor will aim to respond within 48 hours (2 days) – don't expect instant replies and do think through your inquiry before you email!

The professor will also have scheduled office hours, day and time, to be confirmed.

TAs: Eric Vallillee, Molly Stogran, and Nazgol Namazi. Contact details via WebCT to follow. You will be assigned to a virtual tutorial group for the purposes of connecting you to a TA and for assignment submission. There are no formal tutorials.

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html. If you require accommodation for your formally

scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

The course examines 'private law obligations'. We will examine aspects of the tort law, contract law, unjust enrichment (restitution), and fiduciary obligations. We will also probe the 'interstices' by touching on some areas which defy neat categorization to identify the interplay of concepts such as reliance, expectation, trust, conscience, and policy. We will identify the basis (rationale and principles) for obligations and consider how private law structures, facilitates and protects interactions between 'persons and property'. In general terms, we will start from the idea of 'individual intactness' (and duties not to violate another's person or property) protected by tort law, and move to exchange and the concept of making self-interested bargains in contract law before looking at how the law corrects injustices arising from a person retaining a benefit or profit which they ought not to have received. We will round out the course by examining how law also fosters 'social intactness' and interdependent social and professional relationships through the concept of fiduciary obligations.

Learning Objectives

Given that the area known as 'private law obligations' is vast and dynamic, we cannot cover it all and we cannot go into great depth in those areas which are included. With this in mind, the following are general 'learning objectives' shaping the course in the second semester.

By the end of the second semester you should be able to:

1. Outline the kinds of private law obligations (range) and their underlying concepts (rationales) and different focal points. You should be able to outline (and critique) a general taxonomy of private law obligations.
2. Identify the 'interests' that private law seeks to protect through recognizing obligation and providing remedies.
3. Describe and analyse many of the 'core cases' and principles in each area of private law obligation indicating a clear grasp the essence of each 'category of obligation'.
4. Connect private law to social and economic contexts in which it develops and operates. In particular, you should be able to identify instances where race and gender have played a role how legal obligations have developed and how market considerations affect policy choices.
5. Link themes (individual, market, public-private, persons and property) to private law obligations.

SCHEDULE AND TOPICS

The class schedule (to follow) will indicate the anticipated flow of topics and readings.

In general terms, after an introductory class, we will spend 3 weeks on torts, 3 weeks on contracts, 2-3 weeks on unjust enrichment and 2 weeks on fiduciary duties. Class lectures will further pinpoint the most relevant sections of the extracts. Note: Depending on the flow of our class time, this schedule/readings list may be adjusted.

REQUIRED READING

You do not have to buy a casebook or text for this course.

I have prepared an electronic "Casebook" for this course which you are required to read for class and evaluation. The Casebook will be posted on WebCT under the "Learning Module" tab. The Table of Contents gives the complete citation for material that is included. You will be able to read online, save to your computer and/or print for your own use. Programs like Foxit or Adobe Standard allow you to annotate and highlight PDF files which is an interesting alternative to printing. Note: Some of the PDF files are very much 'cut and paste' as I become more adept at this editing process.

Recommended Reading

You may find it useful to read Logan Atkinson and Neil Sargent, *Private Law, Social Life*, 2d ed (Toronto: Lexis Nexis/Butterworths, 2007) Available from the Carleton University Bookstore.

EVALUATION

(Subject to change – this is a tentative plan only and in no way a 'contract' with students!)

Types of Assignments

I am considering two 'mid-terms' each with a modest research requirement. The first would cover classes 1-4 (intro and torts) and be worth about 25%; it would be due around February 7th. The second would cover classes 5-10 (contracts and unjust enrichment) and would be worth about 50%. It would be due on or before March 23.

There will be a take home final examination. Most likely I will give you a fact pattern or scenario (and some short answer questions). You will be asked to analyse the scenario in relation to private law principles. It would be worth about 25%.

Online Modality

What is established is that we will handle assignments electronically rather than in hard copy. Assignment sheets will be posted on WebCT (under the assignments tab) and will be submitted online through WebCT using the Assignment DropBox.

This course uses the 'grade book' in WebCT to allow you to see your marks.

Late Penalties and other 'rules' on evaluation

- Late assignments are subject to mark reduction penalties of 3% per day (including weekends).
- Extensions are not granted for computer problems or work schedule conflicts.
- All components of evaluation must be completed to receive a passing grade in the course.
- All work must be completed individually and must be fully original. Draft (or final) work may not be shared with others in the class. You must follow the University's policies on academic integrity available at <http://www2.carleton.ca/studentaffairs/academic-integrity/>.
- Correct citation is required for research sources. For more information see the 'Legal Style Sheet for Term Papers' available at through the Library webpage.
- Copies of all assignments and examinations should be retained in original form by students until grades are confirmed.

More Information on Take Home Assignments and Examinations

- A Take Home examination (or mid-term) provides you with an opportunity to apply the material you have learned in the course.
- Unlike a scheduled examination with a set number of hours and a requirement to 'show up' at a designed location, you write a "Take Home Examination" at your own pace and space. You have full access to course material. You are not required to do additional research. These kinds of examinations are not about 'regurgitation' but about reflection and analysis of course themes and material.
- A Take Home Examination combines study time with writing time. It takes a while to complete likely over several 'sittings'. It is absolutely essential that you set aside times to work on the exam well ahead of the deadline if you want to avoid a last minute rush, running out of time and various accompanying stress! I recommend that that you plan for several blocks of 3 hours of 'dedicated time' to answer the examination. You need to schedule this time in relation to your other examinations. It is fine (encouraged) to submit the examination before the due date!
- For end of term take homes, you receive the examination on the last day for submitting course work and have until the end of the examination period (to be announced) to complete and submit your examination. If you are unable to complete the final examination, you must request a formal deferral from the Registrar's Office.