

Course Outline

COURSE: LAWS 2202D - Obligations
TERM: Winter 2011
CLASS: Day & Time: Monday 11:30am-2:30pm
Room: Please check on Carleton Central for room location
INSTRUCTOR: Neil Sargent
CONTACT: Office: D594 LA
Office Hrs: Tuesday 10:00-noon
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"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 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: 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 OUTLINE

(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).

Part 1

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
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 (In re Baby M; also Chapter 9, reading e
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 15, reading e
6. Tort as a source of legal obligations. Intentional and unintentional torts
The requirements of liability in negligence
Readings: Chapter 4, a, b, c; also Just between the Law and Us: Persons and Property, Chapter 1, reading b (Donoghue v. Stevenson)
Private Law, Social Life, chapter 4
7. Requirements 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

Financial and non-financial damages; no-fault compensation mechanisms as an alternative to tort law damages

Readings: Chapter 6, a, b, c, e, f, and g

10. 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 7

11. 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

12. No new readings