

Course Outline

COURSE:	LAWS 2202A – Obligations
TERM:	Fall - 2016
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: Tuesdays, 6:05pm – 8:55pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Philip Alexander Steiner
CONTACT:	Office: B442 Loeb (contract faculty offices) Office Hrs: virtually or by appointment Email: Philip.Steiner@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/>

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 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://carleton.ca/pmc/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://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 explores the legal concepts surrounding the creation, maintenance, and termination of obligations between private persons, including: **contracts** and **contractual arrangements, torts, unjust enrichment, fiduciary obligations**, as well as **inequalities in bargaining power**. The course also examines broad concepts surrounding the 'equitable jurisdiction' of private law, and explores the **interactions and tensions** between the law's role as a **neutral arbiter between private/market interests**, and its more active interventions to protect or promote principles of **equity, equality** and **good conscience**.

As a survey course, our engagement with the above topics will be both selective and limited. As we discuss the law of torts, we will focus on negligence causing personal injury rather than the many other dimensions of tort liability. While considering contract law, materials will be focused on doctrines of formation, terms & conditions, limitation of liability, consideration and how they have changed in response to evolutions in the market. The course will also consider the state's regulatory framework, as well as shifts in the role of the judiciary. Taking up unjust enrichment, our focus will be primarily on the approaches of the courts to defective transactions in the market as compared to resolving property disputes between associated individuals (families/personal relationships) in the absence of a formal legislative framework (such as that provided by marriage). Similarly, when we consider fiduciary obligations, we will do so in the context of a (productive?) tension between the roles of private law in ordering economic as opposed to social spheres.

Overall this course aims to help students understand the basic legal concepts associated with the enforcement of private obligations, and to draw connections between foundational legal principles and broader questions regarding their intended and unintended consequences for the effective functioning of social, economic, and ethical dimensions of modern Canadian society.

REQUIRED TEXTS

Students will be required to use the following edited collection (required reading):

T. Brettel Dawson ed., *Obligations in Private Law (North York, Captus Press, 2012)**

Students are strongly advised to acquire their own copy of the required reading material (available for purchase in the *University Bookstore*), however a copy will also be set aside at the reserve desk in the *Library*.

* OTHER SECTIONS OF THIS COURSE MAY (AND DO) USE OTHER BOOKS/TEXTS - PLEASE TAKE CARE IN ENSURING YOU ACQUIRE THE CORRECT TEXT.

SUPPLEMENTARY TEXTS & MATERIALS

Additional materials may be assigned week to week. **Students are responsible for doing all required readings, whether they are included in the required text or provided separately.** Any additional reading materials will be made available via the course page on cuLearn. A number of documentary films may also be shown during scheduled lectures; students are responsible for attending scheduled classes. Students who are unable to attend a scheduled lecture where a documentary film is shown are responsible for securing and viewing such materials on their own.

LEARNING OBJECTIVES

As part of a 'critical legal studies' approach to the study of law, this course aims to both:

- I) introduce students to a number of core legal concepts as they relate to the public enforcement of private obligations; and
- II) train students how to critically engage with, consider, and (at times) question the underlying principles, assumptions, and consequences (intended and unintended) of those concepts.

With this in mind, at the end of the course students should be able to:

- understand and distinguish between the different types of legal obligations discussed;
- recall the key elements of the examined case law as it relates to the principles and concepts explored;
- apply the concepts and legal doctrines explored in the context private law obligations using practical examples; and
- critically consider and discuss (which is not the same as critique) the ways in which the various legal enforcements of private obligations reflect, support, or challenge dominant social

structures and ideas.

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 Dean.

Attendance / Participation	5%
Weekly Reading Reviews	10%
Assignment #1	20%
Assignment #2	30%
Final Examination	35%
Total	100%

Attendance / Participation (5%)

Students are expected to attend class each week, and participate in class activities as they occur. In class learning exercises, discussion groups, and break-out sessions will make up part of several classes, and students are expected to be both present and prepared (have done the readings) to participate.

Weekly Reading Reviews (10%)

Each week students will be required to complete a **1-2 page reading review** covering the assigned readings for that lecture. Students will be expected to **summarize the key ideas/concepts** (not every point or every case/article) from the assigned reading materials for the given week, and provide 2-3 discussion questions (with answers) – demonstrating a critical engagement with the classes' core themes.

Reading reviews must be submitted **via cuLearn, double-spaced, in 12pt Times New Roman font with standard 1" margins**, before the start of each lecture. Alternative or late submissions will not be accepted.

Reading reviews will be accepted on a pass/fail basis.

* Students are strongly encouraged to keep copies of their reading reviews as study aides for their final examination. Students are also encouraged to update their own copies of such reviews, even after submitting them, to reflect any additional information they may wish to flag for future review purposes.*

Written Assignments (50%)

Students will be required to prepare and submit two **7-10 page** written assignments during the semester. The assignments will take the form of short answer essay questions. Students will be provided with assigned questions, and will have two weeks to prepare responses. Assignments will focus on information delivered in lectures, assigned readings, and any supplementary articles or materials provided – *no additional (outside) research will be required or permitted.*

Assignment 1 (20%)

The first assignment will be distributed (in class and via cuLearn) **Tuesday, October 4th**, and due at the start of lecture on **Tuesday October 18th**.

Assignment 2 (30%)

The second assignment will be distributed (in class and via cuLearn) **Tuesday, November 8th**, and due at the start of lecture on **Tuesday November 22nd**.

All assignments must be submitted **hard copy, typewritten, double-spaced, in 12pt Times New Roman font** with **standard 1" margins**. Assignments are to be submitted at the beginning of the lecture in which they are due.

Late assignments will be penalized **5% per day**, beginning with submissions received after the lecture in which they are due. Late assignments are to be submitted to the Law Department's drop box (outside C462 Loeb Building), and will be counted as submitted based on the date stamped on them by the department. Students are responsible for ensuring that assignments are submitted before the deadline and to the right location.

Students will be provided, and expected to follow, additional information with regards to formatting, citation, and presentation. **Electronic submission will not be permitted.**

Extensions on assignments can only be granted by the course director, and will only be considered when they are **a)** requested in advance of the due date, and **b)** warranted on the basis of an acceptable circumstance supported by appropriate documentation. Extensions will not be granted for technology issues (printing, computer failure), transportation challenges, vacations, work schedule conflicts, or academic workload.

Final Examination (35%)

Students will be required to write a final examination, to be formally scheduled during the December examination period (December 10 – 22, 2016). The dates, times and locations are centrally scheduled by the university, students are responsible for ensuring they are aware of the appropriate scheduled time and location – and to check for any last minute changes. The exam will consist of a combination of multiple choice and short-answer essay questions.

CLASS SCHEDULE

Students are responsible for attending all scheduled lectures, and taking the relevant notes during class.

Lectures will discuss, in varying levels of detail, cases and concepts from assigned readings, but will also introduce material not otherwise covered in the case book.

Copies of lecture slides will be posted (via cuLearn) prior to each lecture, however, these such materials are meant only as an overview and do not represent all the material being discussed in class.

A copy of the class schedule will be posted and maintained on the cuLearn course page. The class schedule is subject to change, and students are responsible for checking the cuLearn course page on an ongoing basis to ensure they have the most up to date instructions with regards to required readings and class instructions.

<i>Date</i>	<i>Theme</i>	<i>Readings</i>
September 13th	Introduction	Chapter 1 (a)
Torts		
September 20th	<u>Torts I</u> – Private Law, Torts and the Legal Responses to Harm	<i>Chapter 3 (b) (f) and (g)</i> [First week to submit a reading reflection]
September 27 th	<u>Torts II</u> – Duty of Care, Standards of Care, Causation & Compensation	<i>Chapter 2 (a) (b) (c) (d)</i>
October 4th	<u>Torts III</u> – Case Studies	Chapter 4 (a) (b) [First assignment distributed]
Contracts		
October 11 th	<u>Contracts I</u> – Contracts, Market Values & Society	Chapter 5 (a) (b) (c) (d)
October 18 th	<u>Contracts II</u> – Formation, Terms, & Termination	Chapter 6 (a) (b) (c) Chapter 7 (e) (f) [First assignment due]
October 25 th	<i>Fall reading week – no classes</i>	

November 1 st	<u>Contracts III</u> – The Future of Contract Law / Contract Law in the Future	Chapter 6 (g) (h) (i) (j) + reading on cuLearn
Unjust Enrichment & Fiduciary Obligations		
November 8 th	<u>Unjust Enrichment I</u> – Defective Transactions	Chapter 8 (a) (b) (c) (d) [Second assignment distributed]
November 15 th	<u>Unjust Enrichment II</u> – Broken Relationships	<i>Chapter 9 (a) (b) (c) (d) (e)</i>
November 22 nd	<u>Fiduciary Obligations</u> - Trust	Chapter 10 (a) Chapter 11 (a) (b) (c) (d) (e) (f) [Second assignment due]
Critical Considerations		
November 29 th	<u>Inequality & Bargaining</u> – Judicial Intervention and the promotion of equality	<i>Chapter 12 (a)(b)(d)</i> [Last week to submit a reading reflection]
December 6 th	Conclusions and Exam Review	No new readings – start your review! [Second assignment returned]