

Course Outline

COURSE: LAWS 2202C - Obligations

TERM: WINTER 2019

PREREQUISITES: LAWS 1000

CLASS: **Day & Time:** Fridays 8:35am – 11:25am
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Professor Alberto R. Salazar V., PhD

CONTACT: **Office:** C470 Loeb Building
 Office Hrs: Fridays 12:00pm – 1:30pm
 Telephone: 613-520-2600 x. 3269
 Email: alberto.salazar@carleton.ca

CALENDAR COURSE DESCRIPTION

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

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, Alberto Salazar and Logan Atkinson, eds., *Just Between the Law and Us, Volume II: Obligations* (Toronto: Captus Press, 2017), 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 format 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 drawing on the course readings 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 the discussion of the materials, understand the relevance of the class topics and help students develop their critical and innovative thinking, writing and speaking 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 examples will be consumer contracts. The second section of the course will examine the theme of 'Tort' and will use individual and corporate tort examples.

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 Department and the Dean.

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

LAPTOPS AND CELLPHONES IN CLASS

Students are expected to use technology respectfully in class and to consider the impact of their actions on their fellow students and on my ability to deliver a lecture or conduct a class discussion. If a student is using technology in a way that interferes with the learning environment, I may ask the student to curtail the use of cell phones or laptops in class.

SCHEDULE

SCHEDULE OF TOPICS

Jan 11th Week 1: Introduction

CONTRACT

Jan 18th Week 2: Contract and Voluntary Obligation (I)

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

Jan 25th Week 3: Contract and Voluntary Obligation (II)

Just Between the Law and Us: Obligations Chapter 1 (p. 21-42); Private Law, Social Life, chapter 3 (p. 49-73)

Feb. 1st Week 4: Judicial (and Legislative) Intervention in Contract

Just Between the Law and Us: Obligations Chapter 2 (p.43-67)

Feb. 8th Week 5: Consequences of Non-Performance in Contract

Just Between the Law and Us: Obligations Chapter 3 (p.68-81); 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. 15th Week 6: IN-CLASS TEST**Feb. 22nd Week 7: NO CLASSES - WINTER BREAK (Feb 18th-22nd, 2019)****TORT****March 1st Week 8: The Nature of Tort Law**

Just Between the Law and Us: Obligations Chapter 4 (p. 82-105); Private Law, Social Life, chapter 4 (p.75-99)

March 8th Week 9: Foundations of Liability in Tort (I)

Just Between the Law and Us: Obligations Chapter 5 (p.106-131)

March 15th Week 10: Foundations of Liability in Tort (II)

Just Between the Law and Us: Obligations Chapter 5 (p. 131-148)

March 22nd Week 11: The Public/Private Distinction Revisited

Just Between the Law and Us: Obligations Chapter 6 (p.149-189)

March 29th – Week 12: Compensation in Tort Law

Just Between the Law and Us: Obligations Chapter 7 (p. 190-214); Private Law, Social Life, chapter 7 (p. 153-176)

April 5th Week 13: Course Review and Preparation for the Final Exam (LAST CLASS)**EXAMINATION: April Examination Period (April 12 – 27)**

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: Please contact 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

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/>