

Course Outline

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| COURSE: | LAWS 2202D – Obligations |
| TERM: | WINTER 2019 |
| PREREQUISITES: | LAWS 1000 (no longer offered), LAWS 1001 and LAWS 1002 |
| CLASS: | Day & Time: Tuesdays 2:35pm – 5:25pm Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: | Professor Neil Sargent |
| CONTACT: | Office: D594 Loeb Building Office Hrs: Mondays 10:00am – 12:00pm Tuesdays 10:00am - 12:00pm Telephone: 613-520-2600 x. 8853 Email: neil.sargent@carleton.ca |

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.

REQUIRED TEXTS

Neil Sargent, Logan Atkinson, and Alberto Salazar, eds., *Just Between the Law and Us, Volume II: Obligations* 2nd Ed., Toronto: Captus Press, 2017 (Available from the Carleton University Bookstore)

Logan Atkinson and Neil Sargent, *Private Law, Social Life*. Toronto: Lexis Nexis, Butterworths, 2nd Edition, 2007 (Available from the Carleton University Bookstore)

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.

Research Essay Assignment (February) 40%

Final Examination (April – Formally scheduled) 60%

SCHEDULE

(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).

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; Private Law, Social Life, chapter 3
2. Private law obligations: Contract as a source of private law obligations
Theories of contract
Legal requirements of a contract
Readings: Chapter 1 a, b, c, d, e, and 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, I, and j.
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, d, and e; also Chapter 1, reading f
Private Law, Social Life, chapter 7.
6. Tort as a source of legal obligations. Intentional and unintentional torts
The requirements of liability in negligence
Readings: Chapter 4, a, b, c, d; Donoghue V. Stevenson
Private Law, Social Life, chapter 4
7. Foundations 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, h, I, j, k; Chapter 6, readings f, and g; also Chapter 4, reading d
9. The Public/ Private Distinction in Tort Law, and the basis of tort claims against governments and public and private institutions
Readings: Chapter 6, a, b, c, d, e, h, and i.

10. Compensation in tort law
Functions of tort law remedies
Limits of tort law remedies in compensating injuries and deterring harmful behaviour
Readings: Chapter 7, a, b, c, d. Also Chapter 4, readings a, b, and c
 11. Remedies in Tort law continued: No-fault compensation mechanisms as an alternative to tort law damages
Readings: Chapter 7, e, f, g, and h. Also Chapter 6, readings h and i.
Private law, social Life, chapter 7
 12. Fiduciary and trust relationships as a source of obligations in Equity
The nature of fiduciary obligations
Readings: Chapter 8, a, b, c, d, e, and g
Private Law, Social Life, chapter 6
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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/>