

Course Outline

COURSE:	LAWS 2202 - Obligations
TERM:	WINTER 2020
PREREQUISITES:	LAWS 1001 & 1002
CLASS:	Day & Time: Wednesday 18:05-20:55 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Philip Alexander Steiner
CONTACT:	Office: B442 Loeb Building (Contract Instructor's Office) Office Hrs: virtually or by appointment Telephone: na Email: Philip.Steiner@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.

Precludes additional credit for LAWS 2003 (no longer offered).

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*, *fiduciary obligations*, as well as *inequalities in bargaining power* and limitations on *unjust enrichment*. 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

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.

Some 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.

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	10%
Weekly Reading Reviews	10%
Assignment #1	30%
Final Examination	50%
Total	100%

Attendance / Participation (10%)

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 **1-2** 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.

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 Assignment (30%)

Students will be required to prepare and submit a **7-10 page** written assignment during the semester. The assignment will take the form of short directed (scenario) essay questions. Students will be provided with questions and will have prepare responses that demonstrate they have read assigned course materials and can understand and deploy key concepts.

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 instructions will be provided Wednesday February 12th and students will have 2 weeks (not including reading week) to complete the assignment. All assignments must be submitted **via cuLearn - double-spaced, in 12pt Times New Roman font with standard 1" margins. Assignments must be submitted by 5pm Wednesday March 4th.**

Students will be provided, and expected to follow, additional information with regards to formatting, citation, and presentation. **All assignments will be submitted and graded through cuLearn.**

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 typically be granted for technology issues (internet or computer failure), transportation challenges, vacations, work schedule conflicts, or regular academic workload. Late assignments will be penalized **5% per day**, beginning with submissions received after the day/time they are due.

Final Examination (50%)

Students will be required to write a final examination, to be formally scheduled during the December examination period (April 13-25 2020).

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 style questions.

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>
January 6 th – Winter Term Begins		
January 8 th	Introduction	Chapter 1 (a) (No reading reflection due)
Theme I - Torts		
January 15 th	<u>Torts I</u> – Private Law, Torts and the Legal Responses to Harm	<i>Chapter 3 (b) (f) and (g)</i> <i>(First reading reflection due)</i>

January 22 nd	<u>Torts II</u> – Duty of Care, Standards of Care, Causation & Compensation	Chapter 2 (a) (b) (c) (d)
January 29 th	<u>Torts III</u> – Case Studies	Chapter 4 (a) (b)
Theme II - Contracts		
February 5 th	<u>Contracts I</u> – Contracts, Market Values & Society	Chapter 5 (a) (b) (c) (d)
February 12 th	<u>Contracts II</u> – Formation, Terms, & Termination	Chapter 6 (a) (b) (c) Chapter 7 (e) (f) [Assignment Instructions distributed]
February 19 th	<i>Winter reading week – no classes</i>	
February 26 th	<u>Contracts III</u> – The Future of Contract Law / Contract Law in the Future	Chapter 6 (g) (h) (i) (j) + reading on cuLearn
Theme III - Unjust Enrichment & Fiduciary Obligations		
March 4 th	<u>Fiduciary Obligations</u> – Trust	Chapter 11 (a) (b) (c) (f) [Assignment Due]
March 11 th	<u>Unjust Enrichment I</u> – Defective Transactions	Chapter 8 (a) (b) (c) (d)
March 18 th	<u>Unjust Enrichment II</u> – Broken Relationships	Chapter 9 (a) (b) (c) (d) (e)
Theme IV - Critical Considerations		
March 25 th	<u>Inequality & Bargaining</u> – Judicial Intervention and the promotion of equality	Chapter 12 (a)(b)(d) (Last week to submit a reading reflection)

April 1 st	Conclusions and Exam Review	No new readings – start your review!
April 7 th – Winter Term Ends		
April 13 th to 25 th – Formal Examination Period		

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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:

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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:* <http://carleton.ca/studentaffairs/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: <https://students.carleton.ca/services/accommodation/>

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/>