
Course Outline

COURSE:	LAWS 2202 D – Obligations
TERM:	Winter - 2022
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Mondays 8:35-11:25 am
	Room: Lectures will be delivered via Zoom (link will be posted)
INSTRUCTOR: (CONTRACT)	Professor Alberto R. Salazar V., PhD
CONTACT:	Office: C470 Loeb Building
	Office Hrs: Mondays 12-1pm and by appointment (via Zoom)
	Telephone: 613-520-2600 x. 3269
	Email: alberto.salazar@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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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 examines the formation and enforcement 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.

Materials outside the textbooks are provided via ARES. Please visit the Brightspace course website.

TEACHING METHOD

This course will combine formal lectures and in-class discussions. A typical session will begin with a lecture. The second part of a session will create opportunities for students to review the key concepts and ideas through open discussions drawing on the course readings and case studies that will be provided. Students will be encouraged to share their ideas, findings and questions. This method seeks not only to provide students with information about the topics, but also to engage them in the discussion of the materials including the relevance of the class topics as well as help them 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 obligations in tort law 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.

- Take-Home Mid-Term Exam (Feb. 28th): 40% (a list of optional essay-type questions will be provided before the deadline)
- Take-Home Final Exam (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 any technology.

SCHEDULE OF TOPICS

January 10th: Introduction

CONTRACT

January 17st: 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)

January 24th: 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)

January 31st: Judicial (and Legislative) Intervention in Contract

- Just Between the Law and Us: Obligations Chapter 2 (p.43-67).
- *Uber Technologies Inc. v. Heller*, 2020 SCC 16 (CanLII), <<http://canlii.ca/t/j8dvvf>>

February 7th: 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)

February 14th: Smart Contracts and the New Technology

- REQUIRED: Tatiana Cutts, "Smart Contracts and Consumers", 122 W. Va. L. Rev. 389 (2019)
- OPTIONAL: Andrew Luesley, "Unravelling Smart Contracts: Smart Contracts and the Law of Rescission in Canada", 2019 19 *Asper Review of International Business and Trade Law* 155, 2019 CanLIIDocs 4082, <http://canlii.ca/t/stm0>

A list of optional essay-type questions will be provided as study sheet for the take-home mid-term exam

February 21st: NO CLASSES (Winter Break: February 21-25th)

February 28th: DEADLINE FOR THE SUBMISSION OF TAKE-HOME MID-TERM EXAMS

- Upload your written take-home exam to the Brightspace course website by 4pm on Feb 28th.

TORT

March 7th: 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 14th: Foundations of Liability in Tort (I)

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

March 21st: Foundations of Liability in Tort (II)

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

March 28th: The Public/Private Distinction Revisited

- Just Between the Law and Us: Obligations Chapter 6 (p.149-189)
- *Sharma by her litigation representative Sister Marie Brigid Arthur v Minister for the Environment* [2021] FCA 560, available online: <https://jade.io/article/812833>. A brief review of the main issues and reasons for finding that the Australian Minister for the Environment owes a duty of care to Australian children so that it must prevent injury or death due to carbon emissions.

April 4th: Compensation in Tort Law. Preparation for the Final Exam (LAST CLASS)

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

FINAL EXAM: Take-Home Final Exam To Be Submitted during the April Examination Period