

Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 2202D - Obligations

TERM: WINTER 2023

PREREQUISITES: LAWS 1001 and 1002

CLASS: **Day & Time:** Fridays 2:35 – 5:25 pm
 Location: **Online - synchronous**

INSTRUCTOR: (CONTRACT) Lori Anne Heckbert

CONTACT: **Office Hrs:** Friday 1:30-2:30 pm (virtual by appt)
 Email: lorianne.heckbert@carleton.ca

NOTE: lectures will be live streamed using Zoom via CULearn.
Weekly Zoom link: <https://carleton-ca.zoom.us/j/94014380636>

To book an office hours appointment, use this link:
<https://calendar.google.com/calendar/u/0/selfsched?sstoken=UUhZWWtrNjZXbUM0fGRIZmF1bHR8ZmRiMTE3MWRhZiEyMzM5MmYwNWRjNGVIZiRhZiY0MTI>.

Students are responsible to ensure they have reliable high quality internet access to attend class and complete the online exams.

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.

ADDITIONAL COURSE INFORMATION

This course is an introduction to private law relationships and examines the common law relating to contracts, torts (civil wrongs), fiduciary obligations, and the interaction of private law relationships and public law (statute law passed by governments).

The course reviews 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 equitable and legal role of the state in ordering private legal obligations.

REQUIRED TEXTS

Neil Sargent, Alberto Salazar and Logan Atkinson, eds., *Just Between the Law and Us: Obligations* (Toronto: Captus Press, 2017 (second edition)), available from the Carleton University Bookstore.

Note: 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 ARES. Please visit the Brightspace course page.

EVALUATION

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.

Evaluation Method	Date Due	Percentage
Midterm Exam – during class time – 2 hours	March 3 ONLINE USING BRIGHTSPACE	40
Final Exam – 3 hours	TBD ONLINE USING BRIGHTSPACE	40
Active, Engaged Participation		20
		TOTAL 100%

Your exams are individual effort only (no collaboration of any kind), and will be subject to plagiarism check.

For clarity, makeups will **not** be granted for technology issues (such as printing or computer failure), transportation challenges, vacations, work schedule conflicts, or academic workload.

Any change to this evaluation scheme will be notified to you via D2L prior to implementation. **Failure to complete any of the course requirements may result in an “Incomplete” or “F” grade.**

METHOD OF INSTRUCTION

Each week will include both lecture and interactive discussion opportunities. Please note:

1. **Students are expected to complete the assigned readings prior to class.** Be prepared to answer questions on the day’s topics and actively participate in class discussion.

2. **The course is designed for students who attend the entire session each week.**
Students who do not place themselves at serious disadvantage if they wish to do well in the course.
3. **All students should sign into lectures using their Carleton ID and proper name, so they may be addressed properly. Note: Students seeking permission to attend lectures using a personal email address or pseudonym will be denied entry – this measure is to safeguard student privacy and avoid disruption of classes.**
4. **Recording of lectures by any means (sound, video, picture etc.) without the permission of the instructor is strictly prohibited.**

This will be an all-virtual course, delivered using a combination of weekly online lectures and interactive sessions. Big Blue Button, Zoom and/or Google Meets technologies will be used. Participation requires students to have reliable, high-speed internet access, a computer (ideally with a webcam), and a headset with a microphone. You may be expected to use the video and/or audio and/or chat during web conferencing sessions for participation and collaboration. You are not required to turn your camera on and may decide to turn it on or off at any time. Students are not permitted to take photographs, screenshots, or record other students, TAs, or instructors. If you have concerns about being recorded, please email me directly so we can discuss.

Sessions may be recorded to enable access to students with internet connectivity problems, who are based in different time zones, and/or who have conflicting commitments. Students who do not wish to be recorded should leave their camera and microphone turned off. Big Blue Button sessions are automatically recorded. You will be notified at the start of a Zoom or Google Meet session when the recording will start, and Zoom will always notify meeting participants that a meeting is being recorded. It is not possible to disable this notification.

Please note that all recordings are protected by copyright. The recordings are for your own educational use, but you are not permitted to publish to third party sites, such as social media sites and course materials sites.

INTELLECTUAL PROPERTY AND COPYRIGHT POLICY

The course materials posted on this course's D2L page are designed for use as part of the LAWS 2202 course at Carleton University and are the intellectual property of the Instructor (© 2023, Lori Anne Heckbert. All rights reserved.) unless otherwise stated. Unless a user's right in Canada's *Copyright Act* covers the particular use, you may not record, copy, publish, post on an internet site, sell, or otherwise distribute this course's content without the Instructor's express permission.

Third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

TIME ZONE

The time zone that will be used for the purposes of all evaluations and all course sessions will be Eastern Standard Time.

IMPORTANT DATES

Please note the following dates:

January 9, 2023	Winter term begins
February 20	Statutory holiday
February 20 – 24	Winter Break
March 15	Last day for academic withdrawal
April 7	Statutory holiday
April 12	Winter term ends
April 15 – 27	Formally scheduled exam period

POLICIES AND EXPECTATIONS

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 Policies

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: <https://carleton.ca/law/student-experience-resources/>.

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

STATEMENT OF STUDENT CONDUCT ONLINE

All students are expected to contribute towards an engaging, inclusive, and safe learning environment. During all class-related activities, students are expected to engage in respectful and courteous communication. In accordance with the [Student Rights and Responsibilities Policy, discrimination and harassment](#) will not be tolerated. It is a violation of course policy to cut and paste, screen shot, share course content, or post the words of your classmates or Instructor outside of class without permission. All work submitted in this course must be uniquely your own. When submitting assignments and/or completing exams, you are expected to articulate responses in your own words rather than cutting and pasting from course materials without permission, which is a form of plagiarism.

ADDITIONAL STUDENT SUPPORT

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.

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

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, please 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).

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 where 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: <https://carleton.ca/equity/sexual-assault-support-services>.

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

PLANNED SCHEDULE

Students are responsible for attending all scheduled classes and participating actively.

Copies of course slides will be posted (via CULearn) prior to each lecture. Slides provide an overview of topics to be discussed each class and do not represent all the material being discussed in class.

While every effort will be made to follow the planned schedule below, the schedule is subject to change from time to time. 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.

Reading	Date	Topic(s)
<p>1. <i>Just Between the Law and Us: Obligations</i> Chapters 4 (p. 82-105) and 8(d) (<i>Norberg v. Wynrib</i>, p228-235)</p> <p>2. Pages 2-5, 7-10, 16-17, and 23 of Stephen Waddams, "Private Right and Public Interest", in Michael Bryan, ed., <i>Private Law in Theory and Practice</i> (2007), at: https://doi-org.proxy.library.carleton.ca/10.4324/9780203945469</p> <p>3. <i>Butterfly Politics</i> reading on sexual harassment posted on Brightspace</p>	Jan 13	<p>Introduction: Legal Categories and Private Law Obligations</p> <p>Nature of Tort Law</p>
<p>1. <i>Just Between the Law and Us: Obligations</i> Chapters 5(a) to (e) inclusive, (g), (i) and (j) (p.106-131 except 131-134 and 137-140) and 7(b) and (c) (p. 192-200)</p>	Jan 20	Torts I – Private Law, Torts and the Legal Responses to Harm
<p>1. <i>Just Between the Law and Us: Obligations</i> Chapter 6 (all except (e) and (i)), p. 149-189 except p. 164-173 and 188-189</p>	Jan 27	Torts II – Duty of Care, Standards of Care, Causation & Compensation
<p>1. <i>Just Between the Law and Us: Obligations</i>:</p> <ul style="list-style-type: none"> - Chapter 5 (f) and (h), p. 131-134 and 137-140 - Chapter 6 (e) and (i), 164-173 and 188-189 - Chapter 7 (b), (c), (e) and (h), 192-200, 201-204 and 211-214 	Feb 3	Torts III – Case Studies; revisiting the Public/Private distinction; Compensation in Tort Law
<p>1. <i>Just Between the Law and Us: Obligations</i> Chapter 1 (all except (i) and (j)) and 2 (all)</p>	Feb 10	Contracts I – Contracts, Market Values & Society; Formation and Terms
<p>1. <i>Just Between the Law and Us: Obligations</i> Chapter (3) all</p> <p>2. Linda Mulcahy, "Contract Law in Perspective", in T. Brettel Dawson, ed., <i>Obligations in Private Law</i>, Concord ON: Captus Press Inc., 2012, 162-169 (on Brightspace)</p>	Feb 17	Contracts II – Termination & Consequences of Non-Performance in Contract
	Feb 24	Reading Week – No Class
** MIDTERM – DURING CLASS TIME **	Mar 3	** MIDTERM – ONLINE ** No class after
<p>1. Richard Devlin, Anthony Duggan and Louise Langevin, "Doing Theory in First Year Contracts: The Iceberg Method", in T. Brettel Dawson, ed., <i>Obligations in Private Law</i>, Concord ON: Captus Press Inc., 2012, 426-438 (on Brightspace)</p>	Mar 10	<p>Theoretical Perspectives on Law</p> <p>Unjust Enrichment</p>

Reading	Date	Topic(s)
2. Mitchell McInnes, Unjust Factors, Juristic Reasons and Contracts in Anglo-Canadian Law, in Paula Giliker, ed., <i>Re-Examining Contract and Unjust Enrichment : Anglo-Canadian Perspectives</i> , Leiden/Boston: Brill, 2007, 23-49.		
1. <i>Just Between the Law and Us: Obligations</i> Chapter 8 (all)	Mar 17	Fiduciary Obligations
1. Stephen Waddams, "Reliance", chapter 4 of his <i>Dimensions of Private Law: Categories and Concepts in Anglo-American Legal Reasoning</i> , Cambridge University Press, 2003, 83-105	Mar 24	Detrimental Reliance Fiduciary Obligations
1. <i>Just Between the Law and Us: Obligations</i> review Chapter 2 (d) 2. Review Devlin, Duggan and Langevin reading assigned for March 10 class 3. <i>Uber Technologies Inc. v. Heller</i> , 2020 SCC 16 (CanLII), http://canlii.ca/t/j8dvt	Mar 31	Inequality of Bargaining Power – Judicial Intervention and the promotion of equality
No new readings	Apr 7 – last class	REVIEW CLASS
** FINAL EXAM **	TBD – ONLINE	