

Course Outline

COURSE:	LAWS 2202 C – Obligations
TERM:	Winter - 2023
PREREQUISITES:	LAWS 1001 and LAWS 1002.
CLASS:	Day & Time: Fridays 8:35-11:25 am
	Room: <u>Lectures will be delivered with an alternating hybrid format of one-week in-person and the following week remote</u> (via Zoom, link will be posted). Both online and in-person classes will be held during regular class hours. The online classes will be live.
INSTRUCTOR: (CONTRACT)	Professor Alberto R. Salazar V., PhD
CONTACT:	Office: C470 Loeb Building Office Hrs: Fridays 12-1pm and by appointment 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.

ChatGPT Plagiarism

Students must not reproduce content produced by artificial intelligence such as ChatGPT. We will use AI-based detection systems to prevent AI-based plagiarism such as:

<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fetedward-gptzero-main-zggfwb.streamlit.app%2F&data=05%7C01%7CLaw%40cunet.carleton.ca%7Cb17fa7eeaf5a41eca87608dae6b4050%7C6ad91895de06485ebc51fce126cc8530%7C0%7C0%7C638084441643081917%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C&sdata=OnSwCUfCOxL4xSzAtIXKZThfS4z6R5B57dg9EhgXkGI%3D&reserved=0>

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/>

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.

March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held.
April 27, 2023	All final take-home examinations are due on this day.

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 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.

- Mid-Term Exam (In-Class Test) (February 17th): 40% (a list of optional essay-type questions will be provided a week before)
- 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 13th: Introduction

CONTRACT

January 20th: 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 27th: 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)

February 3rd: 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 10th: 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

February 17th: IN-CLASS TEST

February 24th: NO CLASS (Winter Break: February 20-24th)

March 3rd: Smart Contracts and Artificial Intelligence

- REQUIRED:
 - Tatiana Cutts, “Smart Contracts and Consumers”, 122 W. Va. L. Rev. 389 (2019)
 - *Uber Technologies Inc. v. Heller*, 2020 SCC 16 (CanLII), <<http://canlii.ca/t/j8dvvf>>
- 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>

TORT

March 10th: 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 17th: Foundations of Liability in Tort (I)

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

March 24th: Foundations of Liability in Tort (II)

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

March 31st: The Public/Private Distinction in Tort Law Revisited: Governments’ Duty of Care

- 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. While this decision was overturned in 2022, it offers ideas that shed light on this issue.

- OPTIONAL:
 - Racist Governmental Algorithms: “Dutch Childcare Benefit Scandal an Urgent Wake-Up Call to Ban Racist Algorithms”, Amnesty (Oct. 25, 2021), <https://www.amnesty.org/en/latest/news/2021/10/xenophobic-machines-dutch-child-benefit-scandal/>

April 7th: NO CLASS (Statutory holiday. University closed)

April 12th: Compensation in Tort Law. Preparation for the Final Exam (LAST CLASS. This is a Wednesday class that follows a Friday schedule)

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

FINAL EXAM: April Examination Period