

Course Outline

COURSE:	LAWS 3003B – Contracts
TERM:	Winter 2023
PREREQUISITES:	LAWS 2202 and .5 credits in LAWS at the 2000 level
CLASS:	Day & Time: Wednesdays 6:05 pm - 8:55 pm Room: Tory Building Room 447
INSTRUCTOR:	Hashim Oudeh
CONTACT:	Office: Before and following each class Office Hrs: By appointment via Zoom. Telephone: Please note that the best (and often ONLY) way to reach the instructor is via email Email: Hashimoudeh@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

The enforcement of promises and agreements; basic doctrines and underlying principles of the law of contract are studied from formation of the contract to remedies for breach of contract; role of contract for economic and social purposes is also considered.

COURSE DESCRIPTION

The main aim of this course is to provide the foundation necessary to critically analyse legal issues arising from agreements voluntarily entered into by two or more parties. We will study real and hypothetical cases with the goal of helping you to develop an understanding of how contracts are formed and how courts characterize and interpret contract terms as well as statements that are made in the contracting process but that are not part of the contract. In examining the cases, students are encouraged to critically reflect upon various theories of contract law and to carefully consider recent legislative and judicial shifts away from the traditional view that people are free to contract as they wish. Approaches to these issues in contexts involving Indigenous peoples will be discussed.

REQUIRED TEXTS

***Contracts: Cases and Commentaries, 11th Edition* Stephanie Ben-Ishai and David R. Percy.** Available from the Carleton University Book Store and the Book Store's online portal: <https://www.bkstr.com/carletonstore/home>

EVALUATION

(All components must be completed in order to get a passing grade)

10% - Class participation.

The mark out of 10 assesses participation in class discussion, and a record will be kept tracking participation.

10% - Class presentation.

To be discussed in class.

40% - Assignment

Mid-term assignment.

40% - Final exam

Open book exam – during the final exam period – **April 15-27, 2023.**

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Deadlines for submission of assignments are set prior to the start of term and clearly communicated in class and in this course outline. Students encountering unforeseen and unforeseeable difficulties meeting a deadline should communicate their request for an extension to me via email and within 24 hours or as soon as possible of becoming aware of the need for an extension.

Extensions:

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

Reading	Date	Lecture Topic
Chapter 1	January 11	Introduction - The Law of Contract
Chapter 2	January 18	Formation of the Agreement - Offer and Acceptance
Chapter 4	January 25	Consideration and Reliance (Promissory Estoppel)
Chapter 5	February 1	Privity of Contract
Chapter 7	February 8	Types of Contract Terms: Conditions, warranties and innominate terms, parole evidence rule
Posted online	February 15	The Good Faith Doctrine
February 20-24 2023 Winter break, no classes.		
Chapter 8	March 1	Standard Form Contracts and Exclusionary Clauses
Chapter 9 & 10	March 8	Mistake and Frustration
Chapter 13	March 15	Remedies and Mitigation
Posted online	March 22	Indigenous Theory of Obligations
Chapter 11 & 12	March 29	The protection of weaker parties. Illegality and Public Policy
	April 5	Review and Exam preparation
April 15-27, 2023 FORMALLY SCHEDULED EXAM PERIOD		

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
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. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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/>.

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, 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/>.