



uOttawa

CONTRACTS

CML 1102D
Contracts
Fall/Winter
2013-2014

INSTRUCTORS:

Ian Kerr (fall) iankerr@uottawa.ca

Kristen Thomasen (winter) kristen.thomasen@uottawa.ca

Tutorial Assistant :

Abdul Rahman Karim (full year) akario65@uottawa.ca

COURSE DATES AND HOURS:

Fall classes: Monday 10:00-11:20 & Thursday 16:00-17:20 (FTX 351)

Winter classes: Friday 8:30-10:20 (FTX 351)

Tutorial Sessions:

Fall: Mondays 11:30-1:00 (FTX 147B)

Winter: Fridays 11:30-1:00 (FTX 232)

COURSE WEBSITE: <https://groups.google.com/forum/#!forum/contracts-2015-16>

PROFESSORS' OFFICE HOURS AND OUT OF CLASS AVAILABILITY:

Ian Kerr's fall office hours: Mon 11:30-12:30; Thu 3:00-3:50 FTX #363 (or by appt)

Kristen Thomasen's fall office hours: Thu 10:00-11:00 FTX #388B (or by appt)

SENATE APPROVED COURSE DESCRIPTION:

Study and analysis of the basic principles of contract law. Topics covered include: conceptual and historical introduction; formation of contracts; operation of contracts; discharge of contracts; remedies. Introduction to agency.

COURSE OBJECTIVES:

Contracts are a special kind of magic. By our words or actions, we mortgage our future selves in favour of our present selves. And, as Sting once sang, "the future is but a question mark."

Part of the aim of this course will be to provide the foundations necessary to critically engage in legal issues arising from agreements voluntarily entered into by two or more parties. We will study classical, contemporary and hypothetical cases, resulting in a thorough understanding of the formation of contracts, the factors affecting their continued existence and the remedies available for breach of contract.

Students will also acquire basic legal skills, including the ability to analyze and evaluate judicial opinions, complex contractual clauses and, to a lesser extent, statutory provisions. In addition to a mastery of the substantive law of contract, students will be strongly encouraged to critically reflect upon various theories of contract and to carefully consider recent legislative and judicial shifts away from the traditional view that people are free to contract as they wish. Students will become well-equipped for further study in related areas such as: the sale of goods, real estate, insurance law, commercial transactions, corporate law, intellectual property, information law, internet law, the law of agency, labour and employment law, family law and remedies.

METHODS OF INSTRUCTION:

Our study of the law will be a blend of contractual and legal theory, private law cases, commercial law statutes and experiential learning exercises. In addition to some lecturing and much conversation, our interaction style will include the *elenchus* made famous by Socrates, a veritable tennis match of Q&A. This will inspire students to think on their feet and to develop a true love of the law, through deeper reflections of it.

MATERIALS:

Required Text

Contracts: Cases and Commentaries, Ben-Ishai & Percy, 9th ed. (Toronto: Carswell, 2014)

Suggested Supplementary Reading

1. *Managing the Law: The Legal Aspects of Doing Business*, McInnes, Kerr & Van Duzer 4th ed. (Toronto: Pearson Education, 2011)
2. *The Law of Contract in Canada*, GHL Fridman, 6^h ed. (Toronto: Carswell, 2011)
3. *The Law of Contract in Canada*, SM Waddams, 6th ed. (Toronto: Canada Law Book, 2010)

EVALUATION:

In addition to regular attendance, keeping pace with the assigned readings and participating in classroom and online discussions, each semester, students will complete a skills-based practical assignment (worth 10%) and an examination (worth 40%).

The fall term assignment is due on **Thursday November 19th Prior to the start of class.**

The midterm examination will take place on **Friday, December 11, 2015 from 9:00am-12:00pm.**

The winter term assignment is due on **Friday March 18th Prior to the start of class.**

The final examination will take place on **Friday April 15, 1:30pm-4:30pm.**

More information on the exams will become available as we proceed.

ONLINE DISCUSSION:

We will be using a Google Groups as a means of asynchronous communication. This virtual space will allow everyone to stay in touch outside of the classroom. You will be emailed with an invitation to the group once classes have begun.

Please see the “How to use Google Groups” document for further information.

READINGS:

Please see the “*Fall Reading List*” document for further information.

ACADEMIC FRAUD:

Students are reminded of the rules on academic fraud. All instances of fraud will be reported for investigation and sanction. Assignments submitted must be your own work. Please familiarize yourself with the University Academic Fraud Regulations, <http://www.uottawa.ca/governance/regulations.html#r72>. You should also familiarize yourself with the University Policy on Plagiarism, which is available at the Academic Office and at <http://www.uottawa.ca/plagiarism.pdf> and the University of Ottawa academic integrity website which can be found at: <http://web5.uottawa.ca/mcs-smc/academicintegrity/home.php>

The University disciplinary process for academic fraud can result in penalties ranging from loss of credits for the course to expulsion. Academic fraud must also be reported to the Law Society of Upper Canada, which in turn may refuse you admission to practice law in the province.

ACCOMMODATION:

To request an exam deferral, assignment extension, or other accommodation, please contact, **Jessica Simon**, Manager, Equity & Academic Success (FTX 237, jsimon@uottawa.ca).

Circumstances that may warrant accommodation include but are not restricted to:

- a **permanent state of affairs** (e.g., a disability, a permanent medical condition),
- an **ongoing situation** (e.g., a personal crisis, pregnancy),
- **reasons related to equity concerns** (e.g., religious obligations, sole parenthood),
- a **one-time event or circumstance** (e.g., a short illness, a temporary injury, a day surgery), or
- **compassionate grounds** (e.g., a death in the family, a sick child or dependant).

Students should consult the Equity and Academic Success portion of the Academic Affairs website for complete details regarding accommodation requests.

Students who require accommodation or academic support because of a physical or learning disability, or any ongoing condition which affects their ability to learn, are invited to register with **ACCESS SERVICE:**

Office:	Desmarais Building, room 3172 (3 rd floor)
Telephone:	613.562.5976
TTY:	613.562.5214
E-mail:	adapt@uottawa.ca
Web:	www.sass.uottawa.ca/access/

As part of the registration process, students will meet with a Learning Specialist to identify their individual needs, discuss appropriate strategies, and establish adaptive measures. Access Service assesses, establishes, and implements appropriate academic accommodations for students who have a disability, while adhering to the University of Ottawa's policies, procedures, and administrative regulations, as well as Human Rights legislation. Access Service works collaboratively with our faculty to facilitate the academic accommodation process.

Deadlines to request accommodation for final exams:

Fall Semester: *before 15 November*

Winter Semester: *before 15 March*

For additional information about Access Service you may contact Jessica Simon in Academic Affairs (Manager, Equity & Academic Success) at jsimon@uottawa.ca or at 613.562.5800 x 8891.

Religious Accommodation:

Accommodations will be made to allow students to observe their religious obligations. Students should contact the Manager, Equity and Academic Success no later than three weeks before the religious holiday in question, unless otherwise instructed by their professor. The University of Ottawa is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to assignments for this course pose such a conflict for you, please let the professor know within the first three weeks of class.

Sexual Violence: Prevention and Support

The University of Ottawa will not tolerate any act of sexual violence. This includes acts such as rape and sexual harassment, as well as misconduct that take place without consent, which includes cyberbullying. The University, as well as various employee and student groups, offers a variety of services and resources to ensure that all uOttawa community members have access to confidential support and information, and to procedures for reporting an incident or filing a complaint. For more information, please visit <http://www.uOttawa.ca/sexual-violence-support-and-prevention/>.

CLASSROOM ETIQUETTE

- Laptops are to be used in class only for note taking, searching things related to class discussion or accessing the virtual campus. It is easy for your laptop to become a distraction to you and to those around you, and therefore you are asked to avoid using computers for social networking or entertainment during class. If you fail to honour this request, you will be asked to leave the classroom. Repeated or particularly egregious disregard of this laptop etiquette request will result in a referral of the matter to the Vice Dean for appropriate sanction.
- The instructor will occasionally call for “laptops down” and conduct a brief discussion or exercise with all laptop screens down.
- Students are asked to avoid tardiness. If it is absolutely necessary for you to enter or leave the classroom while class is in session, please do not disrupt the class upon entering or exiting the classroom.

- Finally, please turn off cell phones when you are in the classroom