

CONTRACTS AND JUDICIAL RULE-MAKING
Laws 1000X/Y.06
2009-2010
Section C
Richard F. Devlin
Professor of Law
and
University Research Professor

Room 411

Ph: 494-1014
e-mail: richard.devlin@dal.ca

Course Description

This class has two primary objectives: the first is to provide an understanding of the process of development of the common law through judicial decisions; the second is to provide a basic knowledge of the doctrines and precepts of the law governing the making and performance of contracts. As a means of attaining the first objective, the “case method” of teaching is used and adapted to enable students to acquire a lawyer-like understanding of such concepts as “stare decisis”, the use of precedent, and the technique of distinguishing. A critical evaluation of judicial lawmaking is undertaken through an examination of the developing phenomenon of legislative intervention in the field of contract law. In order to fulfill the second objective, substantive rules of contract law are examined.

Required Texts

The required texts for Section C are:

S. Ben-Ishai, D. Percy, Contracts: Cases and Commentaries 8th ed (2009)

R.F. Devlin, et al. Supplement (2009-2010)

Other Texts

Other useful materials are:

J. McCamus, The Law of Contracts (2005)

A. Swan, Canadian Contract Law (2009)

J. Swan, B. Reiter, N. Bala, Contracts: Cases, Notes & Materials 7th ed. (2006)

S. Waddams, M. Trebilcock, M.A. Waldron Cases and Materials on Contracts 3rd ed. (2005)

S. Waddams, The Law of Contracts 5th ed. (2005)

G. Fridman, The Law of Contract in Canada 5th ed. (2006)

S. Smith, Atiyah’s Introduction to the Law of Contract 6th ed. (2005)

J. Beatson, Anson’s Law of Contracts, 28th ed. (2002)

M.P. Furmston, Cheshire, Fifoot and Furmston’s Law of Contract 15th ed. (2007)

Edwin Peel, Treitel on the Law of Contract 12th ed. (2007)

H. Collins, The Law of Contract, 4th ed. (2003)

All of the above will be on reserve in the Law Library.

Various handouts may be distributed throughout the year.

Class Scheduling

Tuesday 9:00 – 10:30 Room 305
 Thursday 9:00 – 10:30 Room 305

Meeting Time

Tuesday 1:00 – 2:30 or by appointment

Evaluation

Fall Term

1. The mid-term examination (closed book) is scheduled for Monday, December 14th, 2009

Winter Term

2. Final examination (closed book) will is scheduled for Friday, April 14th, 2010

Students with Disabilities

Professor Dianne Pothier is the Faculty Advisor to students with disabilities. Students with disabilities must self-identify to Professor Pothier if they have any in-class or study concerns or needs. Students with disabilities who wish to request accommodation regarding exam writing or other aspects of evaluation must make the request in writing to the Studies Committee. For information about accommodation, students should speak to Professor Elizabeth Hughes or Associate Dean Michael Deturbide. Material for the Studies Committee can be given to Tiffany Coolen-Jewers.

Plagiarism**All students in this course must read**

- the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- the Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/current_students/course_selectin_materials/regulations_handbook/)
- the Orientation Handbook (provided to all first year students and available online at http://law.dal.ca/Files/First_Year_Handbook_2007.pdf)

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.