

CONTRACTS AND JUDICIAL RULE-MAKING
2008-2009
Section C
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Room 411

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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:

C. Boyle, D. Percy, Contracts: Cases and Commentaries 7th ed (2004)

R.F. Devlin, et al. Supplement (2006-2007)

Other Texts

Other useful materials are:

J. McCamus, the Law of Contracts (2005)

J. Swan, Canadian Contract Law (2006)

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 5th ed. (1994)

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.

Scheduling

Tuesday 9:00 – 10:30 Room 305
Thursday 9:00 – 10:30 Room 105

Evaluation

Fall Term

1. The mid-term examination is scheduled for Wednesday, December 10th, 2008

Winter Term

2. Final examination will is scheduled for Monday, April 6th, 2009

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.