

COMMERCIAL AND CONSUMER LAW - LAW 314

COURSE DESCRIPTION AND OUTLINE

Spring 2012

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Classes: Monday and Wednesday, 9:00 am – 10:30 am
Credit value: 1.5 units

I. Course description and objectives

This course will address the law governing commercial and consumer transactions relating to the sale of goods and services. Relevant case law and legislation will be examined including the *Sale of Goods Act* and the *Business Practices and Consumer Protection Act*. Students will also be introduced to various foundational practical and drafting concepts relating to commercial and consumer transactions.

Objectives

- Learn the fundamental legal principles governing commercial and consumer transactions;
- Gain familiarity with the legislative framework for the sale of goods and consumer protection in British Columbia;
- Learn the fundamentals of contract drafting for commercial and consumer transactions.

II. Teaching methodologies and materials

This course will be delivered through a variety of teaching methods including lecture, student presentation, class discussion and group work. As this course aims to develop both theoretical knowledge and practical skills, active student participation will be expected.

The course materials are:

- Charles Fox, *Working with Contracts: What Law School Doesn't Teach You, 2nd Edition* (New York, Practising Law Institute, 2008). This book is available at the University bookstore.
- Electronic materials, including articles and statutory materials that will be distributed to the class on the class Moodle site.

A number of sales law texts are on course reserve for student reference.

III. Evaluation

Students have two evaluation options.

Option 1

20% 1500 word research paper on a topic relating to commercial or consumer transactions.

70% Open book, take home final examination.

10% Class participation.

Option 2

40% 3000 word research paper on a topic to be chosen in consultation with the instructor.

50% Open book, take home final examination.

10% Class participation.

Exam

The exam will be distributed on Wednesday April 4, 2012 at 10:30 am and is due at 10:30 am on Wednesday April 11, 2012. The exam will consist of a combination of short answer questions, longer problem style questions and a contract drafting exercise.

Research Paper

- i. Students must provide the instructor with a two-page outline of the paper topic by the beginning of class on Wednesday February 8, 2012.
- ii. Failure to submit the outline on time will result in a loss of 2% per day on the paper's final numerical mark out of 100 for each day that the outline is late.
- iii. The outline must include a bibliography of all sources.
- iv. A hard copy of the final paper must be submitted to the general office by Wednesday April 4, 2012 at 4:00. You must also send a copy of the paper to the instructor by e-mail.
- v. Failure to submit the paper on time will result in a loss of 2% per day on the paper's final numerical mark out of 100 for each day that the outline is late.
- vi. Students must note the word count for the paper on the title page.
- vii. All citations must conform to the current edition of the Canadian Guide to Uniform Legal Citation (McGill Guide). Non-compliance may result in a deduction of up to 10 marks.
- viii. Papers will be graded on the following basis:
 - a. Thesis – Clear articulation of argument

- b. Organization – Clear structure throughout paper
- c. Research – Breadth and depth of research
- d. Analysis – Logic, balance, depth, context, critical analysis
- e. Originality – Creativity, novelty, insight
- f. Style – Correct legal citation, flow and grammar

Participation

Participation will be graded in consideration of the following factors:

- i. Regular class attendance;
- ii. Participation in class discussion;
- iii. Participation in class exercises;
- iv. Participation in online forum discussion;
- v. Appropriate use of electronic devices in class.

Grading System

The table below shows the official grading system used by the instructor in arriving at final assessments of student performance.

Passing Grades	Grade Point Value	Percentage Value	Description	Comments
A+	9	90-100%	Exceptional	Grades in this range are normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	Outstanding	
A-	7	80-84%	Excellent	
B+	6	75-79%	Very good	Grades in this range are normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	Good	
B-	4	65-69%	Solid	
C+	3	60-64%	Satisfactory	These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	Minimally satisfactory	
D	1	50-54%	Marginal	A student receiving this grade demonstrates a superficial grasp of subject matter.

F	0	49% and below	Unsatisfactory	

IV. University regulations, expectations and accommodation

Students should obtain and review all regulations and policies contained in the University of Victoria Calendar, 2010-2011 available online (the Calendar) both generally and specifically for the Faculty of Law. The Calendar's Undergraduate Academic Regulations set out the University's expectations about attendance and assignments. The Faculty of Law's Academic Regulations can also be found in the Calendar. Students must comply with all applicable university and Faculty policies and regulations.

Classroom Climate

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions and group work.

For your reference, you may wish to consult the University's Policy on Human Rights, Equity and Fairness (<http://web.uvic.ca/uvic-policies/pol-1000/1105.html>) and Policy on Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html>). In particular, Section 5.1 of the Policy on Human Rights, Equity and Fairness provides that "All members of the university community are responsible for promoting a supportive and inclusive learning and working environment and for dealing respectfully and fairly with each other."

In addition, as lawyers in training, I expect you to conduct yourself in accordance with professional standards and rules of conduct. In particular, the Law Society of British Columbia's Professional Conduct Handbook provides in Chapter 1, Rule 4 that: "A lawyer's conduct toward other lawyers should be characterized by courtesy and good faith."

I expect all aspects of this class to be conducted with this commitment firmly in mind. If you have any concerns about the climate of the class, please feel free to contact me or the Associate Dean.

Academic Integrity

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. All student work in this course must adhere to the University's Policy on Academic Integrity. The policy is available online.

In particular, please note that the policy on plagiarism is as follows:

"A student commits plagiarism when he or she:

- submits the work of another person as original work

- gives inadequate attribution to an author or creator whose work is incorporated into the student's work, including failing to indicate clearly (through accepted practices within the discipline, such as footnotes, internal references and the crediting of all verbatim passages through indentations of longer passages or the use of quotation marks) the inclusion of another individual's work
- paraphrases material from a source without sufficient acknowledgement as described above

Students who are in doubt as to what constitutes plagiarism in a particular instance should consult their course instructor.

The University reserves the right to use plagiarism detection software programs to detect plagiarism in essays, term papers and other assignments.”

Students with a Disability

If you have any type of disability, there are support systems, resources, and accommodation actions available to you. If you wish to access any of these supports, resources or accommodations, I encourage you to contact the Associate Dean or the Resource Centre for Students with a Disability (<http://rcsd.uvic.ca/home.ihtml>) and I would be more than happy to work with you to ensure your success in this course.

Accommodation of Religious Observances

The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for those students who are unable to participate in a class or an aspect of the course owing to a religious holiday (see <http://web.uvic.ca/uvic-policies/pol-2000/2350SRO.html>). If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday, please speak with me (or the Associate Dean) and I will be pleased to work out some satisfactory form of accommodation.