

**COURSE OUTLINE**

**BUS 311**

**COMMERCIAL LAW**

45 Hours  
3 Credits

Prepared by \_\_\_\_\_ Date: July 24, 2011

Bruce Willis, Instructor

Approved by \_\_\_\_\_ Date: \_\_\_\_\_

Shelagh Rowles. Dean

**YUKON COLLEGE**

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This course outline was prepared by Bruce Willis on July 24, 2011.

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500 College Drive  
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Whitehorse, Yukon Y1A 5K4

**Commercial Law**

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|---------------------------------|---------------------------------------------|
| <b>INSTRUCTOR:</b>              | Bruce Willis, Q.C., B.A. (Hon), LL.B., M.A. |
| <b>CLASS DATES &amp; TIMES:</b> | Tuesday 6:30 to 9:30 p.m.                   |
| <b>ROOM NUMBER:</b>             | Room A 2204 (next to Lecture Hall)          |
| <b>TELEPHONE:</b>               | TBA                                         |
| <b>FAX:</b>                     | TBA                                         |

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**COURSE DESCRIPTION:**

Both the private and public sectors of the Canadian economy rest on a structure of legal and social institutions. This course offers a synoptic view of the Canadian legal system, with emphasis on underlying considerations of social policy - the reasons behind the rules rather than the rules of law themselves. While considering the nature, sources, philosophy and policy objectives of the law, selected topics from the field of tort and contract are analyzed.

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**LEARNING OUTCOMES:**

This course is designed to give an introduction to - and an overview of - the major areas of law generally encountered in business and commercial law. These areas are an introduction to the Canadian legal system, tort law, and commercial law with a strong emphasis on the law of contract.

Law as a subject places a different demand on the student than would otherwise be encountered in the more traditional college course. It is essential that the student be able to communicate clearly and effectively when dealing with factual situations in which there is not always a clear right or wrong answer.

The course places a strong emphasis on group participation. The course will be taught using a combination of question and answer, formal lectures, group discussion, and the performance of the "law firms." There will be 20 cases assigned in the first week of classes, which will be prepared in writing and orally argued - either for the Plaintiff or the Defendant - by the four law firms.

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### **COURSE FORMAT:**

Students will meet the objectives of the course by reading the text, discussing issues, and participating in class and group projects. It is important to attend the class sessions *having read the text in advance*.

At the beginning of the term, a list will be drawn up of all students. The students will be divided into four law firms. You will then be given a case from the text consisting of detailed, factual situations. These cases will be given to the law firms each week for the plaintiff's case, and for the defendant's case. The law firms will meet in advance to prepare their presentation, which will be both written and verbal. The law firm that has the plaintiff's case will present it, followed by the law firm with the defendant's case. The plaintiff's law firm will then be given an opportunity to rebut the defendant's case. The judge will then render a decision. After the conclusion of the case, the class will be invited to participate.

These presentations are extremely important since they account for 50% of the total mark.

### **STUDENTS WITH DISABILITIES OR CHRONIC CONDITIONS:**

Reasonable accommodations are available for students with a documented disability or chronic condition. It is the student's responsibility to seek these accommodations. If a student has a disability or chronic condition and may need accommodation to fully participate in this class, he/she should contact the Learning Assistance Centre (LAC) at (867) 668-8785 or [lassist@yukoncollege.yk.ca](mailto:lassist@yukoncollege.yk.ca)

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### **REQUIRED TEXT:**

Smyth, J.E., Soberman, D.A. & Easson, A.J. (2010): *The Law and Business Administration in Canada, 12th Edition*: Pearson / Prentice-Hall, 928 pp., \$164.00.

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### **EVALUATION:**

|                                              |     |
|----------------------------------------------|-----|
| Mid-Term Exam (take home)                    | 25% |
| Final Exam (take home)                       | 25% |
| Group Projects, Attendance and Participation | 50% |

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Total: 100%

### SYLLABUS:

Readings refer to the Smythe & Soberman text, 12th Edition. Additional readings and case reports may be assigned during the term.

| Class Date | Week  | Topic                                                                             | Text References   |
|------------|-------|-----------------------------------------------------------------------------------|-------------------|
| 09/13      | One   | Introduction / Review of course objectives / General discussion of group projects | Chapters 1 & 2    |
| 09/20      | Two   | Essential elements of contract                                                    | Chapters 5 & 6    |
| 09/27      | Three | Essential elements of contract and mistake                                        | Chapters 7 & 8    |
| 10/4       | Four  | Vitiating elements of contract and writing                                        | Chapters 9 & 10   |
| 10/11      | Five  | Interpretation of contracts, privity and assignment                               | Chapters 11 & 12  |
| 10/18      | Six   | Ending the contract, and breach of contract and remedies                          | Chapters 13 to 15 |

### TAKE HOME EXAM:

At the end of class in week six, a mid-term exam will be handed out. It will be a take home exam, returnable in three weeks' time. The exam answers should be word processed and double-spaced.

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### SYLLABUS, CONTINUED:

| Class Date | Week   | Topic                                                                                     | Text References   |
|------------|--------|-------------------------------------------------------------------------------------------|-------------------|
| 10/25      | Seven  | Law of torts and professional liability                                                   | Chapter 3         |
| 11/1       | Eight  | Torts and professional liability / Business organizations                                 | Chapters 3 & 4    |
| 11/8       | Nine   | Partnership management / Operation of a corporation                                       | Chapters 26 to 29 |
| 11/15      | Ten    | Principal and agent / Employment contracts, insurance and guarantee. Final exam hand out. | Chapters 18 to 20 |
| 11/22      | Eleven | Credit transactions                                                                       | Chapters 30 & 31  |
| 11/29      | Twelve | Property, and landlord and tenant                                                         | Chapters 22 to 25 |

### TAKE HOME EXAM:

At the end of class in week twelve, a final exam will be handed out. It will be a take home exam, returnable in one week's time. The exam answers should be word processed and double-spaced.

### SYLLABUS, CONTINUED:

| Class Date | Week     | Topic                                     | Text References |
|------------|----------|-------------------------------------------|-----------------|
| 12/06      | Thirteen | Electronic Commerce<br>Final Exam Hand In | Chapter 34      |
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**CLASS PROJECTS:**

| <b>Week</b> | <b>Law Firm</b>   |           |
|-------------|-------------------|-----------|
| Three       | Law Firm A:       |           |
|             | Case 3 (page 118) | Plaintiff |
|             | Case 7 (page 120) | Defendant |
| Three       | Law Firm B:       |           |
|             | Case 3 (page 118) | Defendant |
|             | Case 5 (page 119) | Plaintiff |
| Three       | Law Firm C:       |           |
|             | Case 6 (page 119) | Plaintiff |
|             | Case 5 (page 119) | Defendant |
| Three       | Law Firm D:       |           |
|             | Case 6 (page 119) | Defendant |
|             | Case 7 (page 120) | Plaintiff |
| Four        | Law Firm A:       |           |
|             | Case 2 (page 137) | Defendant |
|             | Case 6 (page 138) | Plaintiff |
| Four        | Law Firm B:       |           |
|             | Case 5 (page 138) | Defendant |
|             | Case 4 (page 138) | Plaintiff |
| Four        | Law Firm C:       |           |
|             | Case 2 (page 137) | Plaintiff |
|             | Case 6 (page 139) | Defendant |
| Four        | Law Firm D:       |           |

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|--|-------------------|-----------|
|  | Case 4 (page 138) | Defendant |
|  | Case 5 (page 138) | Plaintiff |

**CLASS PROJECTS, CONTINUED:**

| <b>Week</b> | <b>Law Firm</b>   |           |
|-------------|-------------------|-----------|
| Five        | Law Firm A:       |           |
|             |                   |           |
|             | Case 2 (page 161) | Defendant |
|             | Case 3 (page 161) | Plaintiff |
| Five        | Law Firm B:       |           |
|             |                   |           |
|             | Case 6 (page 163) | Defendant |
|             | Case 3 (page 161) | Defendant |
| Five        | Law Firm C:       |           |
|             |                   |           |
|             | Case 6 (page 163) | Plaintiff |
|             | Case 7 (page 163) | Plaintiff |
| Five        | Law Firm D:       |           |
|             |                   |           |
|             | Case 2 (page 161) | Plaintiff |
|             | Case 7 (page 163) | Defendant |
| Six         | Law Firm A:       |           |
|             |                   |           |
|             | Case 3 (page 180) | Plaintiff |
|             | Case 5 (page 181) | Defendant |
| Six         | Law Firm B:       |           |
|             |                   |           |
|             | Case 4 (page 180) | Defendant |
|             | Case 2 (page 197) | Plaintiff |
| Six         | Law Firm C:       |           |
|             |                   |           |
|             | Case 3 (page 180) | Defendant |
|             | Case 2 (page 180) | Plaintiff |
| Six         | Law Firm D:       |           |

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|  |                   |           |
|  | Case 4 (page 180) | Plaintiff |
|  | Case 5 (page 181) | Defendant |

**CLASS PROJECTS, CONTINUED:**

| <b>Week</b> | <b>Law Firm</b>   |           |
|-------------|-------------------|-----------|
| Seven       | Law Firm A:       |           |
|             |                   |           |
|             | Case 2 (page 197) | Defendant |
|             | Case 3 (page 197) | Plaintiff |
| Seven       | Law Firm B:       |           |
|             |                   |           |
|             | Case 2 (page 197) | Plaintiff |
|             | Case 3 (page 197) | Defendant |
| Seven       | Law Firm C:       |           |
|             |                   |           |
|             | Case 5 (page 198) | Defendant |
|             | Case 6 (page 198) | Plaintiff |
| Seven       | Law Firm D:       |           |
|             |                   |           |
|             | Case 5 (page 198) | Plaintiff |
|             | Case 6 (page 198) | Defendant |
| Eight       | Law Firm A:       |           |
|             |                   |           |
|             | Case 6 (page 235) | Plaintiff |
|             | Case 4 (page 234) | Defendant |
| Eight       | Law Firm B:       |           |
|             |                   |           |
|             | Case 6 (page 235) | Defendant |
|             | Case 4 (page 234) | Plaintiff |
| Eight       | Law Firm C:       |           |
|             |                   |           |
|             | Case 7 (page 235) | Plaintiff |
|             | Case 5 (page 234) | Defendant |

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|       |                   |           |
|-------|-------------------|-----------|
| Eight | Law Firm D:       |           |
|       |                   |           |
|       | Case 7 (page 235) | Defendant |
|       | Case 5 (page 234) | Plaintiff |

**CLASS PROJECTS, CONTINUED:**

| <b>Week</b> | <b>Law Firm</b>  |           |
|-------------|------------------|-----------|
| Nine        | Law Firm A:      |           |
|             |                  |           |
|             | Case 2 (page 73) | Plaintiff |
|             | Case 7 (page 75) | Plaintiff |
| Nine        | Law Firm B:      |           |
|             |                  |           |
|             | Case 3 (page 74) | Plaintiff |
|             | Case 4 (page 74) | Defendant |
| Nine        | Law Firm C:      |           |
|             |                  |           |
|             | Case 7 (page 75) | Defendant |
|             | Case 3 (page 74) | Defendant |
| Nine        | Law Firm D:      |           |
|             |                  |           |
|             | Case 2 (page 73) | Defendant |
|             | Case 4 (page 74) | Plaintiff |
| Ten         | Law Firm A:      |           |
|             |                  |           |
|             | Case 1 (page 95) | Plaintiff |
|             | Case 2 (page 95) | Defendant |
| Ten         | Law Firm B:      |           |
|             |                  |           |
|             | Case 1 (page 95) | Defendant |
|             | Case 2 (page 95) | Plaintiff |
| Ten         | Law Firm C:      |           |
|             |                  |           |
|             | Case 5 (page 96) | Plaintiff |
|             | Case 6 (page 96) | Plaintiff |

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| Ten | Law Firm D:      |           |
|-----|------------------|-----------|
|     |                  |           |
|     | Case 5 (page 96) | Defendant |
|     | Case 6 (page 96) | Defendant |