

# SALE OF GOODS

LAWS 2145

Schulich School of Law  
Dalhousie University

Fall 2018

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## I. Overview

In the design of the law school's curriculum, this course sits alongside Secured Transactions to form the "Commercial Transactions" subject area recommended by the Nova Scotia Barristers' Society. It also fulfils one of the "selected classes" slots for students completing the Business Law Specialization.

Substantively, the course is about the sale and supply of goods. In addition to a detailed study of Nova Scotia's *Sale of Goods Act*, we will discuss consumer protection legislation and the *United Nations Convention on Contracts for the International Sale of Goods* (sometimes called the *Vienna Sales Convention* or the *CISG*).

Thematically, the course might be thought of as an advanced common law course, with the particular aims of reinforcing and refining your understanding of some issues related to common law contracts and property. It also raises issues around the benefits and pitfalls around attempts at codifying the common law. It might also be approached as an applied course in statutory interpretation, as the *Sale of Goods Act* will be our touchstone for much of the term.

My hope is that each of you will find some angle on the course that excites and engages you – perhaps one that I've mentioned here, or perhaps an entirely different one.

## II. Learning Objectives

This course aims to help you develop the following knowledge and skills:

### Knowledge Base

- You will understand and be able to describe and apply the law related to the sale and supply of goods in Canada.
- You will understand and be able to describe and evaluate about the policy choices underlying the law.
- You will be able to understand and evaluate proposed changes to the statutes related to the sale and supply of goods in Canada.

### Skill Development

- You will continue to develop case analysis and synthesis skills.
- You will develop close reading skills.
- You will develop statutory interpretation skills.

### III. Course Materials & Bibliography

#### Obligatory Coursepack & Brightspace

The required text for the course is a coursepack whose development over the years is credited to Professors Kindred, Evans, and Khimji, with minor modifications and updates that I have contributed over the past several years. The coursepack is available on Brightspace.

Also on Brightspace is a Legislation Supplement containing most of the legislation we will be referring to over the term.

#### Further Reading

The following are suggested for further reference:

Bridge, MG. *Sale of Goods* (Toronto: Butterworths, 1988).

Bridge, MG & JP Benjamin. *Benjamin's Sale of Goods*, 8th ed (London: Sweet & Maxwell/Thomson Reuters, 2010).

Fridman, GHL. *Sale of Goods in Canada*, 6th ed (Toronto: Thomson Carswell, 2013).

Ziegel, Jacob S & Anthony J Duggan. *Commercial and Consumer Sales Transactions: Cases Text and Materials*, 4th ed (Toronto: Emond Montgomery, 2002).

### IV. Coordinates

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Office: W429

Office Hours: Wednesday, 2:30 – 4:00 pm

The best way to reach me is via e-mail at [colinjackson@dal.ca](mailto:colinjackson@dal.ca).

You should feel free to stop by my office, send an e-mail, or stop me in the hall to talk about law. I promise to be in my office during the scheduled office hours, and I'm happy to meet with you at other times. If you want to make sure that you catch me, send an e-mail to make an appointment.

### V. Course Sessions

The scheduled hours for the course are 4:00 pm – 5:50 pm on Tuesdays in room 204, starting with September 11<sup>th</sup>, 2018 and concluding on December 4<sup>th</sup>, 2018.

At this point, I do not anticipate needing to cancel any classes. Should the need arise, I will inform you via e-mail and give you as much notice as possible.

## **VI. Teaching Format, Preparation, and Class Participation**

Our time together in the classroom will be spent largely on application of the law and discussion of the principles and policy choices that the law reflects. I will lecture when I feel that I can add some context or clarification to the coursepack, but class time will generally not include a rehash of the assigned readings.

### **What You Should Expect from Me**

As teacher, I am committed to working hard to help you succeed in the course. You should expect me to come prepared to class and to lead in creating a positive, challenging learning environment.

I will ensure that the class begins and ends on time, that I am available to you outside of those hours, and that I respond to your e-mails promptly.

Although the course will be graded based only on the final exam, I will endeavour to provide regular feedback to you throughout the term and give you opportunities to assess your own progress.

### **What I Expect From You**

I expect you to contribute to the creation of a positive, respectful, and challenging learning environment. Consistent with the pedagogical approach, I expect you to come to class having read and reflected upon the assigned readings. Depending upon the assigned material, you may be called upon to contribute to a classroom discussion. If you find yourself unable to prepare for a particular session, please let me know in confidence either before or at the outset of class. This will avoid any uncomfortable situations for both of us.

I expect that you will regularly monitor both the Brightspace site and your dal.ca e-mail for updates related to the class. I am asked to advise you that you “will be deemed to have received anything sent” by me to your @dal.ca e-mail address.

I also expect you to make use of both formal and informal methods of providing feedback to me.

## **VII. Evaluation**

### **Final Exam (100%)**

Your grade for the course will be based on a 2½ hour modified closed-book final exam, which has been scheduled for Thursday, December 13<sup>th</sup>, 2018. You will be allowed to

bring in one double-sided page of notes (8 ½" x 11"). I will provide you with clean copies of the relevant statutes and the table of contents from the casebook.

The exam will be set with reference to the assigned readings, classroom discussions, and material posted on Brightspace or circulated via e-mail, and the course's learning objectives. Please note that the learning objectives include both acquiring substantive knowledge and developing skills to allow you to approach new areas of sales law.

### **Grading Guidelines**

This course must have a median of 70–72 per cent with the following grade distribution:

A	10 – 20%
B	40 – 60%
A & B together	60 – 75%
C	15 – 25%
D	0 – 15%
F	0 – 5%

## **VIII. Diversity and Inclusion – Culture of Respect**

Every person at Dalhousie has a right to be respected and safe. We believe inclusiveness is fundamental to education. We stand for equality. Dalhousie is strengthened in our diversity. We are a respectful and inclusive community. We are committed to being a place where everyone feels welcome and supported. Please do not hesitate to speak with me if you have questions or concerns, read more about Dalhousie's Diversity & Inclusiveness Strategy at [www.dal.ca/cultureofrespect.html](http://www.dal.ca/cultureofrespect.html), and see [dal.ca/dalrespect](http://dal.ca/dalrespect) for further information on resources and supports.

## **IX. Integrity**

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law 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 and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

## **X. Requests for Accommodation**

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

## **XI. Faculty Policy on the Submission of Major Papers and Assignments**

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties:

<https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

## XII. Schedule of Classes and Readings

Please refer to the table below for important dates and assigned readings for the course. To maximize student learning, I may adjust the schedule and the assigned readings from time-to-time. If so, I promise to give you as much notice as possible.

	Topic	Assigned Reading
Sept 11	Introduction	Course Syllabus I-8 - I-43
Sept 18	Passing of Property – part 1	II-1 - II-26
Sept 25	Passing of Property – part 2	II-26 - II-51
Oct 2	Title Conflicts – part 1	IV-1 - IV-21
Oct 9	Title Conflicts – part 2	IV-21 - IV-55
Oct 16	Implied Terms – part 1	Chapter III V-1 - V-20
Oct 23	Implied Terms – part 2	V-20 - V-57
Oct 30	Disclaimers and Limitations of Liability	Chapter VII
Nov 6	Obligations and Remedies – part 1	Chapter VI IX-1 - IX-28
Nov 20	Obligations and Remedies – part 2	IX-28 - IX-62
Nov 27	International Sales	Chapter X
Dec 4	Flex / Review Class	
Dec 13	Final Exam (Closed Book)	