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Osgoode Syllabus of Courses and Seminars: 2011 - 2012

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OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

OSGOODE SYLLABUS OF COURSES AND SEMINARS

**2011-2012
Fall / Winter**



OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

OSGOODE SYLLABUS OF COURSES AND SEMINARS

2011-2012 Fall / Winter

Note:

This Syllabus and the Timetable provide information available as of June 2011 to enable upper-year students to complete a Study Plan for the 2011-2012 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of printing. However, Osgoode Hall Law School of York University reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

Prepared by the Programs & Records Office, Osgoode Hall Law School. June 2011.

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1. INTRODUCTION

Osgoode offers a diverse and rich array of courses, seminars and programs in the upper year curriculum – presenting you with the challenge of designing a program of study which reflects and advances your academic goals and aspirations, notwithstanding the inevitable constraints of the timetable and enrolment limits.

There are opportunities at Osgoode to study substantive law, the policies and theories it reflects, the context in which it operates and the interests it serves. There are also opportunities to develop skills in legal analysis, research and writing, advocacy, negotiation and drafting. The range of choice extends to the Intensive Programs, independent research, courses offered by other university faculties and exchange programs with other universities. We also offer “streams” of courses in four areas of the curriculum; these streams provide a structured opportunity to specialize in a particular field of law. Faculty members have worked closely with the Curriculum Reform Working Group to develop suggestive subject-area concentrations, and these too offer guidance to you in structuring your program.

Make sure your choices are informed. Begin by reading the Syllabus carefully. Then, you may wish to seek advice from members of faculty, read student evaluations of courses and seminars (on reserve in the library) and talk with staff in the Student Services Office.

A few words of advice. You should seek to develop a balanced program in each year. Core, upper year courses often are offered in large classes and evaluated mainly by final examination. There are many opportunities, however, to work in smaller groups which provide closer contact with instructors, varied learning methods and means of evaluation, and the opportunity to develop a range of skills.

In my view, students should seek to attain both breadth and depth in their legal education. Take the opportunity to gain exposure to diverse fields of law, and the opportunity to explore in depth and master at least one important field of law. The insights gained and skills acquired will be of general value to you. Research and writing skills are of particular importance and the Faculty Council of Osgoode Hall Law School has reaffirmed this by introducing an Upper Year Research and Writing Requirement for each student.

Finally, I urge you to seek an appropriate balance of courses involving the analysis of traditional legal materials together with those which examine legal institutions and phenomena from broader perspectives. Your understanding of law from the inside will be much enhanced by a view from the outside. Similarly, every student should seek out at least one significant experiential course (clinical or intensive program, courses with hands-on assignments, etc).

Once you have settled on your plan of academic priorities, your next task will be to attempt to implement it. Limitations on classroom space and teaching resources, the number of students with similar interests and the inevitable last-minute changes in the curriculum, will impose certain restrictions on your choices. If you need assistance in understanding the priority system, academic regulations or enrolment procedures, please contact the Student Services Office.

Law school is a remarkable opportunity. I hope that you make the most of the richness of Osgoode's curriculum and that you will succeed in designing a program tailored to your interests, curiosity, goals and passions.

Lorne Sossin, Dean

| 2011 Fall Term | |
|--|--|
| Monday, August 29 | Classes begin |
| Monday, August 29 Monday, September 12 | Course change period |
| Monday, September 5 | Labour Day – no classes, University closed |
| Monday, October 10 | Thanksgiving – no classes, University closed |
| Thursday, October 13 | Deemed Monday – Thursday day and evening classes are cancelled. Monday classes will be held. |
| Monday, November 7 – Friday, November 11 | Reading Week for Upper Year students |
| Friday, December 2 | Classes end |
| Monday, December 5 | Seminar & Directed Research Papers due by 3:30 p.m. – papers must be submitted electronically through the online drop box (unless an earlier date is established by the course instructor). |
| Monday, December 5 – Friday, December 16 | Examinations. Optional papers written for courses in which there is an examination are due on the day of the examination by 3:30 p.m. (unless an earlier date has been set by the instructor) Papers must be submitted electronically through the online drop box. |
| Saturday, December 17 – Thursday, December 22 | Fall term exam deferral period |
| Friday, December 23 – Monday, January 2 | University closed |
| 2012 Winter Term | |
| Tuesday, January 3 | Classes begin |
| Tuesday, January 10 | Last day to submit Fall term examination petitions |
| Tuesday, January 3 – Monday, January 16 | Course change period |
| Monday, February 20 | Family Day – no classes, University closed |
| Monday, February 20 – Friday, February 24 | Reading Week |
| Thursday, April 5 | Classes end |
| Friday, April 6 | Good Friday – no classes, University closed |
| Monday, April 9 | Seminar & Directed Research Papers due by 3:30 p.m. – papers must be submitted electronically through the online drop box (unless an earlier date is established by the course instructor). |
| Monday, April 9 – Friday, April 20 | Examinations. Optional papers written for courses in which there is an examination are due on the day of the examination by 3:30 p.m., unless an earlier date has been set by the instructor. Papers must be submitted electronically through the online drop box. |
| Monday, April 23 – Monday, April 30 | Winter term exam deferral period |
| Friday, May 4 | Last day to submit Winter Term examination petitions |

3. ACADEMIC REQUIREMENTS

Please read this section carefully before planning your year of study. In order to meet the academic requirements students in the JD program:

1. Must successfully complete a minimum of 60 credit hours over second and third years;
2. Must enrol in between 13 and 17 credit hours each term;
3. May not take more than two seminars per term;
4. Must, in either second or third year, successfully complete a seminar, course or other option satisfying the Upper Year Research Requirement.

Note: Students in either the Joint JD/MBA, JD/MES or JD/MA (Phil) should refer to page 29.

3.1 Notes on Course Registrations

1. Students are not permitted to enrol in a course or seminar where the time for the classes or exams of that course or seminar conflict with those of another course or seminar in which the student is enrolled.
2. Personal research papers, courses in other faculties and courses at the University of Toronto Faculty of Law and/or Ryerson University Yeates Graduate School are considered as seminars for enrolment purposes.
3. Students enrolled in a full term intensive program (Criminal Law, Immigration & Refugee Law, Poverty Law, Lands, Resources and First Nations Government, Intellectual Property or Intensive Research) may enrol in only four seminars over their second and third years.
4. A student may apply for approval to enrol in additional seminars by completing a *More Than Two Seminars Approval Form* and submitting it to the Student Services Office.
5. A student may not be enrolled in more than one full term Intensive Program over second and third years;
6. Students must have taken all specified prerequisites for 4000-level courses and 5000-level seminars.

Students are expected to ensure that they are informed on the various regulations concerning academic dishonesty, in particular that it is a serious academic offence (i.e. cheating) to submit the same or substantially the same paper to satisfy the requirements of more than one course without receiving the prior written

permission from each instructor. Please refer to the Student Handbook online at:

[https://osgoode.yorku.ca/myosgoode2.nsf/0/3D5548FAA808A982852574B8005BF313/\\$FILE/Student_Handbook_2010-2011_Oct_2010.pdf](https://osgoode.yorku.ca/myosgoode2.nsf/0/3D5548FAA808A982852574B8005BF313/$FILE/Student_Handbook_2010-2011_Oct_2010.pdf)
for further details.

It is the responsibility of the student to comply with the academic requirements.

3.2 Upper Year Research and Writing Requirement

All students must complete an upper year research and writing requirement pursuant to Rule 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. During the academic year, 2nd and 3rd year students are required to submit the requirement at the online declaration site on myosgoode. Students will be advised of the dates to declare (or amend) a declaration during the fall term.

Upper Year Research Requirement (Academic Rule 3.6)

- a. *In either second or third year, each student shall successfully complete one of the following:*
 - i. *a seminar or designated course in which the student writes a research paper as the primary mode of evaluation;*
 - ii. *a research paper under Rule 4.4;*
 - iii. *a Research Program under Rule 4.5; or*
 - iv. *a major writing requirement in a Joint Program involving Osgoode Hall Law School and another faculty or department of the University.*
- b. *For the purposes of this Rule:*
 - i. *“seminar” includes a seminar taken in another faculty or department of the University under Rule 4.9 or, with the permission of the Assistant Dean (JD Program) or the Associate Dean, in another University;*
 - ii. *“designated course” means a course or Intensive Programme designated by the Assistant Dean (JD Program) or the Associate Dean;*
 - iii. *a research paper constitutes the “primary mode of evaluation” when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;*
 - iv. *a “research paper” means a paper at least 8,000 words in length, excluding notes, bibliography and appendices.*

3.3 Osgoode Public Interest Requirement (OPIR)

The Osgoode Public Interest Requirement (OPIR) is a graduation requirement for all JD students at Osgoode Hall Law School. Students are required to complete 40 hours of law-related, public interest work over their three years at law school and will receive recognition for their work on their final transcripts. A variety of placements are available including CLASP, clinical courses, intensive programs, student-sourced placements, Pro Bono Students Canada projects, the Government of Ontario, the Ontario Securities Commission, the private bar and more. Placements may be done locally, nationally or internationally. Evaluation is done through either a short paper reflecting on the student's experience or by participating in a moderated discussion group with other students.

Detailed information on the OPIR is found at http://osgoode.yorku.ca/Quickplace/opir/Main.nsf/h_Toc/4df38292d748069d0525670800167212!OpenDocument

4. ENROLMENT PROCEDURES

All courses and seminars are open to all students, provided the academic requirements are met and space in the course is available.

Students initially enter their course preferences in the "Lawselect" course balloting system found on myosgoode. Complete information on the course balloting procedures is sent by email and is also posted on myosgoode. Students are required to visit: www.osgoode.yorku.ca/lawselect to input their course selections.

4.1 Course and Seminar Selections

Before completing your course selections, you will need to carefully review the course descriptions, the Fall and Winter timetables (available online), examination schedules, prerequisites, previous course enrolment figures, the academic regulations and the following guidelines.

With respect to your course selections:

1. Select the courses/seminars you wish to take and list them for each term in order of preference.
2. You may select up to 17 credits per term. This is the maximum allowed credit per term.
3. Some students choose to list possible substitutes in case their selected

courses have been in previous high demand. This is certainly not required. The course change period will be in late July and students will have the opportunity at that point to amend their course enrolments. Please note that "substitutes" receive the lowest priority after all the letter priorities are assigned.

4. **Ensure that both your course timetable and your exam timetable are conflict free. Students are not permitted to enrol in any course or seminar where either the class time or exam date conflict. Exam deferrals are not granted on the basis of such exam conflicts.**

4.2 Course Codes

Titles and numbers are allocated for every course and seminar:

2000's are courses without prerequisites
3000's are seminars without prerequisites
4000's are courses with prerequisites
5000's are seminars with prerequisites
6000's are personal research papers
7000's are Intensive Programs
8000's are CLASP or Law Journal Credits
9000's are exchange program courses

Courses in other faculties of York University retain the number used in that Faculty.

4.3 Priority-based Enrolment

Admission into the various options is governed by a priority-based enrolment system, "Lawselect". This system ensures that each student receives an equal opportunity to enrol in courses for which there is high demand. Since it is inevitable that there will be more applications for some courses and seminars than can be accommodated, those students who have allocated their highest priorities to the course or seminar will be admitted first.

4.4 Assigning Priorities

After considering previous enrolment figures (refer to the Course Information Tables) and weighing your options, assign a letter priority to the courses/seminars you have listed. For example, if you have selected 4 courses in each term, your courses will be assigned letter priorities "A" through "H". Each student receives one "A" priority letter, one "B" etc. for the entire year.

A = highest priority letter
K = lowest priority letter

Students who have accepted a full term Intensive Program need to only prioritize the courses for the term in which they are not enrolled in the Intensive program. Students will be automatically enrolled in the Intensive program. Students who have been accepted and confirmed into an Exchange Program should leave the exchange term blank. The exchange credits will be input automatically.

Priority letters do not apply to substitute courses. If there is an "A" lottery in a course/seminar, and a student is not successful in securing a space in the course, the "A" priority is exhausted and is not reassigned to the substitute selection. If you have letter prioritized a course and do not secure a space, you will be placed on the waitlist. The position on the waitlist is determined by the letter priority assigned to the course.

4.5 Entering your course preferences

Starting Monday, June 13th until Wednesday, June 22nd, students will be able to access the Law Select website in order to enter their course preferences for Fall/Winter 2011-2012. During this time, the website will be available 24 hours a day. Students may change their course preferences as much as they like until the 4:00 p.m. deadline on June 22nd. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. Student Services will inform students of their course enrolments in mid July. The course enrolments from Law Select are automatically entered into the main university enrolment system by Student Services.

*****It is your responsibility to ensure that the class times and examination times of the courses you are applying for do not conflict. Such a conflict does not constitute a valid ground for an Examination Deferral request.*****

4.6 After Enrolment

1. Waiting Lists

All courses that have reached maximum enrolment will be waitlisted. You will be automatically added to a waiting list if you had assigned a letter priority to a course but did not secure a space. Students may monitor their position on both fall and winter term waitlists, as well as have the opportunity to add their name to any additional waitlist exclusively online. Students will be able to access the Law Select Waitlist site from the "Law Select: Waitlists" link on MyOsgoode under QuickLinks **beginning on August 29th. Further details on waitlist**

procedures will be sent to all students in mid to late August.

2. Course Changes and Confirming your Enrolment

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may also use the Registration Enrolment Module (REM) from Wednesday, July 20th until Monday, September 12th to amend their course enrolments. The Web Enrolment System is available 24 hours a day, seven days a week to drop or add any course or seminar. The system is available to Osgoode students up to and including September 12, and then reopens in January 3, 2012 until January 16, 2012.

After viewing their course enrolments and confirming their intent to register on the York Enrolment System, students are required to submit the enrolment deposit online. Registration is complete once full academic fees (or the first installment of fees) have been paid. Full details on fees payment and deadlines are contained in the *Financial Information Booklet* which will be available on-line in July.

5. PROPOSAL AND PERMISSION FORMS

All Proposal and Permission Forms can be downloaded from Osgoode's website, and should be completed and faxed or mailed to Student Services Office by no later than the beginning of term. Note that some forms require the approval of the Assistant Dean (JD Program).

These forms should be submitted to:
(Before August 9, 2011)
Student Services Office, South 809 Ross
Osgoode Hall Law School of York University
4700 Keele Street, Toronto, Ontario
M3J 1P3 Fax (416) 736-5618

After September 1, 2011 – Student Services will be located in Osgoode Hall Law School, Rm. 1012

1. Intensive Research Proposal Form

Students who propose to undertake a major research project for not less than 15 or more than 30 credit hours, must complete and submit the designated form.

2. *Research Paper Approval Form*

Students who propose to undertake a personal research paper (independent, supervised research) worth two, three or four credit hours must complete and submit the designated form by the end of the add/drop period in September. **Note: the due date for research papers is the first day of examinations.** Research Papers are to be submitted electronically in the online drop box.

3. *More Than Two Seminars Approval Form*

Students requesting permission to enrol in more than two seminars in one semester must complete and submit the designated form.

4. *Extra-Disciplinary Course Approval Form*

Students who propose to enrol in a course in another Faculty of York University must complete this designated form. The form must be signed by the Faculty offering the course and by Osgoode Student Services. Once both signatures are obtained, the student will then be given access to enroll in the course through the web enrolment.

Information and Assistance

The Student Services Office (South 809 Ross, telephone 736-5042) is open to all students requiring assistance on course selection from 8:30am to 4:30pm Monday to Friday and to 3:30 p.m. on Fridays in June, July and August. ****Please note that the Student Services Office will be moving back into Osgoode in late August.**

Students are also encouraged to consult with members of Faculty.

6.0 ADDITIONAL COURSE ENROLMENT OPTIONS

6.1 *Supervised Research Papers* (LW 6000.03)

A student may receive up to a total of nine hours of academic credit for three credit hour research papers under the supervision of full-time faculty members, during their second and third years. Research papers will normally carry a credit value of three credit hours, but the Assistant Dean or Associate Dean may, in the appropriate case, grant permission for a student to pursue a research paper that carries a credit value of two

or four credit hours. Students who are interested in undertaking a research project must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

The necessary forms for the Supervised Research Papers may be obtained from, and should be submitted to the Student Services Office. **Note: the due date for research papers is the first day of examinations. Papers are submitted electronically through the online drop box.**

See the faculty biographies online for a list of faculty research areas of interest.

6.2 *Mooting*

LW 6020.03, LW6021.02, LW6020A,
LW6025.02, LW6026.02, and LW6029.03

Professor J. Stribopoulos, Program Director

Each year competitive mootings brings together students from law schools across Canada and around the world to hone their advocacy and dispute resolution skills in simulated domestic and international courts, tribunals and other settings. Osgoode has one of the most comprehensive and successful mootings programs of any law school in Canada. It covers all kinds of lawyering skills competitions, from traditional appellate moot court competitions to trial advocacy, arbitration, mediation and negotiation competitions. These competitions cover a wide range of subjects, including aboriginal, administrative, corporate, criminal, constitutional, environmental, international, labour, and securities law. Many competitions involve domestic law, while an increasing number raise issues of private or public international law. Some are held in Toronto while others are held in a variety of locations across Canada and around the world. Participation in the mootings program gives students the opportunity to delve deeply into a particular area of law and hone a wide range of legal research, writing, advocacy and dispute resolution skills in a small group setting, with the assistance of a coach.

The lawyering skills competitions for which Osgoode students may receive credit varies from year to year. Some teams are selected via a consolidated tryout process each spring, while others have their own selection processes. The consolidated tryouts cover the Corporate/Securities, Gale, Jessup, Labour Arbitration, Laskin and Wilson competitions. Teams selected via separate processes include the Arnup Cup trial advocacy competition (selected via the Trial Practice course), Copenhagen international climate change treaty negotiation competition (selected via the Climate

Change seminar), Hague International Criminal Trial Competition, IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (selected by Professor B. Richardson) and Vis International Commercial Arbitration Competition (Vienna) (selected via the International Dispute Resolution seminar). The number and type of credits (graded vs. ungraded) vary between competitions, depending on the nature and scope of the academic work involved. Total credits vary between two and five.

Appellate Advocacy Workshop

Members of the Corporate/Securities, Fox IP, Jessup, Gale, Laskin, and Wilson teams are required to attend a biweekly Appellate Advocacy Workshop in the Fall term. This workshop allows members of Osgoode's upper year, five credit, research-based appellate moot court competition teams to hone their oral and written advocacy skills through a combination of readings, discussion, demonstrations, practice exercises, videotaped "mini-moots," a guided visit to the Ontario Court of Appeal and guest appearances by coaches, faculty members and other legal practitioners. The workshop is part of the students' preparation for their respective competitions and carries no academic credit of its own. Satisfactory completion of the workshop is evaluated as part of the two ungraded credits students receive for mootings.

Please note that you may not enrol in mootings credits via the Law Select system. Students who are selected for mootings teams will be instructed how to enrol in mootings credits. Note as well that the Appellate Advocacy Workshop is scheduled in the timetable and mootings students may not enrol in a course that conflicts with the workshop.

6.3 Osgoode Hall Law Journal

LW 8010.04

Professor S. Wood, Editor-in-Chief

Academic Rule 7(a) (Part I and 2) allows four credit hours in each of the upper years for the work undertaken by senior student editors of the Osgoode Hall Law Journal. The four hour credit is treated as a seminar for enrolment purposes. Though the work is not graded, prescribed tasks must be undertaken for senior editors to qualify for Law Journal credits. One year's work as a junior editor is a prerequisite for appointment to a senior editorial position; the process to select senior editors for the upcoming academic year takes place towards the end of the winter semester.

6.4 German Law Journal

LW 8010A.04, LW 8010A.02

Professor P. Zumbansen, Editor-in-Chief
2 hrs / week; Credits: 1st year ('Junior Editor') – none, 2nd or 3rd year ('Senior Editor') – up to 4 credits

Examination method: Continued attendance of weekly Editorial Board Meetings and editorial work during and outside of weekly contact hours, plus one book review per year. Grading: Pass / Fail

The German Law Journal, created in 2000, has a world-wide distribution with a subscription basis of more than 12,000 readers. It is the number one ranking online legal periodical, publishing monthly, and reporting on developments in German, European and International Law. The Journal publishes exclusively in English. Being a highly innovative, transnational publishing initiative, student editors are working with authors, both world renowned and emerging, from around the world on both formal and substantive aspects of the submissions received by the Journal. Following anonymous peer-review by established scholars, articles accepted for publication undergo extensive editing by student editors. The weekly meetings also serve to introduce student editors to the fundamentals of comparative law and comparative legal theory. Student editors each year work on a Special Theme Symposium issue – edited by them – and write a book review, to be published in the Journal.

6.5 Instruction in Computer-assisted Legal Research (Non-Credit)

The Reference Librarians and research assistants offer instruction in computer-assisted legal research at regularly scheduled times (or by appointment) in the On-line Searching Centre. Computer-assisted legal research is a powerful research tool which provides quick, efficient access to law reports, unreported judgments, statutes, and legal periodical indices in Canadian, American, British and Commonwealth databases.

6.6 Courses in Other Faculties of York University

Students are allowed to take up to three courses (a maximum of nine credit hours) in other Faculties of the University over their second and third years, subject to the approval of the other Faculty and of the Osgoode Student Services Office. The course number designated by the other Faculty will be used by Osgoode. All such

courses are considered seminars for enrolment purposes.

Courses will be approved only if the following conditions are met:

1. The course (or a similar course) was not taken as part of the student's pre-law program;
2. The courses or seminars are integral to the development of a plan of study.
3. The course is not being taken for credit towards another degree;
4. The level of the course is appropriate; i.e. graduate.

Students who enrol in courses outside the law school, are responsible for meeting the deadlines established by the Faculty in which the course is offered.

To enrol, Osgoode students must obtain an *Extra-Disciplinary Course Approval Form* from the Osgoode Student Services Office and have the form approved by both Faculties concerned. One copy of the completed form must be returned to the Student Services Office at Osgoode Hall Law School.

6.7 Graduate Studies

For information concerning courses offered through the Faculty of Graduate Studies, please contact the individual departments.

6.8 Courses at Ryerson University: Yeates School of Graduate Studies

Places are guaranteed for five Osgoode Hall Law students in a limited number of prescribed courses at the Yeates School of Graduate Studies, Ryerson University through the Reciprocity Arrangement between the two Universities. More detailed information will be included in the July Information Package.

6.9 Courses at the University of Toronto: Faculty of Law

Places are guaranteed for three Osgoode Hall Law School students in each of a limited number of prescribed University of Toronto courses offered through the Exchange Program. More detailed information will be included in the July Information Package. These courses are considered seminars for enrolment purposes.

7. REGISTRATION STATUS CHANGE

7.1 Leave of Absence

A student who has completed not less than the first year of the JD program may request and receive, on a *pro forma* basis, one leave of absence for a period of no more than two consecutive semesters. A request outside the scope of the aforementioned may be granted only in the most exceptional circumstances. Written applications, with documentation should be submitted to the Assistant Dean, JD Program.

7.2 Letter of Permission

A student who has successfully completed the first year of the JD program may request a letter of permission to study for one semester or one academic year at another law school. Students receiving a letter of permission receive credit toward the completion of the JD degree at Osgoode Hall Law School for work successfully undertaken at the other law school. Approval of the Assistant Dean, JD Program, is required. Students should submit a written request for a Letter of Permission to the Assistant Dean. The Assistant Dean will take into account the student's academic record, the reasons for wishing to spend a period of time elsewhere, the law school the student proposes to attend and the proposed program of study.

7.3 Extended Time Program

1. The Extended Time Program allows a limited number of students, whose life circumstances prevent them from engaging in a full-time study program, to reduce their courses to approximately one-half of the required course load.
2. Upper-year students may apply to enter the Extended Time Program at any point during their law studies.
3. The Admissions Committee believes such rationales for acceptance into this program would include, but are not limited to pregnancy and child birth; family obligations such as child care, care of the elderly, ill or disabled family members; temporary or long-term student illness or disability; and extreme financial hardship.
4. Written requests by current students to participate in the Extended Time Program must be made to the Assistant Dean, JD Program.

7.4 Withdrawal

See information on course changes and on leaves of absence.

8. SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2011-2012 Fall/Winter

The main purpose of this set of subject-area concentrations is to provide you with a set of tools to assist you in making informed decisions about your course selections. In order to make such decisions in an effective way, it is helpful to know how the various courses in each subject-area in Osgoode's curriculum relate to each other; which ones are introductory and which can be characterized as second, third, or even fourth level. Unless a particular course or seminar specifies a prerequisite or co-requisite, there is no requirement to pursue the courses in any particular order; however the subject-area concentrations listed below provide a general sense of the progression you may wish to consider as you plan your upper year curriculum. In preparing these, we have also included several related courses & seminars; for example, if you are interested in family law, you may wish to consider not only courses or seminars wherein the subject matter is specifically that of the family, but other courses or seminars that are relevant to the practice of family law, such as Trusts, Estates and Business Associations. Note that:

- Only the courses & seminars on offer for the 2011/2012 academic session are included.
- In general, only mandatory first year courses and available upper year offerings are included; however, those first year perspective option courses that are open to upper year students have also been included.
- The courses & seminars contained in each subjective-area map are arranged on 2, 3 or 4 different levels, as the case may be, and in the sequence in which you may wish to complete them.
- The suggestive subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

1. ABORIGINAL LAW

Level One:

Dispute Settlement: Indigenous Claims and Disputes
Property Law
Rights of Indigenous Peoples
State and Citizen

Level Two:

Comparative Law: Law of the Polar Regions
International Human Rights Law
Native Rights
Resources Management

Level Three:

Intensive Program in Aboriginal Lands, Resources and Government

2. BUSINESS LAW

Level One:

Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Family Law I
Immigration
Intellectual Property Law
International Business Transactions
International Trade Regulation

Level Two:

Corporate Finance
Corporate Governance
Investor Protection Seminar
Regulation of Competition
Securities Regulation

Level Three:

Advanced Business Law Workshop
I and II
Advanced Securities
Art of the Deal
Case Studies in Business
Enterprises
Joint JD/MBA Seminar (joint program students only)
Directed Reading: Private Equity and Sovereign Wealth Funds

3. CONSTITUTIONAL AND ADMINISTRATIVE LAW

Level One:

Administrative Law
State and Citizen

Level Two:

Canadian Federalism
Constitutional Litigation
Disability and the Law
Discrimination and the Law
Freedom of Expression & the Press
Law and Rights Seminar
Law and Social Change: Law & Religion
Law and Social Change: Policing
National Security Law in Canada
Native Rights
Public Law & Decision-Making
U.S. Constitutional Law

Level Three:

CLASP Intensive
Criminal Law Intensive
Immigration and Refugee Law Intensive
Intensive Program in Aboriginal Lands, Resources and Government
Intensive Program in Poverty Law at Parkdale Community Legal Services

4. CONTRACTS AND COMMERCIAL LAW

Level One:

Contracts

Level Two:

Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Contracts II
Debtor/Creditor
International Business Transactions
International Investment
International Trade Regulation
Restitution

Level Three:

Admin. Civil Justice: Assessing Risk
Advanced Bankruptcy
Banking and Negotiable Instruments
Case Studies in Business
Enterprises

Contract Remedies
Copyright Law
Entertainment and Sports Law
Insurance Law
Patents
Trademarks

Level Four:

Art of the Deal
Osgoode Business Clinic

5. CRIMINAL LAW

Level One:

Criminal Law

Level Two:

Criminal Procedure
Evidence
International Criminal Law

Level Three:

Administration of Criminal Justice: Sentencing
Advanced Evidence: Facts & Proof
Criminal Law II: Ethical Issues
Criminal Law II: Homicide
Forensic Science and the Law
History of Criminal Law
International Dispute Resolution: Advocacy in the Criminal Court
Philosophical Foundations of Criminal Law
Trial Advocacy

Level Four:

Criminal Law Intensive
Innocence Project

6. DISPUTE RESOLUTION

Level One:

Legal Process
Dispute Settlement
Dispute Settlement: Indigenous Claims and Disputes

Level Two:

Civil Procedure II
Dispute Settlement
Dispute Settlement: Collaborative Lawyering
International Dispute Resolution: Vis Moot

International Dispute Resolution:
Advocacy in the International
Criminal Court
Lawyer as Negotiator
Theory and Practice of Mediation
Trial Advocacy

Level Three:

Administration of Civil Justice: Class
Actions
Administration of Civil Justice:
Estate Litigation
Constitutional Litigation
Labour Arbitration

Level Four:

CLASP Intensive
Litigation, Dispute Resolution &
Administration of Justice Colloquium
Mediation Intensive
Intensive Program in Poverty Law

7. ENVIRONMENTAL LAW

Level One:

Environmental Law

Level Two:

Climate Change Law
Land Development and Commercial
Real Estate Problems
Land Use Planning (alternate years
FES and Osgoode)
Law & Social Change: Law &
Development
Patents
Resources Management

Level Three:

Intensive Program in Aboriginal
Lands, Resources and Government

8. FAMILY LAW

Level One:

Contracts
Criminal Law
Law, Gender & Equality
Property Law

Level Two:

Business Associations
Conflicts of Law
Dispute Settlement

Estates
Family Law I
Health Law
Immigration
Law and Social Change: Law &
Religion
Law, Gender & Equality
Lawyer as Negotiator
Refugee Law
Taxation Law
Trusts

Level Three:

Administration of Justice: Estate
Litigation
Children and the Law
Estate Planning
Family Law II

Level Four:

CLASP Intensive
Immigration and Refugee Law
Intensive
Intensive Program in Poverty Law
Intensive Program in Aboriginal
Lands, Resources and Government
Litigation, Dispute Resolution &
Administration of Justice Colloquium
Mediation Intensive

9. HEALTH LAW

Level One:

Health Law
Environmental Law
Patents

Level Two:

Disability and the Law
Law and Psychiatry
Law & Social Change: Reproduction
Legal Governance of Health Care
Medical/Legal Seminar

10. HUMAN RIGHTS LAW

Level One:

Discrimination and the Law
Immigration Law
International Human Rights
National Security Law in Canada
Refugee Law

Level Two:

Administration of Civil Justice: Class Actions
 Constitutional Litigation
 Disability and the Law
 Law and Psychiatry
 Law and Rights Seminar
 Law and Social Change: Law & Religion
 Law of War
 Legal Values: Race and Gender

Level Three:

CLASP Intensive
 Criminal Law Intensive
 Immigration and Refugee Law Intensive
 Innocence Project
 Intensive Program in Aboriginal Lands, Resources and Government
 Intensive Program in Poverty Law

11. INTELLECTUAL PROPERTY LAW**Level One:**

Copyright
 Intellectual Property
 Patents
 Trademarks

Level Two:

Entertainment and Sports Law
 Intellectual Property Theory
 Legal Values: Reforming Intellectual Property – Copyright & Design
 Legal Values: Reforming Patents & Trademark Design

Level Three:

Computers, Information & the Law
 Intellectual Property and Technology Intensive (starting Sept. 2011)
 Legal Values: International & Comparative Copyright Law

12. LABOUR LAW**Level One:**

Property Law
 State & Citizen: Constitutional Law
 Collective Bargaining Law
 Immigration
 Individual Employment Relationship

Labour and Employment Law

Level Two:

Comparative Law: International & Comparative Labour Law
 Labour Arbitration
 Occupational Health and Safety

Level Three:

Advanced Labour Law
 Intensive Program in Poverty Law (Workers' Rights Division)
 Immigration and Refugee Law Intensive

Level Four:

Labour and Employment Law and Policy Colloquium

13. LEGAL THEORY**Level One:**

Jurisprudence

Level Two:

Collaborative Research Teams
 Disability and the Law
 Law, Gender and Equality
 Legal Politics
 Legal Theory: Law and Politics
 Legal Values: Legal Ethics
 Western Legal Histories

14. NATURAL RESOURCES AND THE LAW**Level One:**

Environmental Law
 Native Rights

Level Two:

Climate Change Law
 Land Use Planning (alternate years FES and Osgoode)
 Resources Management

Level Three:

Intensive Program in Lands, Resources and Government

15. PROPERTY LAW

Level One:

Property Law

Level Two:

Estates
Intellectual Property Law
Trusts

Level Three:

Administration of Civil Justice:
Estate Litigation
Land Development and Commercial
Real Estate Problems
Land Use Planning (alternate years
FES and Osgoode)
Real Estate Transactions

16. REGULATORY LAW

Level One:

State & Citizen: Constitutional Law
Administrative Law

Level Two:

Bankruptcy and Insolvency
Canada/U.S./Mexico
Comparative Law
Communications Law
Conflict of Laws
Corporate Governance
Environmental Law
Health Law
Immigration
Insurance Law
Intensive Legal Research & Writing
Land Use Planning (alternate years
FES and Osgoode)
Law and Film
Legal Drafting
National Security Law in Canada
Native Rights
Refugee Law
Regulation of Competition
Securities Regulation

Level Three:

Advanced Securities
CLASP Intensive
Immigration and Refugee Law
Intensive
Intensive Program in Poverty Law

Intensive Program in Aboriginal
Lands, Resources and Government
Investor Protection Seminar
Medical/Legal Seminar

17. SOCIAL JUSTICE, EQUALITY AND THE LAW

Level One:

Collective Bargaining Law
Environmental Law
Family Law I
Immigration Law
Labour and Employment Law
Law, Gender and Equality
Legal Values: Legal Ethics
Native Rights
Refugee Law

Level Two:

Discrimination and the Law
Law, Gender and Equality
Law & Social Change: Community
Action Across Borders (ILP students
only)
Western Legal Histories

Level Three:

CLASP Intensive
Criminal Law Intensive
Disability and the Law
Immigration and Refugee Law
Intensive
Innocence Project
Intensive Program in Poverty Law
Intensive Program in Aboriginal
Lands, Resources and Government

18. TAXATION LAW

Level One:

Taxation as an Instrument of Social
and Economic Policy
Taxation Law

Level Two:

International Taxation
Taxation of Business Enterprises
Taxation of Wealth Transfers
Tax Lawyering

Level Three:

Advanced Corporate Tax
Tax Planning

Level Four:

Tax Law and Policy Colloquium

19. TRANSNATIONAL LAW

Level One:

Ethical Lawyering in a Global
Community
Globalization and the Law

Level Two:

Canada/U.S./Mexico
Comparative Law: Law of the Polar
Regions
Conflict of Laws
Immigration
Public International Law
Refugee Law
U.S. Constitutional Law

Level Three:

Comparative Law: International &
Comparative Labour Law
Comparative Law: U.N., Peace &
Security Law
Exchange Programs with Foreign
Universities
Institutions of the European Union
International Business Transactions
International & Comparative Family
Law
International Criminal Law
International Dispute Resolution: Vis
Moot
International Human Rights Law
International Investment Law
International Taxation
International Trade Regulation
Law & Social Change: Community
Action Across Borders (ILP students
only)
Law of War
National Security Law in Canada
Summer Abroad Programs

Level Four:

ICT Colloquium (ICT stream
students and with permission of the
instructor, other JD students)

In 2001-2002, Osgoode Hall Law School introduced a significant innovation in the upper-year curriculum. Students have the opportunity to concentrate their studies in a particular subject area of the curriculum. This year curricular streams are being offered in the following four subject areas: International, Comparative and Transnational Law; Litigation, Dispute Resolution and the Administration of Justice; Tax Law; and Labour and Employment Law. It is not imagined that all, or even most, students will elect to enrol in one of the streams being offered this year. All students, whether enrolled in a stream or not, will have equal access to all courses offered in the upper-year curriculum. However, those students with a particular interest in one of the subject areas covered by the offered streams may wish to consider enrolling.

Osgoode Hall Law School has a rich, diverse and fully elective upper-year curriculum. Within this curriculum, students are generally able to plan a course of studies that enables them to pursue their special interests, that is consistent with their individual learning styles, and that ensures they obtain an excellent and comprehensive legal education. The purpose of organizing some of the upper-year courses into streams is to provide more structure to aspects of the upper year curriculum and to allow certain curriculum goals to be pursued more systematically. By providing an organized sequence of courses in particular subject areas, the curricular streams will challenge students to undertake truly advanced work on difficult and complex legal problems. This will enable students to build cumulatively on the skills and knowledge they have acquired in other law school courses, to develop sufficient expertise in the subject area so that they can confidently challenge underlying concepts and assumptions, and to collaborate intellectually in the subject area with scholars, public policy analysts and practitioners. Another purpose of the curricular streams is to ensure that within a coherent course of studies, students are exposed to the significant theories, principles, conceptual frameworks and tools of policy analysis needed for the serious study of the law and to the full range of important lawyering skills such as problem solving, legal analysis and reasoning, legal research, factual investigation, communication skills, and recognizing and resolving problems of professional responsibility. Also, a capstone course in each curricular stream will enable students to engage in a major exercise of research and writing that will consolidate, deepen and enrich their understanding of the law.

Students who elect to enter into one of the curricular streams should indicate their choice on the appropriate election form when they file their course selections for second and third year. The course of studies of those students who elect to enrol in a curricular stream will be reviewed by the faculty member who is designated as the convener of the relevant program stream. Students can elect to enter into a stream at any time (so long as they can fulfill the basic requirements). However, they are encouraged to elect into the stream on the earliest possible occasion. The convener of each stream will organize a meeting of all students who have elected into the stream at the beginning of the Fall semester to discuss curriculum matters related to the stream, answer questions about the particular curriculum stream, and receive student suggestions and comments. Students who successfully complete the requirements of a stream will have this indicated on their transcript.

The faculty convener of each program stream is responsible for administering the regulations governing the stream and has a broad discretion to grant partial credits for courses not designated as program courses, to allow credits for courses taken as part of an exchange or letter-of-permission visit to another institution, to permit a course to be taken out of the normal sequence, and to recommend to the Assistant Dean that a student be allowed to take more than two seminars in a semester.

A brief description of the programs and requirements follows. For more details see the Osgoode Hall Law School Web site: <http://www.osgoode.yorku.ca/streams>.

9.1 International, Comparative and Transnational Law Program ("ICT Program")

2011-2012 Convener – Professor C. Scott

Introductory Remarks

The world is changing rapidly and, with it, the nature of both governance and the practice of law. In the past decade, Osgoode, along with several other of the world's leading law schools, has led the way worldwide in 'globalizing' its curriculum in response to these changes, both through curriculum offerings available to all students and through the specialized study represented by the ICT Program. In 2002-03, Osgoode became the first law school to offer a Globalization and the Law course in its first year curriculum; it is the mandatory foundations course for ICT Program students while also open as a Perspectives Option to all first year students. Osgoode again assumed global legal education

leadership when it introduced, in 2008-09, the Ethical Lawyering in a Global Community course as mandatory for all first year students.

In the upper year curriculum, there are many courses taught in the international, comparative and transnational fields in any given year at Osgoode, both by regular faculty and by visitors. Approximately two-thirds of Osgoode's full-time faculty members regularly research and write on aspects of international, comparative and/or transnational law. More generally, many opportunities have been developed or expanded, including (just to name a few):

- joint degrees (such as the joint common law / civil law degree with the Université de Montréal);
- study-abroad exchange opportunities, with a choice of exchanges at over a dozen different foreign law faculties;
- summer programmes, such as that in Prato in partnership with Monash University and that in Jerusalem in partnership with Hebrew University;
- research (and even teaching) opportunities with partners outside Canada (through various intensive programs such as the First Nations Intensive, the Teach-in-China Program; Collaborative Research Teams; and International Legal Partnership);
- editorial work (for credit) with the *German Law Journal*.

All students are invited to join professors and graduate students in the afternoon Workshop Series on Legal Philosophy Between State and Transnationalism organized by the Nathanson Centre on Transnational Human Rights, Law and Security; the series meets approximately eight times every year with leading theorists from around the world invited to present papers at these workshops.

In tandem with introducing these curricular opportunities in Osgoode's own programme (only some of which are mentioned above), Osgoode has played both a founder's role and an ongoing leadership role in the formation of two global educational organizations, the International Association of Law Schools (IALS) and the Association of Transnational Law Schools (ATLAS). IALS is open to all law faculties in the world while ATLAS is a special consortium that currently focuses on doctoral legal education and that consists of Osgoode, NYU, LSE, Melbourne, Cape Town, Deusto (Spain), Montréal, Bar-Ilan (Israel), Singapore, and Bucerius (Germany).

Students participating in Osgoode's ICT Program benefit from a unique opportunity to learn with a second-to-none faculty in a field of knowledge that is widely understood to be tremendously useful for opening up a world of career opportunities beyond Canada's borders and, more generally, for promoting the kind of creativity and lateral thinking that give ICT Program graduates an edge in representing their clients or working outside the standard practice of law.

ICT Program Overview

Students registered in the ICT Program must complete the following requirements over the course of the JD program:

- in the first year, enroll in Globalization and the Law as their perspective option;
- in second year, take two of three ICT pillar courses: Public International Law, Conflict of Laws (also known as Private International Law), and/or Comparative Law;
- in third year, take the ICT Program's capstone course, The ICT Colloquium; and
- over the course of the two upper years, complete 13 further ICT-designated course credits ("optional" credits).

Within the 13 optional credits 24 upper-year credits, students must satisfy each of the following two requirements:

- pursue at least one of the opportunities designated by the Program as having an "experiential" dimension (see the ***Documents & Publications section of MyOsgoode for the list***), up to a maximum of 10 of the 13 ICT credits; and
- do research work (e.g. as a seminar paper) worth at least 3 credits of the 13 credits in an ICT course or on an ICT subject in a non-ICT course (see below on "ICT bridging")

Students who satisfy all ICT Program requirements will receive a special mention of completion of the program on their JD transcript, and will also receive a letter from the Dean and Convenor confirming graduation with the ICT Program specialization.

ICT Program Experiential Opportunities

In the ***Documents & Publications section of MyOsgoode*** is a non-exhaustive list of 'experiential' opportunities related to the ICT Program. Students must participate in at least one. This list is general and applies to opportunities that will usually be available at some point during a student's three years at

Osgoode, although some will not necessarily be available in any given year. In any case of doubt as to whether an activity satisfies this requirement, students must seek confirmation from the ICT Convenor.

Further Rules and Considerations

Please note the following aspects of the ICT Program (some of which simply illustrate general rules stated above):

Bridging: It is possible to build "ICT bridges" between the ICT Program and courses not designated as ICT courses in the official list of ICT courses. This bridging is achieved through the student receiving partial (or even full) credit for research papers or other written work done in 'non-ICT' courses where the content is significantly ICT in nature. For example, a 50% paper on multi-jurisdictional bankruptcy litigation in a four-credit Bankruptcy course would count for two ICT credits or a 100% paper on international law theory in a three-credit Jurisprudence class would count for three credits. Such counting of ICTwork in non-ICT courses must be specifically approved by the ICT Convenor. Students fill out a Bridging Form, obtainable on MyOsgoode, in which pertinent details are specified (paper title, length / word count and percentage of course credit that the paper is worth, and so on) and have it signed by the course instructor; this form is then submitted to the ICT Convenor for credit approval.

Collaborative Research Teams (CRTs): ICT Program students are strongly encouraged to consider doing a Collaborative Research Team (CRT) project in one of their two upper years.

International Legal Partnership: ICT Program students are also strongly encouraged to participate in the unique International Legal Partnership including its coursework component.

Legal Theory: Because of the theoretical challenges presented by evolution of the fields of "international", "comparative" and "transnational" law, students are asked to give special consideration to taking an upper-year Legal Theory course and doing their paper as a bridging paper (see "Bridging", above) on an ICT theme. They are also encouraged to attend workshops in the series Legal Philosophy Between State and Transnationalism.

Option to take 3 pillar courses: Students are encouraged to consider taking all three pillar courses, counting the third towards the 13 credit requirement for non-mandatory ICT courses. Taking all three pillar courses increases the

comprehensiveness of students' foundational ICT knowledge.

Courses taken on exchange: Any of the three pillar courses can be taken on exchange, subject to the ICT Convenor confirming sufficient similarity between the course at the exchange law school and the general subject-matter of the relevant pillar course. Equally, any or all of the 13 optional ICT credits may be satisfied by ICT-related courses taken on exchange, again subject to ICT Convenor approval.

Courses elsewhere at York: Courses with ICT content in other faculties at York are eligible to be accorded ICT credits. For example, a student who takes a York graduate course in, for example, Colonial Literature (English Department) or Nuclear Deterrence Policy (Political Science Department) can bring that course selection to the ICT Convenor for approval as an ICT course. This would also apply, for example, to international business courses taken as part of the joint JD/MBA. (Note that, by Osgoode's general rules, students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.)

10-credit ceiling: As a general principle, no more than 10 ICT credits may be accorded for any given course or program. Thus, the Intensives indicated as ICT courses in the list found on *MyOsgoode* (Immigration and Refugee Law; Aboriginal Lands & Resources; and Parkdale - Immigration) have their ICT credits capped at 10. The same principle applies where a student has constructed an individualized Directed Research Program.

Discretion of the ICT Convenor: The ICT Convenor, in consultation with the Assistant Dean (JD Program) and/or the Associate Dean, has authority to modify the rules stated above as appears necessary to her/him to facilitate a student's participation in the ICT Program, while maintaining the integrity of the Program. For example, the Convenor may, exceptionally, allow for a student to do one of the pillar courses in third year instead of in second year or for post-graduation participation in the Teach-in-China Program to count as an ICT "experiential" opportunity.

9.2 Labour and Employment Law Program ("LELP Program")

Convenor – Professor E. Tucker

The LELP builds on Osgoode's historic and present strength in labour and employment law and reflects the rich curriculum of labour and labour-related courses that is currently available to students. It also draws upon expert adjunct faculty members who bring a wide variety of experiences. As with other streams, the goal of the LELP is to provide interested students the opportunity to acquire an advanced knowledge and understanding of labour and employment through a structured sequence of courses and seminars. More specifically, the LELP provides students with an opportunity to gain a deep substantive knowledge of labour and employment law, including the individual contract of employment, collective bargaining and minimum standards. Additionally, it will provide students with skills in legal reasoning, statutory interpretation, and policy analysis. Interdisciplinary approaches will be emphasized and students completing the program are required to write a substantial research paper. Finally, an experiential component is required, which will provide an opportunity to incorporate considerations of professional responsibility and legal ethics.

Students registered in the LELP must complete the following requirements over the course of the JD program:

1. Two of the following courses: Labour and Employment Law, Collective Bargaining Law and The Individual Contract of Employment.
2. Two of the following seminars: Labour Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law, or other seminar approved by the convenor.
3. The LELP capstone course: Labour and Employment Law and Policy Colloquium.
4. An experiential component that can be satisfied by participation in the Ministry of Labour Summer Coop Program; a semester in the Parkdale Community Legal Services workers' rights division; 40 hours of volunteer work that is labour and employment law related (e.g. work at Toronto Workers' Health and Safety Legal Clinic); or other arrangement approved by the convenor.
5. Two labour and employment-related courses, including Administrative Law, Immigration Law, Evidence, Entertainment and Sports Law, Lawyer as Negotiator, Disability and the Law, Globalization and the Law, Discrimination Law, Constitutional Litigation, or other course approved by the convenor.

6. Overall, a minimum of 23 academic credits the LELP and related courses, in accordance with the above requirements.

9.3 Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")

Convenor - Professor P. Emond

With the LDA Program, Osgoode continues its tradition of pioneering innovative programs that combine scholarly inquiry with experiential learning in the practice of law, and that join critical legal education with clinical legal education. The LDA Program builds on this tradition and on the faculty strengths in this area in this curricular stream, which focuses on five key elements of learning: the law of evidence, alternative dispute resolution, witness examination, written advocacy, and doctrinal and critical study of dispute resolution and the justice system. The Program begins with the foundational knowledge and skills that students acquire in the first year Civil Procedure I and Legal Research and Writing courses, and it goes on to ensure that each graduating student has benefited from the basic learning necessary to thrive in a career in dispute resolution. In addition, the program extends beyond private law litigation and dispute resolution to public law dispute resolution, including advocacy in the criminal law and administrative law contexts; and it extends to related subjects in the fields of professional responsibility and the operation of the justice system.

To receive the LDA accreditation, students must:

1. take the course in Evidence (3 or 4);
2. take one course that includes substantial instruction in alternative dispute resolution (Dispute Settlement (3), Labour Arbitration (3), Lawyer as Negotiator (4), Theory & Practice of Mediation (4));
3. take one course that includes substantial instruction in either witness examination or written advocacy (Trial Practice Seminar (4), Constitutional Litigation (3), International Dispute Resolution (3); Labour Arbitration (3), Legal Drafting (3), Mooting (3), Innocence Project (4), Community and Legal Aid Services Program (3)
4. take one course that includes substantial doctrinal or critical study in a

subject related to Litigation, Dispute Resolution and the Administration of Justice including: Administration of Civil Justice (3), Administration of Criminal Justice (3), Advanced Evidence Problems (3), Civil Procedure II (3), Conflict of Laws (4), Criminal Law II (3), Criminal Procedure (4), International Dispute Resolution (3), Environmental Advocacy (3), International Courts and Tribunals (4), Legal Profession (3),

5. take the LDA Colloquium (3); and
6. complete a minimum of 25 academic credits in LDA Program courses in total, including those courses taken in accordance with the requirements in the above paragraphs.

Upon request, the Convenor may consider other courses as fulfilling the requirements of the Stream.

9.4 Tax Law Program ("Tax Program")

Convenor - Professor Jinyan Li

The Tax Program reflects a special strength of Osgoode. The tax and related curriculum is rich and diverse. Three full-time faculty members devote their energies primarily to teaching and researching tax law and related public policy issues. The program also draws upon expert adjunct faculty members with a wide variety of experiences. The development of skills in statutory interpretation and analysis, critical thinking, problem-solving, communicating, analyzing public policy, resolving professional ethical problems, and planning will be emphasized throughout the program. Therefore, the Tax Program will be of interest not only to students who might be considering a career relating to the practice of tax law but also generally to those interested in developing these skills in the context of tax law.

Students registered in the Tax Program must complete the following requirements over the course of the JD program.

1. the foundational seminar, Tax Lawyering (3)
2. the foundational course, Tax I (4)
3. the survey course, Taxation of Business Enterprises (4);

4. one of the following two policy seminars, either Tax Law as an Instrument of Economic and Social Policy (3) or Tax
5. one of the following three advanced seminars, Advanced Corporate Tax (3), Estate Planning (3), or Tax Planning (3);
6. the Tax Law Program capstone course, Tax Law and Policy Colloquium (3); and
7. overall, a minimum of 23 academic credits in Tax Program courses, including those courses taken in accordance with the above requirements. (In addition to the courses include Tax Planning (3), taxation of wealth Transfers (4), International Tax (4), Internet Commerce and taxation (3) and special topic course that will be offered from time to time.

10.0 CLINICAL & INTENSIVE PROGRAMS

10.1 Advanced Business Law Workshop I Corporate Finance and Governance (LW 7180.05)

Directors: Ms. Carol Pennycook & Mr. Jim Reid; Adjunct Professors

Advanced Business Law Workshop I - Corporate Finance draws together various aspects of corporate and securities law involving corporate finance transactions. Through an interactive workshop format, students will gain insights into the practical aspects of structuring, negotiating and executing transactions in the public and private debt and equity markets. Both in-class exercises and assignments will emphasize practice skills and strategic considerations. Students will also develop insight into the broader theoretical and ethical considerations that confront a business lawyer. The workshop is conducted by Carol Pennycook, Jim Reid and other partners at Davies Ward Phillips & Vineberg LLP.

Topics will include equity and debt offerings in the capital markets, bank financings, public-private partnerships (P3s), the roles of rating agencies and investment dealers in corporate finance, and insolvency and restructuring. Seminars include classroom lectures, guest lectures, student-led presentations and problem-solving. Evaluation will be in the form of three assignments, one of which will be a group assignment involving the negotiation and drafting of a term sheet for a loan agreement, and class participation. The program has no major research paper or exam.

ABLW I – Corporate Finance accepts 16 students who will receive five credits over one semester. Business Associations and Securities Regulation are pre-requisites or may be taken concurrently. The program will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP.

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2011. ABLW II - Mergers & Acquisitions will be offered in January 2012.

10.2 Advanced Business Law Workshop II Mergers & Acquisitions (LW 7190.05)

Director: Ms. Patricia Olasker, Adjunct Professor

The Advanced Mergers & Acquisitions Workshop draws together various aspects of securities and corporate law under the broad title of “M&A” and applies that knowledge to analyzing typical problems that confront a business lawyer involved in M&A transactions. It is also intended that students will develop practical skills such as negotiating, and presentation skills necessary for a business lawyer. The workshop is conducted by Patricia Olasker and other partners at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on mergers and acquisitions, with an emphasis on public companies and will examine take-over bids; defences; corporate reorganizations; going private and related party transactions; and related aspects of competition law, corporate governance and tax. Seminars include classroom lectures, guest lectures, student-led presentations, and problem-solving. Evaluation will be based on three assignments, such as preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in merger and acquisition transactions, and class participation. The program has no major research paper or exam.

Requirements:

The Advanced Business Law Workshop II – Mergers & Acquisitions accepts 16 students who will receive five credits over one semester. Pre-requisites: Business Associations and Securities Regulation. Recommended Course: Commercial Law and Taxation of Business Enterprises. With special permission Securities Regulation may be taken concurrently.

Demonstrated academic performance based on law school grades to date will be an important selection factor. Students may elect to take one or both Advanced Business Law Workshops.

Corporate Finance & Governance is offered in the Fall Term. Mergers & Acquisitions is offered in the Winter Term.

10.3 Anti-Discrimination Intensive Program

(LW 7900.10, 7910.02, 7920.03)

Director: Professor Bruce Ryder

The Anti-Discrimination Intensive Program consists of a placement at the Human Rights Legal Support Centre, an academic seminar, and a research paper. The program offers students the opportunity to develop specialized knowledge of anti-discrimination law and of an administrative law enforcement and resolution process from beginning to end.

In 2006, amendments to the Ontario Human Rights Code introduced a "direct to Tribunal" complaints model that transformed the role of the Ontario Human Rights Commission and established the Centre. The Commission no longer carries complaints to the Tribunal. The Centre has the crucial role of providing legal support to applicants who are seeking remedies for violations of their rights under the Code from the Human Rights Tribunal of Ontario. Students contribute to promoting access to justice by enhancing the ability of the Centre to provide legal services to those who have experienced discrimination across the province.

The Program begins with a week of intensive training (in conjunction with Parkdale students) at the end of August to prepare students for their placement at the Centre. During their placements (in either the fall or winter semester), students work Monday through Thursday (35 hours) at the Centre in downtown Toronto. Students participate in the Centre's public inquiries service and are responsible for conducting detailed legal interviews on files that are referred from intake. In addition, students draft legal documents, partner with a Centre lawyer to prepare and attend a mediation, and partner with a lawyer on a file that is scheduled for hearing by the Tribunal.

Seminar meetings for all students in the Program are held on Fridays, commencing in September and continuing every second week through the fall and winter semesters. In the seminar, students develop perspectives from which to understand, critically assess and think constructively about prohibitions on discrimination and their impact on society, and the challenges of ensuring access to remedies for violations of fundamental rights experienced by disadvantaged communities. In the same semester as their placement, students complete a research paper under the supervision of the Academic Director which reflects their learning in

the seminar and their experience in the placement.

Requirements:

The 15-credit program is open to 6 students per term. Students receive a letter grade for the seminar (2 credits) and for their research papers (3 credits). Students' work during the placement at the Centre is graded on a credit / no credit basis (10 credits). A written evaluation of each student's work during the placement is prepared by the Academic Director, in conjunction with the Coordinator and the student's lawyer mentor and legal manager. The written evaluation becomes part of the student's transcript.

There are no required prerequisite courses. Administrative Law, Discrimination and the Law, Disability and the Law, Individual Employment Relationship, Labour and Employment Law, Labour Arbitration, Dispute Settlement, Lawyer as Negotiator and Theory and Practice of Mediation are recommended courses that students are encouraged to take prior to starting their placements.

10.4 Case Studies in Business Enterprises

(LW 5630.03)

Instructor: P. Jason Kroft, Adjunct Professor

Prerequisite Courses: Business Associations. Restricted to students in the Osgoode Business Clinic or subject to approval of the instructor.

Preferred Courses: None

Presentation: Discussion; simulation and role-play; research and legal drafting assignments; research.

Case Studies in Business Enterprises explores substantive law issues commonly encountered in the creation and operation of emerging business enterprises, and related business topics.

The objectives of the course are to provide students with an understanding of the legal framework for the establishment and growth of business enterprises, a sense of current issues in this area, and a foundation of business law skills.

This course will equip students to understand and deal with the business and legal issues of common application to business enterprises of different sizes and from divergent industries by providing advanced coverage of topics that are dealt with tangentially in other courses, such as the law of agency and partnerships; choice of enterprise structure; common commercial agreements; partnership, joint venture and shareholders' agreements; purchase and sale of

a business; business financing; advanced regulatory issues; and advising the failing business. We will also deal with business-related topics such as financial statements; basic accounting principles; general business principles and concepts; tax and financing issues for small or medium businesses; regulatory constraints; governance issues; and the broader constraints and pressures facing members of the business community. Focus will also be provided to the lawyer in the private practice environment as a business person and the considerations involved in developing and growing a business law practice. The difference between this class and other business law courses is that this course works through the substantive legal topics by using a hands-on case study model.

In addition to class discussion, students will engage in role-play and simulated exercises, both in-class and on Osgoode's intranet (subject to the discretion of the Instructor), and work in small groups to explore legal and business issues encountered by business clients. Active participation in the class environment is emphasized as an important component of the course.

Evaluation: Subject to change at the discretion of the Instructor at any time before or after commencement of the seminar course, students in the seminar will receive a letter grade for a combination of assignments (2 x 10%), participation (20%) and research paper (60%).

10.5 Collaborative Research Teams (CRTs):

LW 5610.03, LW 5615.04

Instructor: S. Baglay, Adjunct Professor
Supervised Research

Prerequisite Courses: depends on the research

Presentation: Supervision by the course instructor in consultation, as needed, with the ICT Convenor and/or (co-) supervision by full-time faculty member, alone or in association with external supervisors in partner organizations or volunteer lawyers and policy-makers in the Toronto area.

Credits for students will be allocated in the Winter term but work will begin in the Fall term.

Students may receive research-for-credit for work done as part of a Collaborative Research Team (CRT) on themes related to domestic, international, comparative and/or transnational law. Students based at Osgoode may work as members of research teams linked to global partners with the goal of producing interlocking research papers on pressing or on-the-horizon problems and policy issues. Each CRT normally

consists of two to four students, but on occasion can be larger (in 2001-02, one team consisted of 7 students). It is emphasized that CRTs do not involve a placement abroad, although it is not precluded that the opportunity may arise for one or more CRT members to follow up on the project results with the global partner, either in the following summer or after graduation.

Evaluation: Collaboration amongst students on a given CRT is to be structured in such a way that students produce interlocking papers that will be marked individually, and will be worth 85% of each student's grade. Should students in a CRT decide to adopt a more ambitious form of collaboration – i.e. one that produces a single co-authored work without specification of any individual's specific contribution – the instructors will work with the team to set the ground rules for productive cooperation; in this kind of CRT, the same grade is assigned to each member of the CRT. There will also be a mark for participation of 15% that will relate to the students' engagement with each other as required in allocating research and writing responsibilities, and in sharing ideas and information. Periodic meetings amongst CRT members is expected (that must include, from time to time, the course instructor), supplemented as they may wish by a web-based coordinating facility for sharing ideas and documents. To the extent relevant and possible for a given project, collaboration with global and local partners and/or local co-supervisors (faculty and/or non-faculty) will also be part of the expectations.

10.6 Community Legal Aid and Services Program

LW 8000.03(fall), 8001.03 (winter), 8000.04, 8000.05

Marian MacGregor, Clinic Director; Christine Sinclair, Community Outreach Coordinator; Gina Nardella & Richard Ferriss, Review Counsel; Pat Case, Adjunct Professor – Seminar instructor

The Community and Legal Aid Services Program (CLASP) is a community service provided by Osgoode students. CLASP provides a combination of individual advocacy, community development (with an emphasis on the Jane-Finch community), law reform and clinical education for law students who will be able to bring alternative lawyering skills and a social justice perspective to their future work. To further this goal, CLASP prioritizes service to four disadvantaged communities that have been historically denied meaningful access to the legal system: persons living with mental health issues, youth, female survivors of domestic violence, and members of racialized communities. CLASP's individual representation work is directed to low-

income persons, including York University students, not eligible for a legal aid certificate.

CLASP emphasizes the practice of law as a partnership with the community. As such, it works extensively with community groups on legal issues and proactive community development campaigns, many of which force students to challenge their perceptions of lawyers' roles in society, the nature of effective lawyering, and the place of the law and the justice system in society.

CLASP's service provision model relies on 15 student "division leaders" who work in the clinic, under the supervision of three lawyers and one outreach coordinator, for a full year (summer and academic year). During the academic year, these students facilitate the involvement of approximately 150 – 200 volunteer law students. Students are encouraged to become involved as volunteers in all aspects of CLASP's services, including casework, community outreach and as duty counsel (answering questions and taking applications).

The division leaders attend required supervision meetings (integrating feedback and case reflection), provide training guidance to other volunteer students (both as duty counsel and caseworkers), advance a case load (including files and summary advice) in accordance with the standards of the supervision policy and related standards, oversee duty counsel at our main location, coordinate and staff our five satellites, and pursue law reform, PLE and community development projects in the clinic's four divisions (Youth, Community Support, Criminal Justice and Women's, and New Immigrant and Refugee). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto's varied low-income community.

Student division leaders receive nine credit hours on a pass-fail basis for successfully completing their clinical work during the academic year. They are also required to participate in the CLASP seminar in the Fundamentals of the Lawyering Process each term for a further three credits each term (a total of 6). Training in relevant skills and substantive law is provided at different levels throughout the year both through the seminar and through ongoing supervision of the clinical work.

10.7 Osgoode Business Clinic

LW 7600.02 (Fall) & 7610.02 (Winter)

Directors, Stan Benda & J. Shin Doi,

Adjunct Professors

The objective is to give students practical experience in commercial law and thus complement their commercial law studies. Students are put into student teams of 2 – 3, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files typically involve providing basic legal advice and documents (i.e. incorporation, drafting sales contracts) to the client who could not otherwise afford to obtain professional legal services in the process of starting or operating their small business enterprise.

The clinic presents an opportunity to "practice" law and learn without any billing, status or related pressures. This course provides students with skills-based training that includes: retainers; case management; client interviews; identifying the appropriate commercial structure and documents; legal drafting; negotiation; and reporting letters & file closing.

Student duties include: meetings with the client; 3 compulsory classes at the offices of Stikeman Elliot (2 in the fall, 1 in the winter), weekly OBC classes in the first half of the first semester, and weekly reports to the clinic. Participation in OBC is by permission of the Course Director. Students participating in OBC must register for the Fall and Winter semesters.

- Files: approximately 40 hours per semester for two semesters;

-Meeting: with supervising counsel: approximately 15 hours per semester for two semesters (including the off-site Stikeman classes); meeting with Director, OBC: approximately 12 hours per semester for two semesters.

10.8 Innocence Project

LW 7140.03 (Fall), LW 7140.06 (Winter)

Director, Professor A. Young

The Innocence Project at Osgoode Hall Law School involves work on cases of suspected wrongful conviction. Students will be working on files under the direction of Professor Young with supervision from local lawyers in addition to studying areas of law germane to the problem of wrongful conviction.

The Innocence Project will involve work over two terms. Students will work on a directed research project of three credit hours in the first term and a clinical program of six credit hours in the second

term for a total of nine credits. Students will be selected on the basis of an interview conducted with the two Directors of the Project.

The heart of the program is supervised clinical work on actual cases of possible wrongful conviction which have been pre-screened by the Directors of the Project and by the Association in Defence of the Wrongfully Convicted (AIDWYC). Beyond the investigative work which must be undertaken on any file, students will be required to conduct an exhaustive review of the record in the trial and appellate courts, and may be involved in obtaining new forensic or DNA testing. Students will also be responsible for a major paper on an issue relevant to the problem of wrongful conviction.

Throughout the two terms, students will be required to attend regular workshops on issues relevant to the problem of wrongful conviction. In terms of the major paper and the workshops, students in the Innocence Project will study the following subjects:

Forensic Testing
The Law of Interrogation
The Law and the Flaws of Eyewitness Identification
Analyzing Circumstantial Evidence
Professional Conduct: Crown Disclosure, Ineffective Assistance of Counsel
Exculpatory Evidence and Evidence of "Other Suspects"
Overreaching Prosecution (including evaluation of opening and closing addresses to the jury)
Change of Venue and Challenge for Cause
Jail House Confession and the Use of Informants

Clinical work will be evaluated on the basis of a pass/fail grade and a detailed evaluation prepared by the Directors of the Project. The major paper will receive a letter grade.

10.9 Intellectual Property Law and Technology Intensive Program ("IP Intensive")

LW 7400.09, LW 7410.03 and LW 7420.03
Director: Professor D'Agostino

The Intellectual Property Law and Technology Intensive Program ("IP Intensive") is open to students in the Fall Term for a full semester's work (15 credit hours).

Program Outline

The IP Intensive provides students with training in intellectual property law (patents, trademarks, copyright, industrial designs, trade secrets, etc.), technology, computer and Internet law, privacy and other areas. The first two weeks of classes

are dedicated to lectures from prominent members of the IP community. These lectures cover a range of topics aimed at teaching students fundamental aspects of substantive and procedural law applied in the day-to-day practice of IP law. Students are expected to participate in a variety of IP Osgoode events and projects as coordinated by the Director of the program.

A key component of this clinical program is an 11-week internship with a member of the judiciary, a government agency, industry (e.g. a high-technology company), or a public interest or other organization that is heavily involved with IP matters (e.g. a copyright collective society). The internship, together with weekly discussions and seminars, a major research paper, blogging exercises, and a seminar presentation, provides students with a comprehensive examination of important practical aspects of intellectual property law and technology.

Student Evaluation

The evaluation will be comprised of the following components:

3 credits/letter graded: A major research paper proposal (3 pages) and short presentation (5 to 10 minutes) – 20% of final mark; major research paper (30 pages) – 80% of final mark.

3 credits/letter graded: A seminar presentation supplemented with visual aids/handouts– 40% of final mark; 4 research-based short papers to be published in blog format (2 blog posts and 2 responses/comments, up to 1,000 words each, totalling approximately 4,000 words) – 40% of final mark, and class participation – 20% of final mark

9 credits - credit/ no credit basis: A reflective journal and performance at the internship.

The Program Director will also prepare a written evaluation report for each student with respect to the student's performance in each aspect of the program (taking into account comments from the internship placement supervisor), which will then be attached to the student's transcript.

The major research paper will also satisfy the Upper Year Writing Requirement.

Pre-Requisites

Successful completion of at least two of the following courses: Intellectual Property Law, Patent Law, Copyright Law or Trademark Law.

10.10 Intensive Program in Criminal Law

LW 7100.03, LW 7110.03 and LW 7120.09

Directors: Mr. E. Rondinelli and Mr. J. Di Luca;
Adjunct Professors

The Intensive Program in Criminal Law is open to twenty students in the Winter Term for a full semester's work (15 credit hours).

Program Outline

Students write two papers on topics approved by the Directors within the fields of criminal law, criminal procedure, evidence and/or the administration of criminal justice. They are also responsible for one seminar presentation on a topic from a pre-determined list of subjects of special importance within the criminal justice system as well as attending lectures, seminars and discussion sessions coordinated by the Directors of the program and specially invited guests currently employed within the criminal justice system. In the opening sessions, students are exposed to trial advocacy, to the forensic sciences (such as toxicology, pathology, and biology) and to the basics of criminal case management. Key components of the program also include:

- A 10-week placement with a specially selected member of the judiciary at the Ontario Court of Justice or with Crown Counsel, or with Defence Counsel. During these placements students are exposed to every element of the process from initial client interview to sentencing and appeal. Students make weekly written reports on their activities and reflections and placement personnel report in writing on students placed with them.
- Defending / prosecuting a "mock" trial before actual judges at the Ontario Court of Justice.
- Attending an autopsy at the Coroner's Office and receiving instruction in pathology from the Chief Forensic Pathologist in the Province of Ontario.
- Visiting a provincial detention centre and a federal penitentiary to obtain first hand contact with staff and inmates.
- Visiting mental health treatment facilities and learning about the intersection of criminal and mental health law.
- Attending at specialty courts such as Youth Court and the Court of Appeal for introduction and discussion about their particular roles within the criminal justice system.

The two papers are letter graded, whereas the seminars and the placements are on a pass/fail basis. The outline/bibliography for the first paper must be approved by the end of Week 2, and the paper is due at the end of Week 7. For the second paper, the outline/bibliography must be approved by the end of Week 9, while the paper is due on the last day of examinations. At the conclusion of the semester the Directors supply each student with a four-page written evaluation of each aspect of the student's performance in the course.

Prerequisites: Successful completion of Criminal Law, Criminal Procedure and Evidence.

10.11 Intensive Program in Immigration and Refugee Law

LW 7300.04, LW 7310.04, LW 7320.03 and LW7330.04 (Not offered in 2011-12)

Established in 1990, the Intensive Program in Immigration and Refugee Law was the first program of its kind in a Canadian law school.

The program exposes students to a challenging series of clinical placements, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of international migration. The program's objective is to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

The Program consists of 3 key modules: advanced immigration law, advanced refugee law and an external placement.

The Program begins with a week-long seminar introducing the major themes, history and international context of refugee and immigration law followed by sessions in advanced immigration and refugee law. The first two modules, Advanced Immigration Law and Advanced Refugee Law, each consist of two weeks of seminars that consider specialized topics in domestic and international law.

The third module is a 6-week external placement. The external placements are a major component of the Program. Students are placed with mentors in advocacy, institutional and adjudicative settings. The goal of the placements is to advance the student's understanding of immigration and refugee law from the perspective of advocates, policy officials and decision-makers and to allow students to apply the knowledge they have gained in the areas of immigration and refugee law. Some of the past and current

placements include the Federal Court of Canada, the UNHCR, the Immigration and Refugee Board, Green and Speigel and others.

Following the external placement, students return for the concluding weeks of the Program. The students are given an opportunity to share and discuss their placement experiences and to complete a research paper on a chosen topic of immigration or refugee law.

Requirements:

This 15-credit program is available to 20 students. A letter grade is given for each module. The prerequisites for the program are Immigration Law and Refugee Law. Administrative Law is recommended but not required.

10.12 Intensive Program in Aboriginal Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professor S. Imai and K. Murray, Adjunct Professor

1. The Program

The program is the only one of its kind in North America. It combines a rigorous academic experience with challenging placements in the field in Aboriginal law or environmental law. A full term worth 15 credits is awarded. This course will be of particular interest to students interested in Aboriginal law, environmental law, constitutional law and public policy.

2. In the Classroom: The first phase

The term begins with three weeks of study. Students are taught how to use law in creative ways to solve problems. The importance of this community-based approach to the law is particularly evident in addressing problems Aboriginal peoples encounter within the Canadian legal context. Because of the distinctive history, culture and political situation of Aboriginal peoples, a distinctive approach to identifying and utilizing laws must be developed. Laws of Aboriginal nations themselves play an important part in determining the law applicable in certain contexts and the course employs an approach which respects the laws of those nations.

3. In the Field: The second phase

The program places students for seven weeks with Aboriginal organizations, environmental organizations, on reserves, with law firms and with government departments to work on applied

legal issues. Clinical field placements are important because they provide a variety of experiences and perspectives that would be impossible to simulate in the classroom. Examples of placement work include land claims research, analyzing new legislation, assistance in preparation for litigation, attending negotiation sessions, making presentations to Chief and Council and accompanying Crown Attorneys on a fly-in circuit court. There are a limited number of placements outside of Canada including Australia, New Zealand, the United States and Latin America.

Prerequisites: Students from any law school in Canada may apply. A law school course on Aboriginal law is required. A course on environmental law is required for students who wish an environmental placement. Students wishing a placement in Latin America must be able to speak, read and write Spanish. Students in their third year are preferred. Continued enrollment in the program is contingent on finding an appropriate placement and the ability of the student to participate in a collaborative atmosphere.

4. Evaluation: The third phase

A variety of evaluative methods are used. Two papers (a written presentation regarding the student's placement experience and a major legal research paper) are prepared during the term, for which letter grades are awarded. Comments from the placement sponsor, the student presentation to the class and the daily journal kept during the placement are considered by the director, who then prepares a written evaluation which is attached to the transcript of the student.

10.13 Intensive Program in Poverty Law at Parkdale Community Legal Services

LW 7000.03, LW 7000.12

Academic Director, Professor J. Mosher

Parkdale Community Legal Services was established 37 years ago as the first community-based legal aid clinic in Ontario. Law students have been placed with the clinic since its inception. Students accepted into the Intensive Program in Poverty Law will join over 1,500 members of the legal profession, including practising lawyers, law professors, and judges, who have participated in this enriching and challenging experience.

The goals of the Intensive Program include:

1. The development of an understanding of the social phenomenon of poverty, and of its causes and effects;
2. The critical analysis of the legal system's and lawyers' responses to poverty, including questions about substantive and procedural law, the legal delivery system and issues of professional ethics;
3. The examination and evaluation of alternative strategies for intervention to alleviate poverty by the legal system and lawyers.

The Intensive Program places 20 students for a whole semester in the poverty law context of an operating community-based legal services clinic. PCLS is located in the Parkdale community, which is in the southwest section of the old city of Toronto.

Law students are an integral and vital part of the Clinic. They are placed in one of the Clinic's four working groups and are responsible for interviewing clients and carrying a caseload of clients' files. Students are introduced as well to less traditional approaches to legal services, including principles of community organizing and education, community outreach and law reform. Students are expected to become involved in the Clinic's community development projects, ranging from public legal education to work with client and community groups.

The casework is principally in areas of public (administrative) law and on occasion will involve the student in appearances before boards, tribunals and occasionally courts. The bulk of the work entails interviewing and counselling clients and informal advocacy with government bureaucracies, landlords, and employers. Students are supervised by a staff lawyer, a community legal worker (CLW) and the Academic Director of the clinic.

The formal educational component of the Program includes an introductory week of clinic-based instruction during the last week of August, a weekly seminar offered at the Law School by the Academic Director, and group meetings conducted at the clinic by staff lawyers and CLWs one or two mornings a week. Students are required to prepare a 30-page research paper, which will be a contribution to the Clinic's ongoing work. In addition to these structured components, there is a good deal of opportunity for informal learning to take place. The aim is always two-fold: to enable the students to offer the best service possible to clinic clients and the community we serve; and to give students both the occasions and the intellectual support necessary to reflect on their experiences.

1. The Work of the Clinic

Parkdale Community Legal Services (PCLS) is a busy clinic funded by Legal Aid Ontario and by Osgoode Hall Law School of York University. Since 1971 PCLS has provided legal services to the low-income residents of Parkdale in a wide variety of subject areas, including income security, workers' and tenants' rights, immigration and refugee law, and domestic violence. The permanent staff includes a Clinic Director, four staff lawyers, six community legal workers (CLWs), two articling students and seven support staff. The Academic Director is a member of Osgoode's faculty. The Clinic Director of PCLS is a member of the Faculty Council at Osgoode Hall Law School, and the Academic Director of PCLS is one of three Osgoode faculty members on the Clinic's Board of Directors.

At present Parkdale Community Legal Services is organized into four groups. A student will work for the entire term within one of these four groups:

- i. Immigration & Refugee;
- ii. Landlord & Tenant;
- iii. Social Assistance, Violence & Health;
- iv. Workers' Rights

2. Introductory Clinic-based Skills Week

All students accepted into the Program, both for the Fall or for the Winter Term, are required to attend an introductory week of clinic-based skills instruction during the last week of August. Basic practice skills such as interviewing and litigation will be combined with an understanding of the work in the context of the Parkdale community. It will be a good opportunity to get to know the staff, and the other students participating in the Program. The sessions are held at different locations, including in the Parkdale community and at Osgoode. Attendance at and participation in Clinic Skills Week is mandatory.

3. Term Dates

A term at PCLS starts early and always extends to the last day of the exam period at Osgoode Hall Law School. Students are expected to be in attendance at PCLS between these dates. There is no "reading week" break in the Fall Term. During the longer winter semester students may schedule an individual "reading week" break. (Please note that as it is not possible to accommodate the regular university reading week, student reading week breaks are staggered through the Winter Term.)

4. In-house Clinic Orientation

The first two weeks of each semester includes several events, activities and training sessions which are designed to orient new students to the specifics of the work of the Clinic: office procedures, file management practices, new intakes, etc. During this week files are assigned and students have an opportunity to “shadow” experienced students on intake.

It is necessary for students who have completed their term in the Program to be at the clinic during parts of Orientation week in the subsequent semester in order to facilitate the transfer of files to new students, to introduce new students to intake and interviewing clients and to assist more generally in the transition between terms of students.

5. Hours of Work

It is not possible to be precise about the hours of work. A term at PCLS is in many ways more than a full-time commitment. The clinic’s hours extend into evenings. Community work and events often happen in the evenings and on weekends. Students should anticipate some evening and weekend work at the clinic or in the community. As a general rule, students are expected to be at the clinic during business hours even when not on intake.

6. Workload

Each student will handle a caseload of approximately 15 active files. In addition, students spend a good deal of time on intake and in offering summary advice to clients or referring them to other appropriate agencies or services. Students are expected as well to become involved in community education, organization and law reform work.

7. Credit and Grading

The Intensive Program in Poverty Law at Parkdale Community Legal Services is a 15 credit program. Three credits are allocated to the academic seminar led by the Academic Director. Students receive a letter grade for this portion of their credit. The remaining 12 credits are awarded by the Academic Director on a credit/no-credit basis, pursuant to detailed evaluations of the student’s performance by the student’s supervising staff lawyer and CLW. These evaluations, together with a summarizing evaluation report written by the Academic Director, are included with the student’s mark and form part of the student’s academic transcript.

8. Acceptance and Withdrawal

The work of the Clinic cannot accommodate last-minute adjustments. Accordingly, acceptance of an offer of a place in the Program will include an undertaking in writing that the student will not subsequently seek to withdraw except for the most pressing and urgent of personal reasons. The discretion to allow such a withdrawal rests with the Associate Dean, who will consult with the Academic Director.

9. Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for twenty summer student positions. Our ability to offer summer work to students is dependent upon receipt of this funding.

Assuming the same level of funding as last year, students who accept a position in the Program will be eligible for summer employment at the Clinic (if they have indicated their interest in it on the application form). We seek to hire up to 12-16 new students who will be coming to the Clinic in the next academic year (half of these being students who are coming in the fall, and half those coming to the clinic in the winter). We attempt to reserve four to eight positions for students who have already completed the Program. This is done so that there will always be a core of experienced students at the Clinic, who are able to assist the new students.

PCLS has made a commitment to employment equity, and will give priority to applicants who are members of traditionally disadvantaged sectors of our society, where competence is equal. We may also consider your career goals and current financial need.

Students are advised that typically PCLS is only able to offer relatively modest summer salaries.

10.14 Mediation Clinical Program

*LW 7810.03 (Fall),
LW 7800.04 (Winter), 7810.02 (Winter)*
Academic Director, Leanne Shafir,
Adjunct Professor

This full-year, 9 credit hour program, bridges mediation theory and practice, while actively engaging students in the provision of conflict prevention and resolution services through the Osgoode Mediation Centre. Students participate in a weekly three-hour seminar that focuses on class discussion of the recent dispute resolution literature, including the utility of mediation in civil and criminal disputes, mediation advocacy, access to justice, community mediation issues,

as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute system design. The seminar includes a major research paper (20-25 pages) addressing one or more theoretical issues with observations based on the students' practice experience. Students also participate in an intensive mediation skills training program, including significant interactions among faculty, coaches and students. Students are encouraged to reflect on their experiences and articulate their emotional and intellectual responses to the situations they encounter. Under the guidance and direction of the Mediation Clinic Director, students will engage in a combination of court-related and community mediation services, including community outreach (e.g., ADR training and education of community groups and elementary/secondary school students); community engagement projects; developing and applying dispute resolution design and implementation skills in the community; promoting mediation and the services of the Mediation Centre to potential community user groups; and conducting several community mediations. During the Mediation Intensive, students are responsible for completing a community engagement project, usually carried out by a team of 2-3, designed by the students and approved by the Clinic Director. Students will also be responsible for conflict resolution skills training throughout the year at a local public school (Director will assign students to the schools), and potentially the resolution of disputes that arise at the schools. Students will keep a reflective journal on their mediation practice activities throughout the course.

Grading and Evaluation

The proposed grading scheme has recently been approved by APPC, and is pending approval by Faculty Council.

Graded (Winter term) 4 credits: Class participation; Paper; Mediation assessment; and Community engagement project.

Credit/ No-Credit 5 credits total: Fall (3) and Winter (2): Clinical work including conflict resolution work within the schools; community mediations; reflective journal, community workshops and community outreach.

The Mediation Clinic Director will also prepare a detailed evaluation report for each student (in the winter term) with respect to their performance in the clinical component of the program, which will then be attached to the student's transcript

10.15 Intensive Research Program LW 7020.00

This program offers the opportunity for intensive work under the personal direction of a full time faculty member, at an advanced level. While a major research paper will be the keystone of each student's research over two or three semesters, it will be set in the context of work in related courses and seminars. Students may also take, with approval, some non-related courses and seminars of more general interest. Students may have the opportunity to participate in a symposium run by faculty researchers and providing a forum for the exchange of research results and methodologies. Completed research programs have covered a variety of topics from the use of the videotape in the court to the inference drawing processes of the jury. The past academic and employment experiences of the student do seem to have had a bearing upon what has been researched. If you wish to pursue such a program, first locate a supervisor. Professor cooperation is crucial.

Notes

1. A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which may extend through his or her second and third years.
2. A student will be permitted to pursue a Research Program if, in the opinion of the Associate Dean.
 - i. The student's academic record in the law school and elsewhere, and other relevant evidence, shows promise of the ability to conduct with distinction a major program of research;
 - ii. the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
 - iii. he/she will receive adequate supervision.
3. A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the Associate Dean, may extend through the final four or final two semesters.
4. A student seeking permission to pursue a Research Program shall submit, to the Associate Dean, not later than 10 days prior to the commencement thereof, a statement from the proposed supervisor stipulating:

- i. the topic or field of research, and a tentative outline of research;
 - ii. The amount of academic credit to be obtained and date for submission of the completed research paper; and
 - iii. consent to provide supervision.
5. Any change in the conditions of supervision may only be obtained upon filing of a new form, signed by the supervisor and with consent of the Associate Dean.
 6. The Associate Dean, on application by the student or the supervisor, or upon her/his own motion, may permit or require the student to terminate a Research Program upon such terms and conditions as she/he may decide.
 7. Students who elect to take this program shall not:
 - i. be enrolled in another intensive program, i.e. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
 - ii. be enrolled in more than four seminars in addition to the Research Program over the second and third years;
 - iii. for the purpose of this rule, "seminar" includes Personal Research, Intensive Programs, and Seminars in other faculties and departments.

Students who are interested in undertaking a research project must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

8. The necessary forms for the Research Program may be obtained from, and should be submitted to the Student Services Office. Students should be prepared to submit a complete alternative timetable to the Student Services Office in the event that they are not accepted into the Research Program.

11.0 JOINT PROGRAMS – JD/MBA, JD/MES, JD/MA (Phil), JD/JD (NYU), JD/LLM (NYU)

Osgoode Hall Law School offers four Joint Programs, in which students can complete 2 degrees in four years: JD/MBA; JD/MES; JD/MA (Phil); JD/JD (NYU) as well as the JD/LLM (NYU), three and a half years.

11.1 JD/MBA Joint Program

Osgoode Hall Law School, in conjunction with York University's Schulich School of Business, offers a four year, full-time program leading to a joint JD/MBA degree. Students in the Joint Program spend their first year in either the Law School or the Business School, their second year in the first year of the other program, and the remaining two years taking courses in both programs.

A maximum of 18 students are admitted to the first year of the Joint Program, nine commencing in the Law School and nine in the Business School. Successful applicants are asked to elect the program in which they prefer to commence their studies. While such preferences are given utmost consideration, the faculties of both schools reserve the right to designate initial programs.

Applicants for the Joint Program must apply separately and satisfy the entrance requirements of each program, including the writing of the Law School Admission Test (LSAT) and the Graduate Management Admission Test (GMAT). While most students apply to the Joint program prior to commencement of either their JD or MBA degree studies, a small number of students completing their first year of either program are considered for admission to the Joint program, upon appropriate application to the other faculty.

Students in the JD/MBA Joint Program enrol in a normal full-time course load of between 13-17 credit-hours of courses per term (consisting of a combination of JD and Schulich courses, in the third and fourth years of the program).

New students entering the JD/MBA program have the option of completing the 4 year program in three years. This option is not open to students applying to the Joint program after completion of Year 1 at either Schulich or Osgoode. Students opting for this stream are admitted to Year 1 of the MBA beginning in April 2011 and complete year 1 in both degrees through continuous enrolment of Summer, Fall, Winter and Summer terms. Detailed information is found in the Joint

MBA/JD section of the Schulich Graduate Handbook.

Graduation Requirements:

- 45 credit-hours of Schulich School of Business courses
- 78-79 credit-hours of Osgoode Hall Law School courses
- successful completion of the Upper Year legal Research and Writing requirement
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)

The Academic Program:

Year 1

EITHER

27.0 credit-hours of Schulich MBA 1 [Required Foundations of Management Core Courses](#)

- 3.0 credit-hours of Schulich MBA [elective courses](#)
- OR**
- 33.0 - 34.0 credit-hours (9 courses) of required Osgoode Hall Year 1 curriculum

**** students who receive waiver with replacement for Schulich MBA 1 Required Core Courses must replace these core courses with Schulich elective courses. (There is no advanced standing granted in the JD program.)***

Note: All joint MBA/JD students are required to take MGMT 5500.00 in their first year. This is a compulsory non-credit seminar course.

YEAR 2

- the Year 1 required program in the other school

YEARS 3 AND 4

Note:

- 1) **Students will not be eligible to advance to the final two years of the joint degree program if their grade point average (GPA) in the first year of Osgoode is lower than 5.5(B), or is lower than 5.0 (B) in the first year of Schulich.**
- 2) **Students ineligible to continue in the joint program may continue in either**

Schulich and Osgoode, provided they maintain the required standards of each.

- A combination of Schulich and Osgoode courses, consisting of:

- at least 15.0 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000.030 Strategic Management and MGMT 6090.030/MGMT 6100.030 Strategy Field Study can be taken in either Year 3 or Year 4.

- at least 45.0 credit-hours of Osgoode Hall Law School courses

- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)

- 40 hours Osgoode Public Interest Requirement (as per our Handbook)

FEE SCHEDULE:

Fees must be paid as follows:

Year 1 or 2 in Schulich

- Year 1 or 2 in Osgoode Hall (current Osgoode Hall tuition)
- Years 3 and 4 (current Osgoode Hall tuition)
- students may register for MBA courses in the Summer Term, in which case part-time tuition is paid to Schulich

For further information and details about the progress of courses over the three year and four year program, please visit Planning My MBA/JD > Study Options on The Schulich School of Business web site.

11.2 JD/MES Joint Program

The Master in Environmental Studies/JD Joint Program was established in 1974 between Osgoode and the Faculty of Environmental Studies. The first and only program of its kind in Canada, it is at the cutting edge of interdisciplinary teaching and research in law and environmental studies nationwide.

The purpose of the MES/JD Joint Program is to encourage the integration of these two critical fields of study and to prepare students for a

range of opportunities in environmental affairs, law or planning. It offers students the opportunity to complete both the MES and JD degrees in just under four years, approximately one year less than it would take to complete the two degrees separately.

This unique program brings together one of Canada's top law schools with one of its most innovative environmental studies faculties. It draws upon Osgoode's recognized strength in social justice, environmental, planning and aboriginal law, and FES's acclaimed leadership in interdisciplinary environmental education.

The program attracts a small group of some of the best students interested in environment and law nationwide. There are typically around 20 students in the program at any time. They are often among the strongest in both the JD and MES classes and have won numerous prestigious awards and scholarships. Graduates of the program have gone on to a variety of positions in government, private law firms, non-profit organizations, business, the academy and other settings.

Admissions

Applicants to the joint program must apply and be admitted separately to the MES and JD programs. Upon admission to both Faculties, students are admitted to the joint program. Students typically apply to both programs simultaneously, but may also apply to the joint program during their first year in either the MES or JD program.

For information about each faculty's application deadlines and admission requirements see www.yorku.ca/fes/apply (MES Admissions) and www.osgoode.yorku.ca/JD/applying.html (JD admissions).

The Academic Program

The minimum, and typical, time to complete the Joint Program is 3 2/3 years of full time study. Students must satisfy the requirements of both the JD and MES degrees to graduate from the joint program. Successful integration of the two fields is challenging, and approaches to integration take many forms. Each student prepares an individualized MES Plan of Study. This Plan of Study is the central feature of each student's academic activity in the joint program and outlines the intellectual framework for integrating the fields of environmental studies and law. Joint program students are also required to participate in and contribute to the MES/JD program seminar series. Four seminars are offered each academic year.

Students in the MES program progress through three stages:

MES I: Students formulate their initial Plan of Study. This stage usually encompasses one term of full time study.

MES II: Students pursue formal coursework, individual directed studies and/or field experience, and draft their Major Research Paper, Project or Thesis proposal. This stage usually encompasses 1-2 terms of full time study in FES and/or Osgoode.

MES III – students complete the Major Research Paper, Project or Thesis. This stage usually encompasses 1-3 terms of full time study in FES and Osgoode.

The MES Major Research Paper or Project focuses on integration of environmental studies and law. Osgoode professors are available to supervise Joint Program students' research. The Major Research Paper also satisfies Osgoode's Upper Year Writing Requirement.

Sequence of Study

Students may choose to start the program either at FES or at Osgoode. This affects the sequence of study in Years 1 and 2, but Years 3 and 4 are roughly the same for both options.

Year 1 OPTION A, Start at FES: Students register full time in the MES Program for the Fall, Winter and Spring/Summer terms.

OPTION B, Start at Osgoode: Students register full time in the JD First Year Program for the Fall and Winter terms. They have the Spring/Summer term free.

Year 2: OPTION A: Students who started the program at FES the previous year register full time in the JD First Year Program for the Fall and Winter terms, and register full time in the MES program for the Spring/Summer term.

OPTION B: Students who started the program at Osgoode the previous year register full time in the MES Program for the Fall, Winter and Spring/Summer terms.

Year 3: Students register full time in the JD upper year program for the Fall and Winter terms. They register full time in

the MES program in the Spring/Summer term, working on the MES Major Research Paper, Project, or Thesis, and/or pursuing a law-related work placement which qualifies for MES credit.

Year 4 Students register full time in the JD upper year program for the Fall and Winter terms. They complete the MES Major Research Paper, Project or Thesis if not already completed. They pass the MES final examination and convocate from the joint program in the Spring.

Completion

Normally, students complete both the MES and JD degree requirements by the end of the Winter term of the fourth year of the program. In total, students must register for six terms at Osgoode and usually 4-5 terms at FES. Up to 15 MES credits may be counted toward the JD degree. This allows students to take a reduced Osgoode course load in Years 3 or 4 to devote time to their MES Major Paper, Project or thesis.

Some students may need to register for an additional term(s) in FES to complete the MES requirements, and in some cases this may delay graduation from the JD program and commencement of the articling or bar admission process.

Graduate Student Status

Once students are registered in the MES portion of the Joint Program, they attain graduate student status for the duration of the Joint Program, even when they are registered in the JD program at Osgoode. To maintain this status, Joint Program students must pay a nominal fee to FES during each term that they are registered at Osgoode. As graduate students, Joint Program students are eligible for graduate student funding, including Graduate Assistantships at FES and Osgoode, and Teaching Assistantships in any York faculty. When registered full time at Osgoode, Joint Program students are also eligible for Osgoode scholarships, awards and bursaries including undergraduate awards.

Fees

Students pay regular JD tuition fees to Osgoode for the six terms they are registered at Osgoode. They pay regular MES tuition fees to FES for the terms they are registered at FES, plus the \$15 FES registration fee for each term they are registered at Osgoode.

For additional information about the JD/MES Joint Program please consult the program handbook, available at

http://www.osgoode.yorku.ca/JD/combined_programs.html and <http://www.yorku.ca/fes/programs/mes/mesLaw.asp>.

Questions about the JD/MES joint program may be directed to Professor Dayna Scott, Law faculty coordinator, dscott@osgoode.yorku.ca, or Professor Mark Winfield, FES coordinator, marksw@yorku.ca.

11.3 JD / Master of Arts (MA) in Philosophy Dual Program

The joint Juris Doctor/Master of Arts in Philosophy (JD/MA) program, offered by Osgoode Hall Law School and the Department of Philosophy at York University, provides students with the opportunity to develop skills and acquire knowledge at the intersection of the naturally related disciplines of law and philosophy. It is the only program of its kind in Canada, and draws on Osgoode's existing strength in legal theory and the Department of Philosophy's recognized strength in moral, political, and legal philosophy. The program is ideal for students who wish to pursue either further post-graduate study and ultimately an academic career, or opportunities in a variety of careers in legal practice. Students must apply and be admitted separately to both the JD and MA programs, indicating their interest in the dual program. In the first year of the program students will complete the first year of the JD program. In the second year they will enter the MA program on a full-time basis and complete the coursework component of the MA degree. In the third and fourth years students will return to the JD program, but also take an additional graduate course in philosophy, as well as complete a major research paper on some topic at the intersection of law and philosophy, jointly supervised by a faculty member in the law program and a faculty member in the philosophy program. Successful completion of the dual program will be validated by the issuance of two parchments, one for the JD and one for the MA, and transcripts issued in relation to the two programs will include a clear statement of the nature of the dual program.

For more information about the JD/MA program, please contact one of the program's directors: Prof. Michael Giudice (giudice@yorku.ca) or Prof. Francois Tanguay-Renaud (FTanguay-Renaud@osgoode.yorku.ca).

11.4 JD (NYU)/JD (Osgoode) Combined Program

Students at Osgoode and New York University School of Law (NYU) have the opportunity to earn, through a combined program of study of four years, both a Juris Doctor (JD) degree from NYU and a Bachelor of Laws (JD) from Osgoode. This program, in keeping with both schools' global outlook, recognizes that to practise law, graduates must have an ability to deal with legal systems from other countries.

Program Requirements:

Students admitted to the combined JD/JD will complete two years of study at one school, followed by two years of study at the partner school. In the first and third year of the program, students will necessarily complete the first year required courses at both NYU and Osgoode. Students will complete upper year courses at each school in the second and fourth year of the program, ensuring that they complete all upper year credit requirements at both institutions. The JD/JD is a four-year program and cannot be completed in less time. As an upper-year student at Osgoode and NYU, students are eligible for all programs of either school provided they are able to complete the mandatory requirements of those programs. However, in the second year of study at Osgoode, students will be permitted to enrol in only one, single-term intensive program, and they will not be eligible to participate in either an exchange or a Letter of Permission of any duration (in order to ensure that at least 2 years of study are completed at Osgoode). This combined program may not be combined with any other combined programs at Osgoode (eg JD/MES or JD/MBA). Meanwhile, all other program of study requirements will remain in effect. Students may elect to begin the Program at either Osgoode or NYU. Students complete two years at one school and the remaining two years at the other school.

Following successful completion of two academic years at each law school, students will be awarded the NYU JD and the Osgoode JD degrees. Since each program, alone, is a three year degree, students who have completed all requirements of the "home" school's requirements at the end of year three may choose to formally convocate from their "home" school either in the year of their cohort (to graduate with their entering class) or may convocate from both schools upon completing the fourth and final year.

Similarly, students admitted to the Program who then decide not to complete the fourth year will

receive the degree from the law school at which they completed the first two years of study, and the third year of study will be considered as having been completed at the partner school on the basis of "Letter of Permission" (for Osgoode) or "Third Year Visiting" (for NYU).

To clarify, students who begin the program at Osgoode, successfully completed years 1 and 2 at Osgoode and then successfully complete a "Letter of Permission" year at NYU, would be granted credit for their third year at NYU by Osgoode and be eligible to graduate with the JD.

The following chart reflects the program of study for students beginning the program at each school, based on the program requirements of each school in existence in the 2010-2011 academic year and which are subject to change:

| Required Course of Study for Students Commencing studies at Osgoode Hall Law School | Required Course of Study for Students Commencing studies at NYU School of Law |
|---|--|
| <p>First Year (at Osgoode)</p> <ol style="list-style-type: none"> 1. Contracts 2. Torts 3. Criminal Law 4. Property Law 5. Legal Process 6. Ethical Lawyering in a Global Community 7. State & Citizen: Canadian Public & Constitutional Law 8. Perspective Option | <p>First Year (at NYU)</p> <p>Administrative and Regulatory State Contracts Criminal Lawyering Procedure Property (in first or 2nd year) Torts</p> |
| <p>Second Year (at Osgoode)</p> <p>Completion of 30 credit hours; Completion of the Osgoode Public Interest Requirement (40 hours); and Completion of Upper Year Research & Writing Requirement (may be deferred, with approval, for completion in years 3 or 4 under NYU Writing "A" Requirement)</p> | <p>Second Year (at NYU)</p> <p>Completion of requisite NYU credit hours; Constitutional Law; Professional Responsibility Course; Writing "A" Requirement (significant paper) (may be deferred, with approval, for completion in years 3 or 4 under Osgoode Upper Year Research and Substantial Writing Requirement)</p> |

| | |
|---|---|
| <p>Third and Fourth Years (at NYU)</p> <p>-must earn a minimum of 56 credits at NYU -must complete Constitutional Law - must take U.S. Procedure Law -must complete a Professional Responsibility course -NYU's Writing "A" Requirement (if Osgoode's Upper Year Research and Writing Requirement has not been completed) -must satisfy NYU's Writing "B" Requirement</p> | <p>Third and Fourth Years (at Osgoode)</p> <p>Must complete 60 credit hours, including -first year Constitutional Law -first year Civil Procedure -Osgoode Public Interest Requirement (40 hours) -Osgoode's Upper Year Research & Writing Requirement (if NYU's Writing "A" Requirement has not been completed)</p> |
|---|---|

**Program requirements at either school are subject to change.*

Application Procedures for 2nd year Osgoode students:

To be considered for the program, students must apply to both NYU and Osgoode, and be admitted to both programs. While most students will apply to this program before their first year of studies at either law school, a few students annually may be admitted to the program from either partner school in the spring of their second year. Students will receive notification of the application process and requirements in March/April. While NYU will consider credentials of 2nd year Osgoode students such as undergraduate grades, LSAT score and recommendations, the most important factor in these applications is the academic performance of students in the four semesters at Osgoode, with a competitive record of a B+ average or above.

Though NYU's application deadline is early July, Osgoode will collect the application packages of all students interested in being considered by NYU for this program. The deadline to submit complete packages to Osgoode will be mid-June. Current Osgoode students wishing to be considered will be required to:

1. obtain a PDF of the NYU application forms for Transfer students online; <http://www.law.nyu.edu/admissions/jdadmissions/applicants/applications/pdf/transferandnonmatriculantprograms/index.htm>

2. complete all requisite forms, make a copy of the application for their own files, and submit the original to the Recruitment & Admissions Office by the designated date in mid-June;

3. ensure that together with the NYU application (including all requisite transcripts from other institutions), pay the appropriate application fee to NYU;

4. ensure that together with the NYU application materials, an Osgoode Transcript Request Form, with appropriate fee, is included so that Osgoode can produce and include a current Osgoode transcript;

5. NYU requires Osgoode complete, for each applicant, a Law School Certification Form. Students should ensure that this is completed, where appropriate by the student, and included in the package by for completion by Osgoode. If possible, it is preferable that this form be left for Assistant Dean Bessner to complete before the mid-June deadline.

11.5 JD(Osgoode)/LLM (NYU) Combined Program

In 2007, Osgoode approved an agreement with NYU School of Law, whereby students can obtain both an JD degree from Osgoode Hall Law School and an LLM degree from NYU in a total of three and a half years of study (as opposed to the four years that would be required to obtain both degrees separately). This initiative will provide students an enriched global perspective and advanced career opportunities, at law schools with excellent academic standards and a commitment to social justice. Students will complete three and a half years of full-time study (five semesters at Osgoode and two semesters at NYU), and graduate with a Bachelor of Laws Degree (JD) from Osgoode and a Master of Laws degree (LLM) from NYU.

Students will normally begin their LLM studies at NYU in the spring semester following completion of the fifth semester of the JD at Osgoode (but may begin their LLM studies at NYU following completion of their fourth semester of JD at Osgoode).

As indicated above, students admitted to the combined J.D./LLM will complete five semesters of study at Osgoode in the JD program and 2 semesters at NYU in its LLM program. Students will complete the entire first year JD program, a second year of study in the JD program and then one additional semester of the JD program. Students will be required to complete the Osgoode Upper Year Research and Writing

course and any other graduation requirement in place at the time, while at Osgoode. The J.D./LLM is a three and a half year program and cannot be completed in less time. If students begin the LLM after 2 years of study at Osgoode, they will not be eligible to receive their Osgoode JD unless and until they complete the entire year of the LLM program at NYU and return to Osgoode for their final semester.

As an upper-year student at Osgoode and a graduate student at NYU, students are eligible for all programs of either school provided they are able to complete the mandatory requirements of those programs. However, in the upper years of study at Osgoode, students will be permitted to enrol in only one, single-term intensive program, exchange program or a Letter of Permission for a single term. This combined program may not be combined with any other combined programs at Osgoode (eg JD/JD, JD/MES or JD/MBA). Meanwhile, all other program of study requirements will remain in effect.

Following successful completion of five academic semesters at Osgoode and two academic semesters at NYU, students will be awarded an NYU LLM and the Osgoode JD degrees.

Second year Osgoode students apply in their first semester, prior to the NYU LLM application deadline (typically the beginning of December). Students will be required to:

1. review NYU's general information at its Graduate Admissions homepage for the most updated information, including application deadlines for those who will not receive their J.D. in the U.S.:
<http://www.law.nyu.edu/llmjsd/graduateadmissions/index.htm>
2. complete the online application in the first semester of the second year of study at Osgoode (the online application opens in early September), indicating whether you wish to be considered for entry into the LLM program in the fall or spring semester of your 3L year. You will be required to electronically attach a personal statement and resume prior to submitting the application, and your recommenders may send their recommendation letters directly to NYU via electronic service available on the NYU online application, or via mail.
3. following the posting of grades for the first semester of your second year, submit original transcripts to Osgoode's Office of Recruitment & Admissions, which will then forward them to NYU. Please note that, unlike your other application materials which

must be submitted on time to NYU, Osgoode has arranged for NYU to receive your transcripts after the LLM application deadline so that your application will benefit from the most current information.

12. JD/BCL Degree Program

*Fourth Year Degree - Osgoode Hall Law School / Université de Montréal, Faculté de Droit
Faculty Convenor – Professor S. Drummond*

Osgoode Hall Law School of York University and the Faculté de droit, l'Université de Montréal have established a program for the granting of the York degree in common law and the Montréal degree in civil law for law graduates from either institution.

The program has been established to develop a closer academic relationship between the two law schools. As part of the Program, opportunities have been created to enable the students at each school to develop and strengthen a bilingual and bicultural understanding of Canadian legal institutions.

An Osgoode JD graduate is given two years advance standing towards the Montréal civil law degree and, on successful completion of one year of study in civil law at l'Université de Montréal, will be awarded the Montréal BCL degree. Likewise, a Montréal graduate is granted two years advanced standing at Osgoode and can obtain the Osgoode JD degree with one year of study.

13. EXCHANGE PROGRAMS

Law students around the globe, and especially in Europe and North America, have come to regard the opportunity to study abroad or at another institution as an important way of enriching their law school experience. Osgoode has joined the front rank of law schools that offer this wonderful opportunity to their students.

Osgoode has identified many opportunities for study abroad in over 14 countries. In addition, students can "shop" for themselves and propose a study-abroad program at a university which has not so far been added to our list. Opportunities fall into four categories:

1. Exchange programs, either one term or one year;
2. Study abroad programs run by foreign universities, including during the summer months;

3. Letters of permission to study at another institution of your choice for up to one academic year;
4. Placements and Internships.

13.1 How to Apply to Osgoode Exchanges

International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode has been building on its international ties with universities around the globe to create opportunities of international study for Osgoode students. Below this section you will find outlines of programs that have already been in place for some years, but our exchange programs have continued to expand and now also include the following universities: University of Strathclyde (Scotland), University of Copenhagen (Denmark), University of Amsterdam, Vrije University (Holland), Maastricht University (Netherlands), Trinity College Dublin and University College Dublin (Ireland), St. Gallen University (Switzerland), Bucerius Law School (Germany), Aix-en-Marseilles (France), University of Luxembourg, Monash University (Australia), Otago University (New Zealand), National University of Singapore, University of Hong Kong (China), National Law School of India (Bangalore), Waseda University (Japan), University of Montreal.

Details of international and exchange programs and linkages to other Web sites can be found on the Osgoode Hall Law School homepage (www.yorku.ca/osgoode/international) For more information and assistance, you may contact Karen Willoughby, International & Academic Programs Coordinator, Student Services at karenw@osgoode.yorku.ca . The application deadline falls in mid-January for the following academic year. Applicants should be in good academic standing and have a minimum B average in their law studies. An information session on exchange opportunities is held in November.

Under the Program, upper-year students from Osgoode may be enrolled in the Faculté de droit, l'Université de Montréal, for one or two semesters in any one academic year for credit towards their Osgoode degree. Courses at the Faculté de droit are given in the French language though examinations and term papers may be written in English. Some fluency in French is desirable. Programs of study have to be approved by both Program Directors.

Application forms are available in the office of the Osgoode Program Director and in the Student Affairs Office. Applications for the following academic year are accepted after the student information meeting held in the Winter term. Students have to confirm their places. Withdrawal from the program is only possible with the consent of the Program Director and the Associate Dean. Approximately six students are selected each year.

13.2 York International Exchange Programs

York University international exchange programs allow Osgoode students to spend a semester or a year at a Faculty of Law at an even greater number of overseas universities. Some universities with which York has developed exchange programs are Flinders University of South Australia, University of Stockholm, Keele University (England), University of Helsinki (Finland), and the University of West Indies (Barbados). For more information you may contact York International, Osgoode International (416-736-5177, 220 York Lanes), or visit the Osgoode homepage. Students interested in a YI exchange must complete a York International application for these exchanges and check into their application deadlines. Osgoode is responsible for the course review and approval.

14. LAW SOCIETY INFORMATION

14.1 Introduction to Law Students respecting Admission to the Practice of Law in Ontario

The following information is a very general overview of the process for being admitted to the practice of law in Ontario. Please ensure you visit the Law Society of Upper Canada website for information relating to the licensing process for your projected year of call. Detailed information is available on the LSUC website at:

<http://rc.lsuc.on.ca/jsp/licensingprocess/index.jsp>

In order to be admitted to the practice of law in Ontario, you must:

- successfully complete the Lawyer Licensing Process;
- be of "good character" pursuant to the Law Society Act;
- pay the prescribed fees; and
- take the prescribed oaths or affirmations.

The academic requirements for applying and entering the Lawyer Licensing Process are as follows:

- Successful completion of an LL.B. or J.D. degree that has been accepted by the Federation of Law Societies of Canada; or
- Possessing a Certificate of Qualification from the Federation's National Committee on Accreditation.

14.2 Licensing Process Information

The Licensing Process

Professional competency is achieved through a combination of knowledge, skills, abilities and judgment. The focus of the licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry-level in order to provide legal services effectively and in the public interest.

Structure

The current licensing process for lawyer candidates consists of two mandatory requirements:

1. 2 Licensing Examinations: Barrister & Solicitor
2. Articling term (10 months), including completion of an online Professional Responsibility and Practice ("PRP") course

You must successfully complete all mandatory requirements, submit all required documents and pay all required fees in order to be eligible to be called to the Ontario bar.

Registration

Information about registration will be circulated through the Career Development Office in your third year.

The Licensing Examinations

The licensing examinations will consist of a self-study Barrister Examination and a self-study Solicitor Examination. The competencies tested are those required for entry-level practice, that have the most direct impact on the protection of the public and that influence an effective and ethical practice.

The Barrister Examination will assess competencies in the following categories: ethical and professional responsibility, knowledge of the

law (public law, criminal procedure, family law and civil litigation) and establishing and maintaining the barrister-client relationship.

The Solicitor Examination will assess competencies in the following categories: ethical and professional responsibility, knowledge of the law (real estate, business law, wills, trusts and estate administration and planning) and establishing and maintaining the solicitor-client relationship.

It is expected that each examination will be approximately 7 hours in length. The Law Society will provide you with the necessary reference materials to study for the examinations. You will be permitted to mark the materials and bring them to the examinations. The examinations will also be available in French.

The Articling Term

The traditional articling term consists of 10 months, and includes an online Professional Responsibility and Practice Course that must be completed during the articling term. Your articling term includes up to two (2) weeks of vacation. It is your responsibility to ensure that you article with an approved Principal who has filed the required education plan with the Law Society. The Law Society also allows for non-traditional articles, which includes joint articles, national and international articles and part-time articles. All non-traditional articles must be approved in advance by the Law Society.

14.3 The Importance of a Well-rounded Law School Curriculum

The Law Society neither requires nor recommends that students limit their curriculum to the subject matters covered in the licensing examinations and does not require students holding an accredited JD to have completed particular courses in law school, other than the law school mandatory courses, before entering the Licensing Process.

The Law Society also recognizes the importance of a diverse student curriculum. The constant changes in both the practice of law and in societal demands require that lawyers have a strong theoretical grounding and a facility with inter-disciplinary and comparative approaches to legal studies. A well-rounded law school education will meet both the important special interests of each student and society's need for competent and sophisticated legal services.

An Osgoode Hall Law School JD degree is recognized by the Law Society of Upper Canada as a pre-requisite for enrolment in the Licensing

Process. The Law Society of Upper Canada places the responsibility on each student for having an adequate grounding in law before entering the Licensing Process. The only required law school courses are those which are currently mandatory in the Osgoode Hall Law School curriculum.

Students who wish to obtain further information or advice from the Law Society of Upper Canada may do so by contacting the Law Society's Department of Education. It is important that persons in any of the following special categories contact the Law Society of Upper Canada for information on special requirements: a member of the Bar of another jurisdiction; a holder of a civil law degree only; a holder of a law degree from a jurisdiction other than Canada; and a full-time faculty member of an Ontario law school.

Students intending to apply for admission to the bar outside Ontario should check with the provincial law society concerned to ascertain the educational requirements of the society and the educational program that is required upon completion of the JD degree. The requirements of each law society change from time to time and students should ensure that they have the current requirements. Further information on this can be obtained from the Career Development Office.

15. FACULTY ON SABBATICAL/LEAVE

Professor M. Condon - Fall and Winter terms
Professor I. Mgbеoji –Winter term
Professor O. Okafor – Fall and Winter terms
Professor L. Philipps –Winter term
Professor M. Pilkington – Fall and Winter terms
Professor K. Sutherland – Fall and Winter terms
Professor G. Van Harten – Winter term
Professor R. Wai – Fall and Winter terms
Professor J. Walker – Winter term

Detailed faculty biographies may be found on www.osgoode.yorku.ca/faculty/index.html

16. COURSE INFORMATION TABLES

Course Information Tables

The following tables list the courses and seminars offered in the 2011-2012 academic session. The enrolment figures in the tables are useful when attempting to letter prioritize your course selections. These figures represent the course enrolment and demand the last term the course was taught by that specific instructor. The **initial demand** indicates the number of students that assigned a letter priority to that particular course or seminar. The **final** enrolment figure indicates the number of students who were enrolled in that course at the end of the add/drop period.

Note:

1. When an instructor is new to Osgoode or when a course/seminar has not been offered for more than three years, the demand figures are listed as Not Available (N/A).
2. Please note that enrolment demand fluctuates and the figures presented may not accurately reflect future results.
3. Courses without prerequisites: 2000's;
4. Courses with prerequisites: 4000's.
5. Seminars without prerequisites: 3000's;
6. Seminars with prerequisites: 5000's

| 2011 Fall Courses | | | | | | | | | |
|---|---------------------------------|----------------|--------------|----------------|---------------------|---------------------|-----------------------|-----------------|--------------|
| Title | Instructor | Section | Hours | Course# | Credit Value | Last Offered | Initial Demand | Max | Final |
| Administrative Law | Van Harten | A | 4 | 2010 | 4 | W11 | 129 | 95 | 93 |
| Bankruptcy and Insolvency Law | Ben-Ishai | | 4 | 2430 | 4 | F09 | 59 | 95 | 72 |
| Business Associations | Waitzer/Nordick | A | 4 | 2020 | 4 | F10 | 149 | 95 | Full |
| Children and the Law | Kierstead/ Mang | | 4 | 2910 | 4 | N/A | N/A | 50 | N/A |
| Commercial Law | Geva | A | 4 | 2030 | 4 | W11 | 34 | 70 | 59 |
| Communications Law | Engelhart/ Dinsmore/Abramson | | 4 | 2005 | 4 | F08 | 17 | 50 | 13 |
| Computers, Information & The Law | Takach | | 3 | 2980 | 3 | F09 | 8 | 20 | 9 |
| Copyright | Craig | | 4 | 2870 | 4 | F09 | 73 | 95 | 87 |
| Criminal Law II: Ethical Issues | Brown/Di Luca | | 3 | 2240B | 3 | F08 | 13 | 95 | 10 |
| Criminal Law II: Homicide | Klukach/Breen | | 3 | 2240H | 3 | W10 | 34 | 95 | 33 |
| Criminal Procedure | Libman | A | 4 | 2690 | 4 | F10 | 58 | 95 | 59 |
| Debtor/Creditor | Gertner/ Springman | | 3 | 2250 | 3 | F09 | 13 | 50 | 22 |
| Environmental Law | Lintner | | 3 | 2880 | 3 | N/A | N/A | 80 | N/A |
| Estates | Black | A | 4 | 2050 | 4 | F10 | 80 | 95 | 90 |
| Evidence | J. Morton | B | 3 | 2490 | 3 | F10 | 64 | 95 | 78 |
| Evidence | Berger | A | 4 | 2490 | 4 | N/A | N/A | 95 | N/A |
| Family Law I | Mykitiuk | A | 4 | 2060 | 4 | W11 | 25 | 95 | 20 |
| History of Criminal Law & its Administration | Hay | | 3 | 2047 | 3 | F10 | 16 | 20 | 12 |
| Immigration | Rehaag | | 4 | 4270 | 4 | N/A | N/A | 80 | N/A |
| Individual Employment Relationship | Slinn | | 4 | 2550 | 4 | N/A | N/A | 95 | N/A |
| Insurance Law | Campisi | | 4 | 2280 | 4 | F10 | 42 | 95 | 48 |
| International Taxation | Li | | 4 | 4150 | 4 | W11 | 24 | 40 | 18 |
| International Trade Regulation | Gastle | | 3 | 2290 | 3 | F08 | 28 | 50 | 26 |
| Labour & Employment Law | Tucker | | 4 | 2315 | 4 | F10 | 93 | 95 | Full |
| Land Use Planning | Hare/ Mascarin | | 3 | 2320 | 3 | F09 | 16 | 20 LW; 20 ES | 8 |
| Law & Social Change: Community Action Across Borders | Bhabha | | 3 | 2750M | 3 | F10 | 18 | 20 | 18 |
| Law & Social Change: Current Issues in Reproduction and Law | Mykitiuk | | 3 | 2750S | 3 | New | N/A | 25 | N/A |
| Native Rights | McNeil | | 4 | 2110 | 4 | F10 | 37 | 50 | 41 |
| Patents | Mgbeoji | | 4 | 2330 | 4 | W10 | 40 | 95 | 40 |
| Public International Law | Mgbeoji | | 4 | 2340 | 4 | F10 | 34 | 95 | 31 |
| Real Estate Transactions | Carter | B | 4 | 2070 | 4 | F10 | 41 | 95 | 58 |
| Real Estate Transactions | Rosenblatt | A | 4 | 2070 | 4 | F10 | 67 | 55 | Full |
| Refugee Law | Rehaag | | 4 | 2470 | 4 | F10 | 21 | 80 | 15 |
| Restitution | McCamus | | 4 | 2360 | 4 | W11 | 48 | 95 | 63 |
| Securities Regulation | Lastman | A | 3 | 2620 | 3 | F10 | 104 | 95 | Full |
| Taxation Law | Edgar | B | 4 | 2080 | 4 | N/A | N/A | N/A | N/A |
| Taxation Law | Brooks | A | 4 | 2080 | 4 | F10 | 31 | 95 | 64 |
| Taxation of Wealth Transfers | Mexis/Levin | | 3 | 4080 | 3 | F10 | 13 | 95 | 14 |

| 2011 Fall Seminars | | | | | | | | | |
|--|--------------------|----------------|--------------|-----------------|---------------------|---------------------|-----------------------|------------|--------------|
| Title | Instructor | Section | Hours | Seminar# | Credit Value | Last Offered | Initial Demand | Max | Final |
| Administration of Civil Justice: Class Actions | Watson/Lang/Poltak | | 2 | 3010A | 3 | F10 | 19 | 20 | Full |
| Administration of Criminal Justice: Sentencing | Crosbie | | 2 | 5010C | 3 | F10 | 10 | 20 | 14 |
| Advanced Labour | Slinn | | 2 | 5060 | 3 | F09 | 8 | 20 | 8 |
| Canada/U.S./Mexico Business & Economic Relations | Martyn | | 2 | 3350 | 3 | W10 | 10 | 20 | N/A |
| Climate Change Law | DeMarco | | 2 | 3830 | 3 | N/A | N/A | 20 | N/A |
| Constitutional Litigation | Dassios/ Lokan | A | 2 | 3630 | 3 | F10 | 28 | 20 | 17 |
| Directed Reading: Public Disclosure and Global Sustainable Development in the Banking Industry: The Equator Principles | Puri/ Zumbansen | | | 6000P | 3 | New | N/A | 6 | N/A |
| Dispute Settlement | Fleischmann | A | 3 | 3980 | 3 | F10 | 21 | 20 | Full |
| Entertainment & Sports Law | Selznick | A | 2 | 3840 | 3 | N/A | N/A | 20 | N/A |
| Health Law | Gilmour | | 2 | 3004 | 3 | F07 | 23 | 20 | 19 |
| Intensive Legal Research & Writing | Davis | | 2 | 3920 | 3 | F09 | 24 | 20 | 18 |
| International and Comparative Family Law | Drummond | | 2 | 5140 | 3 | F10 | 9 | 20 | 9 |
| International Dispute Resolution: Advocacy in the International Criminal Court | Adler | | 2 | 3007C | 3 | New | N/A | 20 | N/A |
| International Dispute Resolution: Vis Moot | Walker | | 2 | 3007A | 3 | F10 | 16 | 16 | 10 |
| International Human Rights Law | Udombana | A | 6 | 3440 | 4 | N/A | N/A | 20 | N/A |
| International Investment Law | Van Harten | | 2 | 3100 | 3 | W11 | 13 | 20 | 15 |
| Law of War | Mandel | | 2 | 3730 | 3 | F10 | 12 | 20 | 18 |
| Lawyer as Negotiator | Zemans | | 3 | 3960 | 4 | F10 | 74 | 64 | Full |
| Legal Theory: Law & Politics | Priel | | 2 | 3170A | 3 | New | N/A | 20 | N/A |
| Legal Values: Reforming Intellectual Property - Copyright & Design | Vaver | | 2 | 3591G | 3 | F10 | 11 | 20 | 10 |
| Legal Values: Reforming Patent & Trademark Design | Vaver | | 2 | 3591F | 3 | F10 | 9 | 20 | 8 |
| National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context | Atkey | | 2 | 3008 | 3 | F10 | 16 | 20 | 13 |
| Occupational Health & Safety | Tucker | | 2 | 3260 | 3 | W09 | 3 | 20 | 10 |
| Philosophical Foundations of Criminal Law | Tanguay-Renaud | | 2 | 5690 | 3 | W10 | 10 | 20 | 11 |
| Tax Law and Policy Colloquium | Li | | 2 | 5330 | 3 | W11 | 5 | 20 | 5 |
| Tax Lawyering | Samtani/Kutyan | | 2 | 3370 | 3 | N/A | N/A | 20 | N/A |
| Taxation Policy: Tax Law & Development | Brooks | | 2 | 5220A | 3 | New | N/A | 20 | N/A |
| Theory and Practice of Mediation | Zemans | | 3 | 5960 | 4 | F10 | 17 | 16 | Full |
| Trial Advocacy | Rosenthal/Grinberg | | 3 | 5270 | 4 | W10 | 103 | 80 | Full |

2012 Winter Courses

| Title | Instructor | Section | Hours | Course# | Credit Value | Last Offered | Initial Demand | Max | Final |
|--|-----------------------------|---------|-------|---------|--------------|--------------|----------------|-----------------|-------|
| Administrative Law | Gover/ Rees/ Van Niejenhuis | Q | 4 | 2010 | 4 | W11 | 25 | 95 | 32 |
| Administrative Law | McIntosh | P | 4 | 2010 | 4 | N/A | N/A | 95 | N/A |
| Banking & Negotiable Instruments | Geva | | 4 | 2420 | 4 | W11 | 24 | 95 | 25 |
| Business Associations | Crofts | P | 4 | 2020 | 4 | W11 | 49 | 95 | 86 |
| Business Associations | Raman/Lui | Q | 4 | 2020 | 4 | N/A | N/A | 95 | N/A |
| Canadian Federalism | Haigh | | 3 | 2600 | 3 | N/A | N/A | 40 | N/A |
| Civil Procedure II | Watson | | 3 | 2230 | 3 | W11 | 47 | 75 | 59 |
| Collective Bargaining Law | Slinn | | 4 | 2515 | 4 | F09 | 18 | 95 | 22 |
| Commercial Law | Dhir | P | 4 | 2030 | 4 | W10 | 128 | 70 | Full |
| Commercial Law | Johnson | Q | 4 | 2030 | 4 | W11 | 110 | 70 | Full |
| Comparative Law | Drummond | | 4 | 2004 | 4 | W11 | 24 | 50 | 24 |
| Conflict of Laws | Scott | | 4 | 2040 | 4 | N/A | N/A | 95 | N/A |
| Contracts II | Swan | | 3 | 2460 | 3 | W11 | 65 | 95 | 38 |
| Corporate Finance | Murray | | 3 | 4000A | 3 | W11 | 20 | 95 | 17 |
| Criminal Law II: Advocacy & the Criminal Trial | Greene/Trehearne | | 3 | 2240J | 3 | W11 | 25 | 25 | 18 |
| Criminal Procedure | Libman | P | 4 | 2690 | 4 | F10 | 90 | 95 | 59 |
| Disability & the Law | Gilmour | | 3 | 4905 | 3 | W10 | 15 | 25 | 7 |
| Estates | Black | P | 4 | 2050 | 4 | W11 | 132 | 95 | Full |
| Evidence | Berger | P | 4 | 2490 | 4 | N/A | N/A | 95 | N/A |
| Family Law I | Drummond | P | 4 | 2060 | 4 | W11 | 62 | 95 | 91 |
| Family Law I | Mossman | Q | 4 | 2060 | 4 | W10 | 83 | 95 | 88 |
| Globalization & the Law | McKay | P | 3 | 2008 | 3 | W10 | N/A | 20 max; 5 upper | N/A |
| Institutions of the European Union | Zumbansen | | 3 | 2650 | 3 | N/A | N/A | 50 | N/A |
| Intellectual Property | Sookman/ Mason | | 3 | 2970 | 3 | W11 | 61 | 95 | 42 |
| International Business Transactions | Gastle | | 3 | 2890 | 3 | W11 | 26 | 95 | 20 |
| International Criminal Law | Mandel | | 4 | 2440 | 4 | W11 | 28 | 95 | 44 |
| Jurisprudence | Tanguay-Renaud | | 3 | 2720 | 3 | F10 | 18 | 25 | 13 |
| Law & Social Change: Law & Religion | Berger | | 3 | 2750T | 3 | New | N/A | 25 | N/A |
| Law & Social Change: Policing | Beare | | 3 | 2750B | 3 | W11 | 4 | 20 max; 5 upper | Full |
| Legal Drafting | Benda/Shin Doi | | 3 | 2140 | 3 | W11 | 100 | 75 | 56 |
| Legal Governance of Health Care | Gilmour | | 4 | 2404 | 4 | W10 | 59 | 50 | 48 |
| Legal Politics | Mandel | | 3 | 2570 | 3 | W11 | 5 | 20 max; 5 upper | 14 |
| Real Estate Transactions | Perell | P | 3 | 2070 | 3 | W11 | 45 | 95 | 44 |
| Regulation Of Competition | Wood/ Morris | | 3 | 2350 | 3 | W11 | 30 | 80 | 31 |
| Securities Regulation | Cattanach/Wiens | P | 4 | 2620 | 4 | N/A | N/A | 95 | N/A |
| Taxation Law | Frankovic | P | 4 | 2080 | 4 | F10 | 31 | 95 | 56 |
| Taxation of Business Enterprises | Edgar | | 4 | 4100 | 4 | W11 | 35 | 95 | 26 |
| Trademarks | Craig | | 4 | 2170 | 4 | W10 | 40 | 95 | 21 |
| U.S. Constitutional Law | Cameron | | 4 | 2520 | 4 | W08 | 31 | 95 | 34 |

| 2012 Winter Seminars | | | | | | | | | |
|---|---------------------------------------|---------|-------|----------|--------------|--------------|----------------|--------------------|-------|
| Title | Instructor | Section | Hours | Seminar# | Credit Value | Last Offered | Initial Demand | Max | Final |
| Administration of Civil Justice: Estate Litigation | Black | | 2 | 3010B | 3 | W11 | 12 | 20 | 12 |
| Admin. of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk | N. Finkelstein/J. Finkelstein/Podolny | | 2 | 3010D | 3 | New | N/A | 20 | N/A |
| Advanced Bankruptcy | Ben-Ishai | | 2 | 5400 | 3 | W10 | 3 | 20 | 3 |
| Advanced Securities | Dublin | | 2 | 5280 | 3 | W07 | 15 | 20 | 14 |
| Comparative Law: International & Comparative Labour Law | Slinn | | 2 | 3040N | 3 | W10 | 4 | 20 | 4 |
| Comparative Law: Law of the Polar Regions | Loukacheva | | 2 | 3040S | 3 | New | N/A | 20 | N/A |
| Comparative Law: United Nations Peace & Security Law | Thorne | | 2 | 3040T | 3 | New | N/A | 20 | N/A |
| Constitutional Litigation | Charney | P | 2 | 3630 | 3 | W11 | 36 | 20 | 17 |
| Contract Remedies | Carty/Johnson/Burr | | 3 | 3050 | 4 | W11 | 18 | 20 | 14 |
| Corporate Governance | Ben-Ishai | | 2 | 5170 | 3 | W10 | 13 | 20 | 6 |
| Directed Reading: JAG Perspectives on Administrative Law, Military Justice, and International Operational Law | Sossin | | | 6000Q | 3 | New | N/A | 10 | N/A |
| Directed Reading: Private Equity & Sovereign Wealth Funds | Blidner/Chernin | | 2 | 6000R | 3 | New | N/A | 20 | |
| Discrimination & the Law | Ryder | | 2 | 3300 | 3 | W11 | 16 | 20 | 14 |
| Dispute Settlement: Collaborative Lawyering | Smith/ Graham | | 2 | 3980B | 3 | W10 | 6 | 20 | 8 |
| Entertainment & Sports Law | Duarte | P | 2 | 3840 | 3 | W11 | 23 | 20 | 15 |
| Estate Planning | Rochweg/Berry | | 2 | 5110 | 3 | W09 | 5 | 20 | 10 |
| Evidence and Proof: Theory and Practice | Stribopoulos | | 3 | 5440 | 4 | New | N/A | 15 | N/A |
| Family Law II - Family Law Policy | Mossman | | 2 | 5120 | 3 | W10 | 26 | 20 | 18 |
| Forensic Science & the Law | Rondinelli/Federico | | 2 | 3690 | 3 | W11 | 21 | 10 | 7 |
| Freedom of Expression and the Press | Bredt/ Cameron | | 2 | 3002 | 3 | F10 | 13 | 20 | 19 |
| ICT Colloquium | C. Scott | | 2 | 5810 | 3 | W10 | 6 | 20 | 6 |
| Intellectual Property Theory | Craig | | 2 | 5430 | 3 | F09 | 4 | 20 | 4 |
| International Human Rights Law | Utyasheva | P | 3 | 3440 | 4 | F10 | 12 | 20 | 11 |
| Investor Protection: Advanced Seminar | Waitzer | | 3 | 5410 | 4 | W11 | 12 | 20 | 13 |
| Joint JD/MBA Seminar | Johnson | | 2 | 3820 | 3 | W11 | 11 | 20 | 15 |
| Labour and Employment Law and Policy Colloquium | Tucker | | 2 | 5550 | 3 | F10 | 4 | 20 | 5 |
| Labour Arbitration | Lewis | | 2 | 5070 | 3 | W11 | 11 | 20 | 12 |
| Land Development & Commercial Real Estate Problems | Gross | | 2 | 5160 | 3 | W11 | 12 | 20 | 16 |
| Law & Psychiatry | Bryan/ Perez | | 2 | 3240 | 3 | W11 | 14 | 20 | 9 |
| Law & Rights | Slattery | | 2 | 3450 | 3 | N/A | N/A | 20 | N/A |
| Law, Gender, Equality | Lawrence | | 3 | 3039 | 3 | W11 | 10 | 20 max; 5 upper | Full |
| Legal Values: International & Comparative Copyright Law | Chisick | | 2 | 3591J | 3 | New | N/A | 20 | N/A |
| Legal Values: Legal Ethics | C. Morton | | 2 | 3590N | 3 | N/A | N/A | 20 | N/A |
| Legal Values: Race and Gender in Corporate Law and Governance | Dhir | | 2 | 3591A | 3 | W10 | 12 | 20 | 13 |
| Litigation Dispute Resolution and the Administration of Justice Colloquium | Dizgun | | 2 | 5007 | 3 | W11 | 8 | 20 | 11 |
| Medical/Legal Seminar | Brock/ Carlisle | | 3 | 3180 | 3 | W11 | 15 | 20 | 15 |

| | | | | | | | | | |
|--|---------------|---|---|------|---|-----|-----|--------------------|------|
| Public Law & Decision Making | Levine | | 2 | 3400 | 3 | W11 | 13 | 20 | 15 |
| Resources Management | Koehl/Wilkins | | 2 | 3490 | 3 | W11 | 19 | 20 | 11 |
| Tax As Instrument Of Soc & Econ Policy | Edgar | P | 3 | 3006 | 3 | W11 | 6 | 20 max; 5 upper | Full |
| Taxation Planning | Mawani | | 2 | 5320 | 3 | W09 | 7 | 20 | 3 |
| The Art of the Deal | Waitzer | | 3 | 5100 | 4 | W10 | 17 | 10 | Full |
| Western Legal Histories | Hay | | 2 | 6601 | 3 | N/A | N/A | 20 | N/A |

Administration of Civil Justice: Class Actions

(3010A.03) *Seminar*

Instructor(s): Professor G. Watson, A. Lang & C. Poltak, Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: none

Presentation: Discussion, lectures, student presentations, and (limited) presentations by class action lawyers and judges.

This seminar is strongly recommended for those considering a career in civil litigation. Today class actions are booming and becoming increasingly important to access to justice. The courts have realized that because of expense, much litigation cannot be done individually so they are going to do it "wholesale" through class actions. Currently it really is where litigation "is at" and class actions will continue to grow in importance.

This seminar will examine critically and comparatively a range of contemporary issues surrounding class actions. The primary focus will be on class actions in Canada and the United States. Issues to be addressed will include: certification; the central role of the "lawyer entrepreneur" in class actions and the related ethical issues; costs in class actions (who should be ordered to pay costs and when); funding class actions; the settlement of class actions ("is a class action something where the class members get a new toaster and the lawyers get \$2 million" and should the court be more aggressive in exercising its responsibility to approve settlements); court regulation of communication with the class; the certification of national classes, parallel and overlapping class actions and cross-border class actions; res judicata. The remarkably contrasting roles of plaintiff-side and defendant-side counsel are also covered in depth.

Evaluation: In this seminar great emphasis is placed on paper writing, and class meetings will be adjusted to allow for this. Students will be expected to write a research paper (25-30 pages) that will form a substantial basis of the evaluation (together with student class presentations).

Administration of Civil Justice: Estate Litigation

(3010B.03) *Seminar*

Instructor(s): H. S. Black, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: None

Presentation: Presentation: Discussion, lectures, student presentations

This seminar will examine the substantive, procedural, and practical issues surrounding litigating certain claims by and against estates. Topics may include, depending upon available time, a detailed review of will challenges, dependant support claims, appointment and removal of estate trustees, passing of accounts, quantum meruit claims, and solicitor's negligence in drafting wills. We will also examine the role of mandatory mediation and other negotiation techniques in resolving estate litigation.

For each of these topics, we will explore how a client's case is developed through the interaction of the case law, the Rules of Civil Procedure, the applicable statutes, the rules of evidence, and the psychology of the family unit.

Evaluation: Research paper, class participation, and student presentations.

Administration of Criminal Justice: Sentencing

(5010C.03) *Seminar*

Instructor(s): K. Crosbie, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, participation

This seminar examines various aspects of the Canadian sentencing system. This course is primarily legal in its orientation, although the course is augmented with some discussion of sentencing issues with philosophical and criminological literature. The seminar commences with a consideration of the philosophical dimensions of sentencing and an examination of certain empirical issues, such as problems in assessing the efficacy of deterrence theory and of penal measures, and the difficulties involved in substitution of penalties. Thereafter, considerable emphasis is placed on legislative and judicial approaches to the sentencing function, sentencing options and the procedural aspects of the Canadian sentencing system. Other topics for consideration include: victim participation, mandatory and minimum sentences, Aboriginal offenders, young offenders and plea bargaining. The course also involves attending (non-mandatory) a sentence appeal in the Court of Appeal for Ontario and a discussion with one or more of the judges after the appeal about the process. Opportunity is also provided for attending (non-mandatory) a provincial court and meeting with a provincial court judge.

Evaluation: 1) A 20 to 25 page research paper worth **70%** of the final mark. Students are to provide an outline of their suggested paper topic by a date to be specified in October. The paper is due on date set by the law school.

2) Class participation worth **15%** of the final mark. This will include attendance and participation in class.

3) Sentencing moot worth **15%** of the final mark before a judge/panel of judges in class on the second last or last day of class. (Note: if a student does not wish to participate in the moot, arrangements can be made with the professor for an alternative assignment).

Administrative Law

(2010.04 A) *Course*

Instructor(s): Professor G. Van Harten

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

This course is an introduction to the body of law that governs administrative and regulatory decision-making. It examines foundational rules and principles that apply across a wide range of areas of legal practice and policy-making. It is therefore relevant to a wide range of potential career tracks of law students. The administration (or executive branch of government) implements legislative policy and delivers government services in various fields, including public health and safety, immigration, labour relations, social benefits, securities regulation, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection. The administration also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration appeals tribunals, or human rights commissions, that adjudicate disputes and implement policy outside of the courts.

The course does not focus on any single substantive area of law or policy but rather on the role of the courts in reviewing administrative and tribunal decision-making. It examines judicial oversight of administrative decision-makers through the doctrines of procedural fairness (how administrative decisions are made, the entitlement of individuals to participate in decision-making that affects them, and impartiality and independence of decision-makers), substantive review (the degree to which courts will review the merits or outcomes of administrative decisions), and remedies. The course also explores policy concerns and debates about the rules and principles in the field, as well as theoretical themes arising from the relationship between the courts and other branches of the state.

The course is demanding and student who miss multiple classes will quickly fall behind. Students are expected to read the assigned materials each week, typically including excerpts from a textbook or from statutes as well as prominent or exemplary cases, and to be well prepared for class discussions. Problem-solving and analytical activities may also be used in class to allow students to assess and track their understanding of the subject as we proceed (although not for formal evaluation). Further information, including the previous year's course outline, is available to students on the instructor's course website.

Evaluation: Open-book examination (100%) or examination + assignment option (70%/30%).

Administrative Law

(2010.04 P) *Course*

Instructor(s): L. McIntosh, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

This course is an introduction to the body of law that governs administrative and regulatory decision-making. It examines foundational rules and principles that apply across a wide range of areas of legal practice and policy-making. It is therefore relevant to a wide range of potential career tracks of law students. The administration (or executive branch of government) implements legislative policy and delivers government services in various fields, including public health and safety, immigration, labour relations, social benefits, securities regulation, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection. The administration also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration appeals tribunals, or human rights commissions, that adjudicate disputes and implement policy outside of the courts.

The course does not focus on any single substantive area of law or policy but rather on the role of the courts in reviewing administrative and tribunal decision-making. It examines judicial oversight of administrative decision-makers through the doctrines of procedural fairness (how administrative decisions are made, the entitlement of individuals to participate in decision-making that affects them, and impartiality and independence of decision-makers), substantive review (the degree to which courts will review the merits or outcomes of administrative decisions), and remedies. The course also explores policy concerns and debates about the rules and principles in the field, as well as theoretical themes arising from the relationship between the courts and other branches of the state.

Evaluation: Open-book examination (100%) or examination + assignment option (70%/30%).

Administrative Law

(2010.04 Q) *Course*

Instructor(s): B. Gover, O. Rees, B. Van Niejenhuis; Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course is an introduction to the body of law that governs administrative decision-making. The administrative branch of government implements legislative policy and delivers government services in a variety of contexts including immigration, human rights, communications, labour relations, natural resources, business activities, freedom of information, and others. As a result, this course is foundational to the study of any particular administrative or regulatory regime. The course will explore judicial oversight of administrative decision-makers through the doctrines of procedural fairness (how administrative decisions are made, the rights of individuals to participate in decisions affecting them, and impartiality and independence of decision-makers), substantive review (the scope and standards employed by courts to review the merits of administrative decisions), and remedies. The course also examines the policy concerns that inform the doctrinal rules and principles, and theoretical themes around the relationship between the courts and other branches of government.

Evaluation: Take-home final examination (100%).

Admin. of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk

(3010D.03) *Seminar*

Instructor(s): N. Finkelstein, J. Finkelstein & R. Podolny; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: Securities, Bankruptcy & Insolvency

Presentation: Lecture, class discussion, student presentations

This seminar is recommended for anyone with an interest in the practical applications of legal expertise in the business environment. Business leaders making decisions concerning corporate transactions frequently turn to legal counsel for advice on the litigation and regulatory risks they face and the economic value of these risks. The risks include court challenges and regulatory proceedings commenced under *Securities Act* (Ontario), *Companies Creditors Arrangement Act*, *Competition Act*, *Investment Canada Act*, *Broadcasting Act*, *Telecommunications Act* and other legislation. The seminar will survey the various analytical tools available to counsel for assessing specific kinds of legal, political and regulatory risk.

This seminar will examine the application of the concept of expected value (anticipated returns adjusted for probability) to the assessment of uncertain events such as legal and regulatory risk inherent in major business decisions. This involves the consideration of various factors such as the incentives faced by each business actor, the legal precedents involved and the risk profiles of these actors. Participants will review a number of case studies based on recent corporate transactions and discuss the risks inherent in these transactions. Leading legal practitioners, business leaders and academics will address the students as guest speakers and discuss the analytical tools available to assess the viability and wisdom of various mergers, acquisitions and investment decisions.

Evaluation: 65% essay, 25% presentation, 10% participation.

Advanced Bankruptcy

(5400.03) *Seminar*

Instructor(s): Professor S. Ben-Ishai

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: a. Bankruptcy Law; b. Currently enrolled in Bankruptcy Law; or c. Permission of the instructor.

Preferred Courses: None

Presentation: Lecture, discussion, presentations, guest speakers

Bankruptcy and reorganization is an area of law which involves both significant economic and social issues as well as analysis of statutory detail and judicial decisions. This course builds on the introduction students will have received in the basic bankruptcy and reorganization course or commercial law course to bankruptcy and reorganization law in Canada, situated in an international context. By the end of the course students will be able to provide a sophisticated analysis of the central rules, policies and principles of bankruptcy and reorganization law; the economic and social objectives attributed to the bankruptcy and reorganization system; the Canadian system relative to other international systems; and the bankruptcy law reform process.

Evaluation: 85% Paper; 15% Participation

Advanced Labour

(5060.03) *Seminar*

Instructor(s): Professor S. Slinn

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Individual Employment Relationships and/or Labour Relations

Preferred Courses: none

Presentation: Seminar discussion

This seminar offers a critical examination of the existing labour and employment law system, and may address politicization of the law and tribunal independence, understanding and application of employment law, industrial disputes, and the particular challenges of regulating public sector labour relations. This seminar will also address research on need for, and alternative models of, employment regulation and collective representation, and the future of labour and employment law. This will include examination of the prospects, pitfalls, and consequences of constitutionalizing elements of labour and employment relations.

Evaluation: Research paper (70%), paper presentation (15%), commentary (15%).

Advanced Securities

(5280.03) *Seminar*

Instructor(s): J. Dublin, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: None

Presentation: Discussion, student presentations

This advanced seminar deals with current issues in the policy and practice of securities regulation in Canada, although issues such as convergence with international regulatory norms will be canvassed throughout. The seminar will begin with a discussion of philosophies of securities regulation and the role of investors in the changing markets. Specific seminar discussions will focus on issues currently being addressed and debated by securities regulators in Ontario and elsewhere, including: changes to securities regulation following the global financial crisis, including the emerging regulation of derivatives and of systemic risk; principles vs. rule based regulation, the role of litigation in addressing securities market problems; approaches to securities regulatory enforcement; updates on the potential for national securities regulation in Canada; globalization of securities markets, emerging issues in financial product regulation.

Evaluation: Research paper on approved topic - 70%; participation & attendance - 10%; seminar presentation - 20%.

Banking & Negotiable Instruments

(2420.04) *Course*

Instructor(s): Professor B. Geva

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

The course provides an introduction to the Canadian financial system and covers law applicable to financial and payment instruments, mostly under the Bills of Exchange Act.

"Negotiable instruments" governed by the Bills of Exchange Act are commonly used as credit and payment instruments in consumer, commercial and financial transactions. They are widely used in connection with common transactions such as sales, guarantees and loans as well as most sophisticated money and financial market contracts. Some of their aspects are closely linked to the banker-customer relationship and must be studied in conjunction with fundamentals underlying banking and the financial industry. Hence, the course deals with the law applicable to these instruments in the context of "banking" and further provides an overview of the financial system.

The course thus covers, with varying degrees of detail, several closely inter-related areas in the law governing financial instruments, banking and payment mechanisms: Negotiable instruments governed by the Bills of Exchange Act (that is, bills of exchange, promissory notes and cheques); the banker and customer relationship and overview of the banking system: the national payment and clearing system under the Canadian Payments Act, particularly, but not exclusively, as applied to cheques; domestic electronic payments; international wire transfers, the letter of credit, particularly as used (with bills of exchange) in international trade; and depository bills a notes used in electronic-based securities transfer systems.

Particularly in relation to negotiable instruments, the course is quite heavily (though not exclusively) statutory. To a large extent, the course is on the interaction among statute, common law, practices and policies. A central theme is the adaptation of an old body of law to accommodate needs arising in modern commercial settings culminating in electronic banking.

The course augments the commercial and business law offerings, provides an introduction to specialized banking law courses, and is particularly relevant to those intending to work in these areas. It further develops skills in doctrinal analysis and statutory interpretation.

Evaluation: Open book examination; paper option (30%).

Bankruptcy and Insolvency Law

(2430.04) *Course*

Instructor(s): Professor S. Ben-Ishai

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: There are no prerequisites for the course although students may find it useful to take Commercial Law before or at the same time as this course.

Preferred Courses: See above

Presentation: Lecture, discussion, guest lectures, film clips, in-class activities

Bankruptcy and Insolvency law has become part of mainstream commercial law and plays a significant economic and social role in contemporary credit economies. This course will consider the fundamentals of business and personal bankruptcy and insolvency in Canada.

There are two basic approaches to bankruptcy: liquidation and reorganization. The traditional idea of bankruptcy was that of a process of liquidation of the assets of a debtor for the benefit of all creditors. Over recent decades there has been a move towards the idea of rescue and rehabilitation as an important objective for both business and personal insolvency. We shall consider the relevant parts of the Bankruptcy and Insolvency Act concerning liquidation and rescue as well as the Companies Creditors Arrangement Act, which provides a vehicle for corporate reorganization. Bankruptcy law involves not only an analysis of the rights of different groups of creditors and debtors but also may implicate other constituencies such as workers and communities and we shall examine the possibilities and limits of bankruptcy and reorganisation law in maximising value for the benefit of all interested parties.

Bankruptcy and insolvency is also an institutional system and the course will examine the role of the various participants in the system such as trustees in bankruptcy, receivers, lawyers, judges and the Office of the Superintendent of bankruptcy. This course combines an analysis of the relevant statutory material and case law with an understanding of the policy choices in bankruptcy and the different roles which a bankruptcy system may play in contemporary society.

This year students will have the opportunity to participate as volunteer (for credit) "bankruptcy experts" in the WoodGreen Debt Clinic. The Clinic is operating on a pilot basis for 2011 and does not provide legal advice. The Clinic is a free, low barrier service, for low income people to get answers to financial questions. It will operate 1-2 nights a week at 815 Danforth Street. Further details and expectations of students who choose to participate will be discussed in the first class.

Evaluation: 100% Final Exam or 30% Participation in WoodGreen Debt Clinic and 70% Final Exam

Business Associations

(2020.04 A) *Course*

Instructor(s): Professor E. Waitzer & D. Nordick, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, problem solving, discussion

Following a brief examination of sole proprietorships and partnerships, the course will examine the corporate form of association, with particular reference to the Canada Business Corporations Act. The course will emphasize such matters as: the corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, management and control of management within the corporation, capital structures, corporate governance and the enforcement of corporate duties through oppression claims, shareholder derivative actions and other remedies. Throughout the course, evolving concepts of the corporation and the role of corporate law will be critically examined.

Evaluation: 100% open-book examination - a paper is optional and, if submitted, will only improve the exam grade (or leave it as is).

Business Associations

(2020.04 P) *Course*

Instructor(s): R. J. Crofts, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problem solving, discussion

Following a brief examination of sole proprietorships and partnerships, the course will examine the corporate form of association, with particular reference to the Canada Business Corporations Act. The course will emphasize such matters as: the corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, management and control of management within the corporation, capital structures, corporate governance, corporate social responsibility, and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

Evaluation: Either (a) 100% open-book examination or (b) 25% research paper (on a topic pre-approved by the instructor) and 75% open-book examination.

Business Associations

(2020.04 Q) *Course*

Instructor(s): G. Raman & T. Lui; Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, problem-solving, discussion

This course is intended to provide an introduction to the predominant forms of business organizations in Canada, namely, sole proprietorships, partnerships, limited partnerships, limited liability partnerships and corporations. The major emphasis of this course will be to provide an understanding of the corporation as a distinct entity, using the Canada Business Corporations Act as the basis for analysis. The course will examine such matters as: the creation and organization of the corporation, the corporation as a distinct entity, capital structures, corporate governance, management of the corporation, directors' and officers' duties, shareholders' rights, roles and remedies, and shareholder oppression and derivative actions.

Evaluation: 100% open-book examination or 70% open-book examination and 30% research paper.

Canada/U.S./Mexico Business & Economic Relations

(3350.03) *Seminar*

Instructor(s): M. Martyn; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

The course will have a broader focus than NAFTA, although its rules (e.g., rules of origin, dispute settlement, investment provisions, environmental and labour side accords) and some of those of the underlying legal regimes will be assessed as to the degree to which they facilitate or interfere with regional economic integration.

From a Canadian standpoint, the impact that “free” trade has had on the Canadian economy will be considered including the degree of integration that exists with the United States. The argument that Canada should diversify its trade, and the problems inherent in such diversification, will also be reviewed as well as changes that have occurred since the Great Recession.

The proposals that Canada enter an enhanced NAFTA (including a common external tariff, North American border action plan, and energy and natural resource security strategy) to ensure secure access to the America market will be discussed as well as the 2011 developments that have happened on a bilateral basis between Canada and the United States – and separately those developments that have happened on a bilateral basis between the United States and Mexico.

From an American standpoint, the course will attempt to deal with the issues arising from the growing trade deficit and resulting protectionism. It will also review the manner in which trade and security are becoming synonymous in the post-9/11 world and the resulting demands that are being placed on its trading partners. An attempt will be made to assess the degree to which North America might be seen as a regional innovation system, competing with Asian and European systems.

From a Mexican standpoint, the discussion will focus on whether regional integration provides an engine for economic development and social welfare. In this respect, Mexico’s performance after NAFTA might be considered a litmus test for the ability of trade liberalization arrangements to deal with north-south issues. Also, Mexico’s strategy of developing a hub and spoke system of trade agreements will be reviewed, along with the implications for Canada regarding the resulting erosion of its preferential access to the American market.

Evaluation: Both group work and individual assessment.

Canadian Federalism

(2600.03) *Course*

Instructor(s): Visiting Professor R. Haigh

Winter: 3 credits; 3 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, seminar discussions

This course will build on the limited coverage of the federal division of powers in the first year State and Citizen course. The course has two general purposes: first, to broaden students' understanding of the judicial interpretation of the division of powers, particularly in areas not covered in first year; and second, to provide a deeper understanding of our institutions of government and continuing issues of constitutional reform. Areas that may be covered include the impact of unwritten constitutional principles, the separation of powers and the respective roles of the Crown, Parliament and the legislatures, and the courts in ensuring respect for constitutionalism, amending formulas; and selected topics in federalism (doctrines of pith and substance, interjurisdictional immunity and paramountcy, powers over trade and commerce; peace order and good government; criminal law, environmental regulation and the administration of justice.) Issues of constitutional change that may be covered include Parliamentary reform, ethics and accountability, recognition of Aboriginal self-government, the accommodation of Quebec nationalism, and the possibility of Quebec secession. The course will also engage in some comparative analysis with other constitutional democracies.

Evaluation: Either an examination or a research paper (65%) and class participation and presentation (35%). Research paper (6000 words) due the first day of examinations; brief written outline of paper due within the first month of classes.

Children and the Law

(2910.04) *Course*

Instructor(s): Professor S. Kierstead and I. Mang, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: Family Law I (2060.04)

Preferred Courses: none

Presentation: Lectures, discussion, role plays, break out sessions

This course will deal with both theoretical and practical aspects of child protection cases. The theoretical component will include an examination of family autonomy in the face of state intervention, and the best interests of children in a risk-driven protection environment as opposed to the conventional benefits-driven best interests tests applied in private custody cases.

The practical component will provide students with the opportunity to examine child protection issues through case studies and to engage in case preparation for selected fact patterns.

Both theoretical and practical components will examine tactical, ethical and policy questions throughout the course.

Evaluation: Final Exam (50%); class presentations/role plays/case preparation (50%).

Civil Procedure II

(2230.03) *Course*

Instructor(s): M. Watson, Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 75

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This advanced course in Civil Procedure explores in greater depth certain topics touched on in introductory civil procedure courses, and delves into other more advanced topics not previously studied. The subject matter includes the lawyer-client relationship, motions, disposition without trial, litigating across borders, discovery, insurance aspects of litigation, certificates of pending litigation, and interlocutory injunctions. Examination of the leading jurisprudence and recent case law under each topic is supplemented by extensive discussion of the practical aspects of and advocacy techniques associated with each procedure.

Evaluation: Open-book examination.

Climate Change Law

(3830.03) *Seminar*

Instructor(s): L. DeMarco, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, guest speakers, films, case studies, group exercises and discussion

This seminar explores the legal and policy issues related to efforts to control the causes and manage the effects of global climate change, the most significant environmental issue today. It examines these developments in Canada, the U.S., Regional Programs, and at an international level. The seminar will consider a variety of the policy options to address climate change from international treaties, command and control regulation, litigation, carbon taxes, emissions trading, private sector initiatives such as voluntary codes and standards, and nationally appropriate mitigation actions (NAMAs) in emerging economies.

Specific topics to be covered include: climate science and its interface with climate law; Canadian climate law and policy including recent provincial and regional initiatives such as BC legislation, the Western Climate Initiative, federal plans for mandatory carbon capture and storage in Albertan oil sands developments; international developments including the Kyoto Protocol and any post 2012 successor; regional approaches including the European Union; selected domestic climate law and policy developments in key foreign countries including the United States; the special position of vulnerable groups and nations, including developing countries and Indigenous peoples; energy market regulation including renewable energy and the role of energy markets in climate change mitigation; protection of carbon sinks; private and financial sector measures including financial disclosure and regulatory reporting obligations; and future directions in climate law and policy including the intersection of trade barriers and climate change measures.

Evaluation: Combination of research paper or other combination of shorter assignments (80% of grade) and class participation (20%).

Collective Bargaining Law

(2515.04) *Course*

Instructor(s): Professor S. Slinn

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This course provides an introduction to the law governing collective employee representation, with an emphasis on private and public sector labour relations in Ontario. The first objective of this course is to provide students with an introduction to the law and policy relating to collective employee representation. Topics include employer, employee and union status under collective bargaining legislation; the state's role in protecting freedom of association through statutory certification procedures for unions and unfair labour practice prohibitions; examination of the importance of exclusive bargaining rights; the duty to bargain in good faith; and issues relating to industrial disputes such as first-contract arbitration, strikes, lockouts and picketing.

The second objective is to introduce students to the policies underpinning legislation governing collective employee representation, and future directions for law and policy. Collective bargaining law has long been influenced by the political ideology of successive governments, and labour law in Ontario in recent decades years is a prime example of this phenomenon. We will examine the different approaches to various components of labour law and legislation reflected in the numerous changes seen in this jurisdiction in recent years, including considering the relationship between different social and economic goals, individual and collective rights, and the effect of the Charter of Rights and Freedoms on labour law.

This course will be of interest both to students who wish to gain a substantial knowledge of this area of law in contemplation of practicing labour law, and to those students who want to become familiar with many aspects of labour relations law but do not intend to specialize in this area.

Evaluation: (1) 100% open-book final exam; or (2) an additional form of evaluation such as a research paper or course comment worth up to 75% of the final course mark, as approved by the instructor, with the balance of the final course mark to be from the open-book final exam.

Commercial Law

(2030.04 A) *Course*

Instructor(s): Professor B. Geva

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course focuses on secured credit in lending, wholesale and retail sales transactions and touches upon related areas. Coverage includes a brief introduction to the law of sale of goods, insolvency, suretyships, and securities transfers. Most of the course will deal with the financing of commercial and consumer transactions, particularly secured credit under the Ontario Personal Property Security Act. The course will combine statutory interpretation and legal principles as they operate throughout commercial transactions.

Neither a prerequisite nor a co-requisite is required or recommended, and the course is appropriate for students who start their second year at Osgoode. Those who wish to take upper year business law courses are encouraged to take it quite early in their upper year law studies.

Evaluation: Open-book examination; paper option (30%).

Commercial Law

(2030.04 P) *Course*

Instructor(s): Professor A. Dhir

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course is devoted to an examination of the principles and policies that govern the law of secured transactions in personal property. It consists primarily of a detailed analysis of Ontario's *Personal Property Security Act* (OPPSA). Coverage also includes a brief introduction to insolvency law and the proprietary aspects of sale of goods law.

In general, topics such as the following will be covered:

- the nature and function of security;
- the scope and application of the OPPSA;
- the validity of security agreements and the rights of the secured party and debtor as against each other;
- the policy and function of registration;
- the rights of the secured party as against third parties – the general priority rules;
- specific priority rules;
- rights on transfers of collateral; rights to proceeds;
- default and enforcement;
- conflict of laws issues.

The use of laptop computers (or other similar electronic note-taking devices) is not permitted.

The above information is provided for course registration purposes only and is subject to change at any time.

Evaluation: 100% open-book examination or 70% open-book examination and 30% research paper.

Commercial Law

(2030.04 Q) *Course*

Instructor(s): Professor T. Johnson

Winter: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lecture, discussion, podcasts

This course will encompass an examination of the law related to the taking of, and realization on, security in personal property, with specific focus on the Personal Property Security Act (Ontario) and a brief look at the security provisions of the Bank Act (Canada). Coverage also includes a brief introduction to insolvency law (the Bankruptcy and Insolvency Act) and, time permitting, the proprietary aspects of sale of goods, cost of borrowing disclosure, suretyship, and asset securitization.

In addition to gaining a detailed knowledge of the relevant statutory and case materials, students will obtain an understanding of the principles and policies of commercial and consumer sales financing.

Although there are no prerequisites for this course, students would benefit from taking Business Associations, either prior to or in conjunction with this course.

Evaluation: Closed book examination: 100%. Tables of contents of relevant legislation and cases will be distributed in the examination room, along with the examination questions.

Communications Law

(2005.04) *Course*

Instructor(s): K. Engelhart, P. Dinsmore & B. Abramson; Adjunct Professors

Fall: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures, discussion

This course will examine law, policy and regulations concerning broadcasting (radio, TV and specialty/pay/VOD services) the Internet and telecommunications. Of particular interest in broadcasting are questions about access, Canadian content, and the implications of competition and new services in the Canadian broadcasting system. In the case of the Internet topics will include privacy, the CRTC's New Media Exemption Order and usage based billing. In telecommunications, emphasis will be given to issues arising from competition and new technologies.

NOTE: Students who have completed or are enrolled in this course are eligible for the John Graham Fellowship prize of \$2,000.

Evaluation: Three short tests (2 pages each, 10% for each test), and one research paper, 70% (15-20 pages) on a subject of the student's choosing.

Comparative Law

(2004.04) *Course*

Instructor(s): Professor S. Drummond

Winter: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, films, small group work

As legal practice becomes more global, law students need to prepare themselves for careers that increasingly require knowledge of more than one legal system. This course provides students with an opportunity to familiarize themselves with comparative law's methodologies for the study of diverse legal traditions. The basic aims, traditions, methods and achievements of comparative law will be taken up while focusing on particular legal jurisdictions and regions. Given the global influence of both the common law system and the civil law system of continental Europe, the course will begin with a general introduction to the history, institutions and methodologies of the civil law. The common law tradition will also be examined through the prism of comparative analysis so that its historical contingencies and idiosyncratic configurations become illuminated from an external point of view. The course will also investigate several non-Western legal systems, introducing students to their distinct institutions, histories and motifs. The mutual influences, not always balanced, between Western and non-Western legal traditions, will also be explored. The proclivity of the discipline of comparative law to define itself in predominantly Euro-American terms will be critically examined. Readings on the institutions and doctrines of legal traditions will be complemented with materials on the most significant social, economic, and political factors that shape legal cultures.

As with any study of international, foreign, or comparative law, some knowledge of a language other than English is useful, but is not required for the course.

Evaluation: Evaluation will be by means of a paper proposal, a final paper, a group presentation, and class attendance. Papers for this course can be submitted to meet the upper year writing requirement.

Comparative Law: International & Comparative Labour Law

(3040N.03) *Seminar*

Instructor(s): Professor S. Slinn

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Labour Relations

Presentation: Seminar, discussion, commentary

Globalization of work and production makes knowledge of the international and comparative dimensions of labour law and practice vital for lawyers, scholars and policy-makers. This seminar introduces application of the comparative method to labour law, and introduces key international and regional sources of comparative labour law. It then considers the definition and purpose of international labour law and examines the sources and effectiveness of global and regional international labour law such as international labour standards, private regulation such as codes of conduct and guidelines, unilateral, bilateral and regional social clauses and agreements, and trade-linked labour standards.

Evaluation: Research paper (70%), paper presentation (20%), commentary (10%).

Comparative Law: Law of the Polar Regions

(3040S.03) *Seminar*

Instructor(s): N. Loukacheva, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussions, and in class presentations/exercises will be used. Students are expected to:

1. Have read the assignment materials prior to class and be able to identify relevant questions;
2. Participate in exercises based on topics or case studies distributed periodically throughout the course; and
3. Participate in class discussion of the assigned materials and any exercises relating to them. The purpose of the discussion is to develop an understanding of relevant questions and to develop the student's ability to analyze, synthesize, and present materials.

This course provides students with an overview of the most recent legal and political developments in the Polar Regions and Polar Law including the general aspects of International and Comparative Constitutional Law, theory and methodology, and possible lessons that can be learned from both the Arctic and Antarctic. Special emphasis will be made on Arctic Indigenous Peoples' rights, self-determination, autonomy (self-government), the administration of justice, customary laws and legal systems. It also elaborates on the current and emerging topical issues, the legal responses and challenges in the Polar Regions posed by environmental and global changes and developments in various areas of Arctic Governance and resources.

Objectives:

The objective of this course is to provide students with a solid foundation in international and comparative law in relation to the Polar Regions and Arctic Indigenous Peoples' rights. In particular, students will be expected to:

1. Understand and critically assess legal and political developments in the Polar Regions.
2. Demonstrate competence in Arctic Indigenous Peoples' Rights.
3. Demonstrate competence in the general areas of Polar law.
4. Understand and critically assess the problem of fact-finding in Polar law.

Evaluation: **Participation – 15%** This grade is based on participation in class discussions and exercises. Students are expected to attend classes. Class participation implies thoughtful commentaries and questions showing familiarity with and reflection upon the assigned materials.

Presentation – 20% Each student is expected to make a presentation based on the assigned readings/topics for the seminar. The presentation should be about 25-30 minutes in length. It is expected that each presenter formulates questions arising from the materials to draw other members of the class into a discussion. Detailed instructions/topics will be provided during the first class.

Research Paper – 65% Students are welcome to select their own topics that are relevant to issues discussed in this seminar. However, potential topics will be provided and all relevant details will be explained during the first class. Paper should be typed, double-spaced, min 15 pages –max 20 pages in length. Paper is due April 4, 2012. If your paper is late, your mark will be reduced by 3% (out of total 65%) for every 24 hours the paper is late.

Comparative Law: United Nations Peace & Security Law

(3040T.03) *Seminar*

Instructor(s): D. Thorne, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, role play exercises

This course seeks to introduce students to the legal, historical and operational framework of the United Nations. It is intended to provide students with the historical perspective and analytical capability necessary to develop an informed understanding of the practical reality of the United Nations, including its institutional structure, its powers at international law, and the evolution of the organization's role from the time of its creation to the present day.

A key theme which will be examined throughout the course will be consideration of major changes in the nature of international relations over the life of the UN (particularly with respect to the tension between sovereignty and intervention, the changing relationship of state sovereignty to human security, and the evolving normative and legal basis for protection of human rights and human security), which have contributed to the UN's evolution from an international legal framework originally strongly respectful of state sovereignty to today's evolving norm of a transnational "Responsibility to Protect".

Through readings, discussion and in-depth case studies it is expected the course will provide students with a strong foundation for understanding public international law and international human rights law, as well as provide insight into the practical realities and political dynamics at play within the United Nations system. It is expected case studies canvassed will include the historical "Uniting for Peace" actions of the General Assembly, and the legality of the 1990/91 and 2003 Iraq wars.

The course will be organized into two broad sections: 1) the Structure/Organs of the UN, and 2) the UN Intervention Apparatus and Collective Security.

The teaching methods utilized in this course will include a focus upon interactive summary lectures in conjunction with a series of in-depth case studies, participatory exercises, and occasional role play simulations.

While, by necessity, the seminar's in-class instruction will largely feature an interactive lecture/discussion format, the program is grounded in the principles of experiential, active learning. As a result, while the theoretical underpinnings of United Nations law and practice will be touched upon, the thrust of the program will concentrate on building students' understanding of the practical realities of the United Nations legal regime.

To this end, at certain junctures throughout the term, students will be presented with brief exercises and practical simulations, which they will have the opportunity to prepare, and role play with their classmates, so as to more directly engage with, and deepen their understanding of, the practices of the United Nations.

Evaluation: This seminar will utilize a variety of evaluation methods, with the final grade being derived from a combination of class participation (20%), written/role play exercises (20%), and a mandatory research paper (60%). Please note that the precise weighting of these elements may be subject to change prior to the commencement of the course.

Computers, Information & The Law

(2980.03) *Course*

Instructor(s): G. Takach, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: Any other Intellectual Property course (but not necessary)

Presentation: Lectures, discussion

This course canvasses the legal problems generated by the widespread use of the computer, the Internet, and our development into an information oriented society. Both private law and public law aspects are reviewed. A recurrent theme will be the examination of the inadequacy of existing legal concepts to cope with various aspects of the information revolution, and recent law reform efforts. Specific topics covered include: the information revolution and the role of law; impact of competition law on the computer industry; computer crime; ascription of property concepts to information; access to information, privacy and data protection legislation; protection of proprietary rights through trade secrets, the law of confidentiality, copyright and patents; Internet-related legal issues, including electronic commerce and jurisdiction issues; and commercial and contracting issues in acquiring computer resources and information services, including contract and tort liability. In discussing these topics, the course attempts to combine theory with practical practice points relevant to lawyers practising computer law.

Evaluation: A paper, not to exceed 6000 words (exclusive of footnotes/bibliography), worth 50% of the grade due mid term. A short (1.5 hour) exam worth 50% of the grade.

Conflict of Laws

(2040.04) *Course*

Instructor(s): Professor C. Scott

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: Comparative Law and/or Public International Law are very useful complementary courses

Presentation: Lectures and discussion; occasional in-class exercises or simulations.

In a world of increasing cross-border communication, trade, migration and travel, conflict of laws questions arise in every field of law that governs interpersonal relations and that is traditionally categorized as part of 'private law' (such as tort, contract, property, and family law). Understanding the conflict of laws is important – increasingly so, in the globalizing world – for pursuing most careers in legal practice and for most fields of legal scholarship. It provides an important foundation for the study of other international or transnational law subjects such as international investment law and transnational commercial arbitration. The principles and methods of conflict of laws also have a general relevance for understanding normative conflicts within law more broadly, even in fields considered part of 'public law', and in understanding how to resolve problems of order and fairness in a world characterized by important dimensions of legal pluralism. By 'legal pluralism' is meant that there are a growing number of fields or regimes that are claimants to the status of law outside the universe of formal, state-based law; more generally, competing claims to regulate the same functional matter or even territorial space are an endemic feature of contemporary law.

This course provides a solid grounding in the basic principles governing the three central questions asked within conflict of laws analysis: whether a court has authority to decide a dispute and, if so, whether it should exercise that authority; which law a court should apply to determine the issues in dispute; and whether and to what extent a court should recognize and enforce judgments issued by courts in other provinces or countries, or awards issued by non-state tribunals.

The rules applied by Canadian common law courts – with an emphasis on Ontario and on a degree of unification produced through Supreme Court of Canada jurisprudence – are compared with the rules applied in other common law jurisdictions as well as in jurisdictions where conflict of laws (known also as 'private international law') is governed by a statutory code, notably in Québec but also in other civil-law jurisdictions. This course also addresses the relevant principles and special rules that apply in federal constitutional systems and regional systems such as the European Union. The interconnections between conflict of laws and public international law (including by way of treaties produced through the Hague Conference on Private International Law) will receive some emphasis. The course will also pose as a standing question whether (and, of so, how) conflict of laws relates to the generation of new substantive norms – including substantive norms of 'transnational law' – or whether it is best understood as an area of law that it is quintessentially procedural in nature and neutral as to the evolving content of law.

Evaluation: 1. 30%: Two closed-book multiple-choice and/or short-answer quizzes during term.

2. 70%: 3-hour open-book final examination.

Constitutional Litigation

(3630.03 A) *Seminar*

Instructor(s): C. Dassios & A. Lokan; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Constitutional Law

Preferred Courses: none

Presentation: Discussion of assigned readings and their application in the development of litigation strategies in case studies; students choose a hypothetical case (approved by the instructors) and prepare a brief of materials (affidavits of actual witnesses and other documents) as their assignment for the course.

In this seminar, students explore the adjudication process in constitutional litigation, consider questions of procedure, proof and remedies and discuss effective preparation of and advocacy in constitutional cases.

Seminar topics will include: the role of the courts in constitutional litigation; commencing a constitutional case, drafting pleadings, government action under s.32 of the Charter, standing, crown defendants, choice of venue, remedies, evidence in constitutional cases, the role of experts and drafting effective affidavits, discovery of governments, and interlocutory relief.

Evaluation: Primarily on the basis of the student's case brief (consisting of affidavits of actual expert witnesses, other evidentiary materials and an succinct outline relating the evidence to the factual propositions being proved). Class participation is also considered in the evaluation process.

Constitutional Litigation

(3630.03 P) *Seminar*

Instructor(s): R.E. Charney, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Civil Procedure I, Constitutional Law

Preferred Courses: None

Presentation: Student presentations and discussion.

This seminar considers the adjudication process in constitutional litigation; questions of procedure, evidence and remedies; and the preparation of and advocacy in constitutional cases.

Seminar topics will include: history of constitutional litigation: the American example; role of the judiciary in deciding Charter cases; raising constitutional issues: selecting the appropriate court and procedure; standing, class actions, intervention and references; role of the Attorney General; proving constitutional facts: presentation and assessment of social science data in the adversary system; drafting constitutional arguments and presenting them effectively; remedies for constitutional infringements; litigation strategies for public interest groups; case studies; and other suitable topics.

Evaluation: Class participation and attendance (20%); factum and moot or research paper (80%).

Contract Remedies

(3050.04) *Seminar*

Instructor(s): L. Carty, C. Burr, M. Johnson, Adjunct Professors

Winter: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: none

Preferred Courses: none

Presentation: Participation-based seminar featuring discussion, simulation exercises, and limited lecturing

An in-depth analysis of contemporary problems in the area of contractual remedies. The seminar will consider such questions as: the classification of contract terms; the nature and scope of the contractual relationship; the effect of fundamental breach; the approach of the courts to exclusion and limitation of liability clauses; the interrelationship of contract and tort; restitution claims in a contractual setting; problems of "election"; principles governing damage awards; problems in recovering and calculating damages; equitable remedies, such as specific performance, injunctions and rescission; and limitations and other restrictions on the availability of contractual remedies. In addition to discussing the academic issues raised by the readings and assigned problems, the seminar will focus on practical considerations, including commercial drafting and litigation/negotiation strategies. Students will participate in weekly simulation exercises including law firm conferences, negotiation sessions and arguments before various "courts".

Evaluation: Short class presentations; short written assignments; general participation; short final paper.

Contracts II

(2460.03) *Course*

Instructor(s): A. Swan, Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, lectures

The course will be an intensive examination of selected issues arising in the law of contracts, principally from the point of view of the solicitor.

The course will explore the different problems that solicitors encounter when drafting agreements to create a relation or effect a transaction. The close connection between relations created by contract and those established by legislation like the *Partnerships Act* and *Business Corporations Acts* will be examined. Actual agreements used by a wide variety of organizations will be looked at.

The framework for the course will be provided by considering a number of difficult issues of contract law, including:

- (i) the "anatomy" of common commercial agreements;
- (ii) interpretation of contracts;
- (iii) the practical problems created by the third party beneficiary rule;
- (iv) the features of and methods for dealing with the modern Canadian law of exemption clauses; (v) mistake and frustration;
- (vi) the control of contract power; and
- (vii) illegality.

A significant aspect of the examination of these issues will be on what a solicitor can do to avoid problems for his or her client. Students will be expected to draft simple agreements or parts of agreements.

The material for the course will consist of:

- (i) Swan, Bala & Reiter, *Contracts: Cases Notes and Materials*, 8th ed., 2010;
- (ii) Swan, *Canadian Contract Law*, 2nd ed., 2009;
- (iii) Material posted on-line for the course; and
- (iv) publicly available contracts and contract-related documents on line.

Evaluation: There will be at least two graded assignments during the term and a final exam.

Copyright

(2870.04) *Course*

Instructor(s): Professor C. Craig

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This course is a study of the limited statutory monopoly granted to the authors of musical, literary, dramatic and artistic works under the Canadian copyright regime. From art and entertainment to education and information, copyright law affects almost every aspect of our lives. Through analysis of the Copyright Act and cases, the course aims to introduce students to substantive copyright law while critically assessing the copyright system in terms of its justifications and its public policy objectives. The course will examine the requirements for copyright protection, the kinds of works that qualify for protection (including computer software), and the scope of the rights granted to the copyright owner. Among the subjects to be explored are the nature of the owner's 'right' in her work, the role of the public interest and the public domain, the meaning of authorship and originality, the dichotomy between protected expression and unprotected ideas, and the freedom of users to deal fairly with copyrighted works. By the end of the course, students will be familiar with the fundamentals of copyright law and the theoretical and political controversies that surround copyright in the modern age.

Evaluation: Open-book examination (100%).

Corporate Finance

(4000A.03) *Course*

Instructor(s): S. Murray, Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: Business Associations, Tax, Securities Regulation

Preferred Courses: none

Presentation: Discussion, workshops, lectures, guest speakers

This course will examine corporate financing techniques using actual recent financings by Canadian public companies as case studies. The course is designed to introduce the students to the basics of financing techniques available to businesses and the role that a lawyer plays in corporate finance transactions. The impact of the credit crisis on financings and the role of the securities regulators and the central bank and OSFI will also be discussed.

At the end of the course the student should be able to

- understand the basic financing alternatives
- review financial statements to determine relevant information about the financial performance of a company
- identify and understand important provisions of a loan agreement and trust indenture
- understand the difference between debt and equity financing and the factors that drive the decision to choose one method over the other
- discuss the key terms of underwriting or agency agreements and the importance of MAC provisions.
- discuss the role of the regulators in investor protection in corporate finance transactions.

Evaluation: Students must hand in 5 out of 8 class assignments and be prepared to discuss the assignments in class. The assignments will include, (i) analysing and defending the covenants in a loan agreement, (ii) describing the attributes of re-set rates preferred securities; and (iii) discussing the use of convertible debt to meet capital requirements as proposed by OSFI. Three of the assignments will be mandatory.

Corporate Governance

(5170.03) *Seminar*

Instructor(s): Professor S. Ben-Ishai

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation

Presentation: Lecture, student participation

Corporate Governance focuses at an advanced level on current academic thinking in corporate law, policy and research in light of recent North American and international developments in corporate governance. Particular attention is given to how these developments are situated both within theories of corporate governance and within the history of the development of corporate governance law in Canada. Among the subjects considered are: (1) a re-evaluation of the divorce of corporate control from ownership; (2) the status and practicability of "shareholder democracy"; (3) proper corporate goals; (4) the corporation and its constituencies (shareholders, labour, consumers, etc.); (5) the duties and responsibilities of corporate directors, officers and insiders; (6) the role of the corporate lawyer; (7) the role of auditors; (8) the respective roles of corporate law and securities law; and (9) comparative corporate governance and the problems of systemic convergence and transitions.

Evaluation: Research paper 70%, Class participation 15%, Class presentation: 15%.

Criminal Law II: Advocacy & the Criminal Trial

(2240J.03) *Course*

Instructor(s): M. Greene & J. Trehearne; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 25

Prerequisite Courses: Evidence

Preferred Courses: none

Presentation: lectures and discussions

This course bridges the divide between law school and a criminal law practice. Students will receive advanced instruction on a variety of topics at the intersection of criminal procedure and evidence. Students will then learn how to apply these legal principles to a trial. They will also learn how to formulate Notices of Application and Response, how to develop a factual foundation to support or refute a motion, and how best to present the facts on a motion. Class topics will focus on a variety of different motions commonly raised in criminal trials including Charter applications (search and seizure, arbitrary detention, right to counsel motions), applications to lead expert evidence, disclosure and third party records applications and similar fact applications.

Evaluation: Evaluation will be based on class participation/presentations (20%), a midterm assignment of drafting a notice of application/response and supporting materials (40%) and a two hour final exam (40%).

Criminal Law II: Ethical Issues

(2240B.03) *Course*

Instructor(s): J. Di Luca & M. Brown; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: Criminal Law I

Preferred Courses: none

Presentation: Lecture, discussion

This advanced course will explore many of the ethical issues and problems that criminal lawyers face in day to day practice. The course will highlight the various correlative and at times competing ethical obligations. Using problems to provide context for discussion, the course will also examine general ethical principles and the proper course of action to follow when faced with certain ethical dilemmas. Practical issues explored will include i) defending the guilty; ii) confidentiality; iii) conflict of interest; iv) incriminating physical evidence; v) client perjury; vi) plea discussions; vii) representation of young people; viii) termination of the client/lawyer relationship. Ethical issues surrounding the prosecution of criminal offences will also be explored. The course is presented in a lecture format with an emphasis on class discussion and debate of challenging ethical issues. Guest speakers are invited to share case specific insights and experiences.

Evaluation: Class participation (30%); Examination (70%).

Criminal Law II: Homicide

(2240H.03) *Course*

Instructor(s): J. Klukach & T. Breen; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Lectures, Discussion

This advanced course in criminal law focuses on homicide - examining the constituent elements, available defences and relationship between forms of culpable homicide. The course will also address the prosecution and defence of homicide charges and issues commonly encountered in such prosecutions.

Evaluation: Evaluation will be based upon classroom attendance and participation (20%), a 2000 word midterm paper (40%) and a 2 hour final exam (40%).

Criminal Procedure

(2690.04 A) *Course*

Instructor(s): R. Libman, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

This course will deal with all stages of the criminal process, from the investigation and detection of crime to the final appellate review. The topics which will be stressed are the system of classification of offences, jurisdictional questions, the field of interrogation, police powers and arrest, the contents and execution of search warrants, wire tapping, the contents of information and indictments, and amendments thereof, preliminary inquiry, disclosure, discovery, special pleas and res judicata. It is not intended to deal in detail with trial practice and appellate advocacy. Discussions will also focus on the roles of different participants in the criminal process - the police, the prosecutor, the defense and the jury.

Special emphasis will be given to the effect of the Charter of Rights and Freedoms on the various aspects of criminal procedure mentioned above.

Evaluation: 100% final open book examination OR 50% final open book examination and 50% research paper.

Criminal Procedure

(2690.04 P) *Course*

Instructor(s): R. Libman, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

This course will deal with all stages of the criminal process, from the investigation and detection of crime to the final appellate review. The topics which will be stressed are the system of classification of offences, jurisdictional questions, the field of interrogation, police powers and arrest, the contents and execution of search warrants, wire tapping, the contents of information and indictments, and amendments thereof, preliminary inquiry, disclosure, discovery, special pleas and res judicata. It is not intended to deal in detail with trial practice and appellate advocacy. Discussions will also focus on the roles of different participants in the criminal process - the police, the prosecutor, the defense and the jury.

Special emphasis will be given to the effect of the Charter of Rights and Freedoms on the various aspects of criminal procedure mentioned above.

Evaluation: 100% final open book examination OR 50% final open book examination and 50% research paper.

Debtor/Creditor

(2250.03) *Course*

Instructor(s): E. Gertner & M. Springman; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

In a society that is becoming ever more litigious, everyone contemplating or in the midst of litigation must be aware that securing a judgment is only the first step to obtaining justice. A judgment is of little or no value if the judgment cannot be enforced. At the same time, unrestricted access to a judgment debtor's current and, if necessary, future assets may be harmful to the debtor, to the debtor's family and to society.

This course provides an examination of the traditional methods by which unsecured creditors may enforce money judgments; particular emphasis will be placed on execution against a debtor's real and personal property and on garnishment of wages and other debts. A review will be made of exemptions from enforcement that are available to debtors as well as other legal rights accorded to debtors after judgment. In addition, pre-judgment remedies and voidable transactions will be canvassed. Recent efforts in Ontario and elsewhere to reform debtor-creditor law also will be emphasized.

Evaluation: Open-book examination (100%).

Directed Reading: JAG Perspectives on Administrative Law, Military Justice, and International Operational Law

(6000Q.03) *Seminar*

Instructor(s): Dean L. Sossin

Winter: 3 credits; hours; max. enrollment: 10

Prerequisite Courses: While there are no pre-requisites, this research collaboration is best suited for students who have taken or are taking upper year courses in at least one of administrative law, criminal law and procedure, and/or transnational law areas.

Preferred Courses: none

Presentation:

JAG Perspectives on Administrative Law, Criminal Law, and Transnational Justice" is an independent research initiative, jointly supervised by a representative from the Judge Advocate General (JAG) (pending confirmation) and members of the Osgoode faculty, including Dean Lorne Sossin.

In support of the Canadian Forces and the Department of National Defence, the Office of the Judge Advocate General delivers "independent, operationally focused, solution oriented legal advice and services" across the full spectrum of military law, and superintends the administration of military justice.

The group will meet with JAG lawyers and officials at the start of the term to receive background materials, select topics, and the discuss the role and mandate of JAG, as well as on several other occasions as the term progresses to present work-in-progress and receive feedback. Students may choose between pre-selected topics of interest from amongst the three pillars of JAG's work: Administrative Law, Military Justice (criminal law), and Operational Law (the rule of law in an international context). Papers may take the form of research memoranda, options papers, and so on. Students may work individually or in teams, depending on the topics and the number of students involved.

Evaluation: Evaluation will be based on the written research (70%), the presentation of that research (20%) and participation in the group sessions (10%).

Directed Reading: Private Equity & Sovereign Wealth Funds

(6000R.03) *Seminar*

Instructor(s): J. Blidner & L. Chernin; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: None

Presentation: Discussion, Presentations

This Reading group will focus on the various aspects of Private Equity and Sovereign Wealth Funds. The topics will range from the creation of Private Equity Funds from a legal and tax perspective; the raising of Private Equity Funds in the market; and issues affecting the operation of the Funds relating to conflicts of interest, compliance and regulation. The reading group will focus on case studies of particular funds and various high-profile investments made by the Funds.

Students in the JD/MBA Program may find this reading group of particular interest.

Evaluation: There will be a short assignments and in class presentation for a portion of the grade, and the major component will involve preparation of a dossier and presentation to an investment committee.

Note:

This reading group will at Brookfield Place, Suite 300, 181 Bay Street, Toronto, ON M5J 2T3

Evaluation:

Directed Reading: Public Disclosure and Global Sustainable Development in the Banking Industry: The Equator Principles

(6000P.03) *Seminar*

Instructor(s):

Fall: 3 credits; hours; max. enrollment: 6

Prerequisite Courses: Globalization & the Law

Preferred Courses: None

Presentation:

A profound transformation in global regulation has resulted in a shift from a reliance on nation-state-driven treaty and law-making to a highly decentralized set of processes of norm-creation, that involve and are fuelled by both public and private, governmental and non-governmental actors, operating in an emerging 'post-national' and 'transnational' space. This directed research project is situated in this uniquely interdisciplinary and fast-developing field at the intersection of law, governance, finance and globalization. This directed research project, led by Professors Poonam Puri and Peer Zumbansen will focus on the Equator Principles ("EPs") as a case in point to illuminate the reconfiguration of transnational governance. The EPs constitute a voluntary common framework established in 2003, to which 67 global financial institutions have agreed for evaluating and managing social and environmental risk in privately-financed development projects worth over \$10 million. Voluntary, aspirational 'best practices' or 'codes of conduct' are now commonplace in a variety of industries. The EPs are distinctive, however, in that the framework they promote resembles a robust and dense regulatory regime targeting the complex and precarious operational environment of globally active financial institutions. The EP's ambitious regulatory framework promises to incorporate corporate social responsibility, environmental responsibility, and human rights into the very core of the decision making process within the participating global banks, in some cases extending to all of a participating bank's commercial lending and underwriting.

The group will meet at the start of the term to receive background materials and select topics, and on several other occasions as the term progresses to present work-in-progress and receive feedback. Students may choose between pre-selected topics of interest. Students may work individually or in teams, depending on the topics and the number of students involved.

Students will be given the opportunity to present their papers at a workshop on the Equator Principles, organized by Professors Poonam Puri and Peer Zumbansen, tentatively scheduled for November/December 2011.

Potential topics for papers may include but would not be limited to:

- How do voluntary industry standards get incorporated into individual firms, and what management structures or governance frameworks within the firm lead to the most robust incorporation?
- What effect is there on employees' taking on voluntary CSR commitments? Are there increases in employees' trust, commitment, or productivity from a firm's robust participation in a CSR initiative?
- What strategies does a global business entity use to manage the evolving contours of public and private regulation and the heightened public attention to its social responsibility? Which strategies allow the firm to most readily adapt to and learn from changing institutional and socio-political contexts?
- How are the Equator Principles enforced and who enforces them? How is compliance ensured in the context of a voluntary agreement?

Evaluation:

Disability & the Law

(4905.03) *Course*

Instructor(s): Professor J. Gilmour

Winter: 3 credits; 3 hours; max. enrollment: 25

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student participation

This course examines disability as a legal category with implications for the rights of persons with disabilities. Students will be introduced to alternative conceptions and theories of disability and impairment, and will examine how law constructs and regulates the lives of individuals with disabilities. Throughout the course we will examine statutory provisions and jurisprudence in different areas including: health services, human rights, capacity and consent, reproductive rights, death and dying, social assistance and employment, to understand how disability is defined and regulated by law. The course analyzes and evaluates how law can best achieve the goals of social justice and equality for individuals with disabilities.

This course offers in-class instruction in an interactive lecture/discussion format. Students are expected to read the assigned materials before class and to participate in analytical class discussions. From time to time, guests will be invited to speak about their area of expertise and/or their experience of law and disability.

Evaluation: Class Participation: 15%, Research Paper: 70%, Critical case comment and/or comment on assigned course materials: 15%.

Discrimination & the Law

(3300.03) *Seminar*

Instructor(s): Professor B. Ryder

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

The purpose of this course is to study constitutional and statutory anti-discrimination law in depth, with an emphasis on section 15 of the Canadian *Charter of Rights and Freedoms*. In the drafting of s.15, in the years leading up to its coming into force, and in the 26 years since, the equality rights in the *Charter* have been a focus for the hopes and aspirations of many disadvantaged groups. Section 15 has also been a site of intense political and legal contestations, as well as persistent judicial anxieties. Some sustained law reform campaigns, fuelled by litigation or the threat of litigation, have enjoyed remarkable success that would not have been possible absent s.15 of the *Charter*. Moreover, Canadian equality jurisprudence has inspired scholars and judges around the world.

Despite these successes, a mood of despair pervades recent scholarship on s.15 of the *Charter*. Some disadvantaged groups – those defined by race, for example – have had little apparent success in using s.15 as a tool of law reform. The broad and liberal approach to the interpretation of rights that infused *Charter* jurisprudence in the 1980s is mostly absent from current s.15 case law (and, arguably, always has been absent from judicial interpretation of s.15). In its recent rulings in *Kapp* (2008) and *Withler* (2011), the Supreme Court of Canada re-affirmed its promise, issued first in *Andrews v. Law Society of British Columbia* (1999), to interpret s.15 in light of the goal of promoting substantive equality for disadvantaged groups. Yet, in the current judicial and political climate, rhetorical support for equality rights is not matched in practice. Section 15 claimants face high costs, heavy burdens and low success rates. Governments have eliminated or cut the funding of equality-seeking organizations; statutory human rights commissions are facing increasing political scrutiny, much of it hostile.

How are we to understand the symbolic importance, the transformative potential, and the limitations of constitutional and statutory equality rights? What are we to make of the mix of celebration and disappointment that has characterized Canadian activists' engagement with anti-discrimination statutes and s.15? Through an examination of the academic literature and case law interpreting s.15 of the *Charter* and statutory equality rights, and with an eye to similar legal protections of equality rights in foreign and international law, this course aims to develop perspectives from which to understand, critically assess and think constructively about equality rights and their impact on society.

Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of anti-discrimination law (65%); short written comment on readings (5%); written feedback on another student's paper outline (5%); participation in seminar discussions (15%); class presentation based on research paper (10%).

Dispute Settlement

(3980.03 A) *Seminar*

Instructor(s): E. Fleischmann, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: *Taught intensively in 9 classes of 3 hours duration. Classroom lectures, videos, simulated exercises and role-plays, small and large group discussion, and an expert panel of ADR practitioners.

This seminar offers an in-depth examination of alternative dispute resolution (ADR) processes, including negotiation and mediation. Key issues relevant to ADR theory and practice are explored, such as: conflict theory, power, culture, and communication. The appropriateness of ADR processes for the resolution of civil disputes in diverse areas including labour and employment, corporate/commercial, family, and neighbourhood disputes is also examined.

The seminar is designed to maximize class discussion and debate regarding emerging developments in the ADR field. There will also be an opportunity to enhance ADR skills through participation in role-plays and the provision of constructive feedback.

Evaluation: Class participation, contribution to dispute resolution role-plays and exercises, and a 20-page paper on a pre-approved ADR topic relevant to the seminar content. Please note: Given the extent to which the course relies on full class participation in discussions and simulated exercises, attendance at all classes is mandatory.

Dispute Settlement: Collaborative Lawyering

(3980B.03) *Seminar*

Instructor(s): V. L. Smith & D. Graham, Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Classroom lectures, small and large group discussion, simulated exercises and role plays

Collaborative negotiation is radically different from traditional negotiation conducted in the shadow of the courts. Collaborative lawyers work as a team with the clients, each other, and when appropriate, family professionals and financial professionals, to help clients create maximized settlements out of court. This approach is growing rapidly throughout North America, Europe and internationally.

The course will consider collaborative law from both theoretical and practical perspectives. The assumptions and principles governing traditional legal practice will be contrasted with collaborative practice. The lawyer's role as conflict resolution advocate will be analyzed. Negotiation and communication theory, ethical issues, and the meaning of advocacy in a collaborative context will be examined. Team dynamics in an interdisciplinary process will be highlighted.

Students will be given the opportunity to role play various stages of a collaborative file, and to develop the skills and understanding necessary for reflective practice.

Evaluation: Class participation, contribution to class discussions, simulated exercises and either a research paper or course reflective journal.

Entertainment & Sports Law

(3840.03 A) *Seminar*

Instructor(s): S. Selznick, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar - Lecture, discussion

This seminar course comprises two components:

1. Entertainment Law

The entertainment law portion of the seminar will focus on matters of essential concern to persons in the entertainment industry and their legal advisors. Upstream, we will examine chain-of-title to underlying rights, acquisition of primary, format and subsidiary rights, and perfecting rights from technical and creative personnel, including copyright and other legal considerations. A discussion of personal service contracts will include an examination of the basic terms and types of agreements between service providers and their engagers. Downstream, we will examine distribution and other exploitation of entertainment properties, and the use of incentives as an instrument of government policy in the development of both an indigenous and non-indigenous entertainment sector in Canada. We will also review business modelling, financing and related legal considerations in film and television, music recordation and publishing, the literary arts, and in theatre and live performance, including tax implications, international treaties, government regulation and the sources and vehicles of financing.

2. Sports Law

In the sports law portion of the seminar, we will examine the legal relationship between the athlete and his or her engager, including the concept of the standard player contract and individual and collective bargaining/negotiation versus traditional legal concepts of conduct that is otherwise anti-competitive or in restraint of trade. We will also consider the phenomenon of the "problem athlete", including the imposition of discipline both at the team employer and league level, and related judicial review. Lastly, we will examine interference with contractual and economic relationships between athlete and engager, including the concepts of inducing breach of contract and tampering in the sports context.

Evaluation: Class participation (10%), research paper (90%).

Entertainment & Sports Law

(3840.03 P) *Seminar*

Instructor(s): T. Duarte, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

This seminar will cover issues of substantive law in the practice of entertainment and sports law, with a focus on the application of these principles to the film and television industry. The seminar will review relevant legal concepts in the areas of copyright, trade-mark, confidential information, defamation, and rights of privacy and personality as applied to entertainment and sports transactions. We will study typical contracts in which these legal concepts are applied as well as contractual customs and practices that impact the negotiation process across a spectrum of entertainment and sports industry agreements. This will include a review of legal issues presented in a book and life story rights acquisition agreement, scriptwriter agreement, performer agreement, sports standard player agreement, personal endorsement agreement, trade-mark license, music license, music publishing contract, book publishing contract, and live theatre license.

The legal issues that arise in commercial trade in the industry will also be studied by an examination of key concepts in sales and distribution agreements, such as the exclusivity of markets; cross collateralization; royalties and other gross and net revenue participations; accounting transparency; and the pyramiding of fees. We will extend this to a study and in-class negotiation of the financing structure for a motion picture project from the perspectives of the many parties involved including investors, media licensees, bank lenders, completion guarantors, insurers, and producers. In this regard, we will also touch on issues in other substantive areas of law including secured lending in connection with intellectual property, legislation and regulations that govern production tax credits, the Canadian content certification process, and international co-production treaties. This will inform an understanding of the business and legal models for production and distribution of traditional media, such as film and television, as well as newer entertainment media, such as video gaming and social media.

The course materials will include excerpts of texts in this practice area together with relevant legislation and case law. Given the focus on legal practice, this seminar will be of particular interest to students considering the practice of entertainment law or those with an interest in intellectual property and how substantive legal issues are resolved in practice.

Evaluation: Class participation (15%), an assignment based on class and reading materials (15%), and a research paper (70%).

Environmental Law

(2880.03) *Course*

Instructor(s): A. Lintner, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest lectures, student presentations

This course provides an introduction to Canadian environmental law, with a focus on federal and Ontario law. It surveys the theoretical, doctrinal and practical dimensions of environmental law, with some attention to comparative and international dimensions. Major issues in environmental law are brought to life via guest lectures, the Web, videos, and scenarios drawn from real-world environmental controversies. These scenarios are taken up through a series of student-led legal briefings, in which groups of students research legal issues and advise hypothetical clients ranging from government to business, environmentalists and First Nations. Course topics typically include histories of environmental law; major ideas and theories of environmental law; division of powers and federalism; command regulation and its critics; risk and precaution; water pollution and conservation; air pollution (with a focus on the Ontario Environmental Protection Act); climate change; toxic substances (with a focus on the Canadian Environmental Protection Act); contaminated land; environmental compliance and enforcement; economic instruments of environmental regulation; financial institutions and the environment; voluntary environmental codes; public participation and environmental rights (with attention to the Ontario Environmental Bill of Rights); judicial review, private prosecution and statutory citizen suits; common law environmental actions; environmental impact assessment (with a focus on the Canadian Environmental Assessment Act); parks and protected areas; endangered species; environmental justice; aboriginal peoples and the environment; international environmental law; and international trade and the environment. This course is integrated with the Faculty of Environmental Studies graduate course ENVS 6164 and typically includes students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Evaluation: Legal briefing exercise (30%); Final open book exam (70%).

Estate Planning

(5110.03) *Seminar*

Instructor(s): M. Rochweg & M. Berry; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Tax, Tax of Wealth or Tax of Business Enterprises, Trusts or Estates

Preferred Courses: All prerequisite alternatives and Business Associations

Presentation: Discussion, lectures and guest speakers.

Advanced study of inter-vivos dispositions of property with substantial emphasis on tax aspects of various forms of disposition. The seminar focuses on achieving succession planning objectives utilizing trusts and corporations, will planning, life insurance, buy-sell arrangements, income splitting, estate freezing and tax deferred plans.

Evaluation: Two assignments. First assignment (one-third of grade). Final assignment (two-thirds of grade). Some additional credit for class participation.

Estates

(2050.04 A) *Course*

Instructor(s): H. S. Black, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

A course in the law of succession to property, including: an examination of will planning and drafting; consequences of not having a will; steps involved in the administration of an estate; the impact of legislation dealing with basic income tax issues, matrimonial entitlement, and the support of dependants; mental incapacity issues and the appointment of substitute decision-makers for incapable persons; and the resolution of estates disputes, including a review of available alternative dispute resolution procedures.

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper. If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

Estates

(2050.04 P) *Course*

Instructor(s): H. S. Black, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

A course in the law of succession to property, including: an examination of will planning and drafting; consequences of not having a will; steps involved in the administration of an estate; the impact of legislation dealing with basic income tax issues, matrimonial entitlement, and the support of dependants; mental incapacity issues and the appointment of substitute decision-makers for incapable persons; and the resolution of estates disputes, including a review of available alternative dispute resolution procedures.

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper. If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

Evidence

(2490.03 B) *Course*

Instructor(s): J. Morton, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, problem solving

This course explores evidence from a civil, criminal and administrative law perspective. Emphasis is placed on a practical understanding of how the law is applied in court. Caselaw, both old and new, will be examined so as to demonstrate evidence law as actually applied. Topics covered include relevance, materiality, hearsay, opinion evidence, character evidence, competence and compellability of witnesses and the role of counsel and the court. Evaluation:

Evaluation: Grading is based on a 100% closed book final exam. An optional paper for part of the grade will be available.

Evidence

(2490.04 A) *Course*

Instructor(s): Professor B. Berger

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures; discussions; problem solving.

This course is an introduction to criminal and civil evidence law in Canada. Among the topics considered in the course are the following: understanding the law of evidence as law's particular "way of knowing"; the substantive law of evidence, including basic concepts such as relevance and admissibility, exclusionary rules based on unreliability and prejudicial effects, exclusionary rules based on policy rationales, and other aspects of proof; the way that the laws of evidence work in trial practice, as well as the historical, social, political, and legal context in which they operate; the relationship between the laws of evidence and social justice, in particular the impact of the law of evidence on gender issues and Aboriginal justice; ethical issues in the law of evidence; and the effect of the *Canadian Charter of Rights and Freedoms* upon the law of evidence.

Evaluation: 100% open book examination with an option to write a paper or commentary for a portion of the grade.

Evidence

(2490.04 P) *Course*

Instructor(s): Professor B. Berger

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving.

This course is an introduction to criminal and civil evidence law in Canada. Among the topics considered in the course are the following: understanding the law of evidence as law's particular "way of knowing"; the substantive law of evidence, including basic concepts such as relevance and admissibility, exclusionary rules based on unreliability and prejudicial effects, exclusionary rules based on policy rationales, and other aspects of proof; the way that the laws of evidence work in trial practice, as well as the historical, social, political, and legal context in which they operate; the relationship between the laws of evidence and social justice, in particular the impact of the law of evidence on gender issues and Aboriginal justice; ethical issues in the law of evidence; and the effect of the *Canadian Charter of Rights and Freedoms* upon the law of evidence.

Evaluation: 100% open book examination with an option to write a paper or commentary for a portion of the grade.

Evidence and Proof: Theory and Practice

(5440.04) *Seminar*

Instructor(s): Professor J. Stribopoulos

Winter: 4 credits; 3 hours; max. enrollment: 15

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Seminar

The seminar will develop in students the skills necessary to become effective litigators. That objective will be achieved both by enhancing students' understanding of the law of evidence and also by assisting students to acquire the skills of factual analysis that are the stock and trade of trial lawyers. While doing so, the seminar will also afford students a unique opportunity to reflect on the litigation process and critically analyze how cases are constructed.

In this seminar, students will learn by doing. Materials from an actual murder case will provide the focus of in-class exercises. Excerpts from a documentary film involving that very same case, which chronicles the actual prosecution from start to finish, will supplement these exercises.

Although the in-class exercises and the take-home assignment will involve criminal cases, the skills developed will be equally valuable to those interested in civil litigation.

Warning: The materials used both in the seminar, and in the take-home assignment, are from *actual cases* involving *violent crimes*, they are graphic and disturbing.

Evaluation: 25% classroom participation / 75% take-home assignment.

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor R. Mykitiuk

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures and discussion

The course is intended to provide an introduction to the legal regulation of the family in Canadian and provincial law. The course is divided into three sections: the creation of the family unit, the regulation of the ongoing family, and the problems of family breakdown. It will include an examination of issues including marriage, reproduction, adoption, divorce, property, support, domestic contracts, child custody and the constitutional dimensions of family law.

In examining the rights and responsibilities of family members, we will explore questions such as: What is a family? What is a spouse? What is a parent? The answers to these questions are no longer as obvious as they once seemed. We will consider the law's answer to these questions, and the extent to which the legal regulation of the family is responding to changing and diverse family forms. Attention will be given to the issues of gender, sexuality, race and class.

The course is taught from a critical and policy-oriented perspective. The course emphasizes the role of law in defining and enforcing family arrangements, and the rights and responsibilities of family members. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario. The objective of the course is to provide a social, political and economic context within which legislative policies and judicial approaches can be understood and critically evaluated.

Evaluation: This course will have a final examination worth 100% of the final grade. A part of this final exam will include a take home component directed to policy issues in family law. This component will be distributed before the end of term and due the day of the exam.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Drummond

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: lecture and discussion

The course is intended to provide an introduction to the legal regulation of the family in Canadian and provincial law. The course is divided into six sections in order to facilitate an examination of the creation of the family unit, the regulation of the ongoing family, and the problems of family breakdown.

The first three classes present an introduction to various definitions of the family and provides relevant sociological and demographic context to the range of viable definitions. An overview of the seminal issues and tensions in family law will be canvassed. The introductory materials also cover the constitutional dimensions of family law.

The introductory materials are followed by a series of classes on the creation of the family. Several weeks of classes will cover adult relationship formation (including marriage) and the creation of parent-child relationships including adoption and reproductive technologies.

This is followed by a series of classes on the dissolution of the family. It is in this section that students will be exposed to the technicalities of divorce, along with topics such as the private ordering of dissolution (via mechanisms such as contract, mediation, and collaborative lawyering).

The fifth section covers the consequences of dissolution for adults by an examination of property division on dissolution, dealings with the matrimonial home, and spousal support.

The sixth and final section of the course deals with the consequences of family dissolution for children and covers issues such as custody and access, and child support.

In examining the rights and responsibilities of family members, we will explore questions such as: What is a family? What is a spouse? What is a parent? The answers to these questions are no longer as settled as they once seemed. We will consider the law's answer to these questions, and the extent to which the legal regulation of the family is responding to changing and diverse family forms. Attention will be given to the issues of gender, race and class.

The course will be taught from a critical and policy-oriented perspective. The course emphasizes the role of law in defining and enforcing family arrangements, and the rights and responsibilities of family members. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario. The objective of the course is to provide a social, political and economic context within which legislative policies and judicial approaches can be understood and critically evaluated.

Evaluation: This course has a 100% final exam. There is an option to write a paper on a family law law and this option will work in the following manner: The full exam has to be written as well - however the exam will count for 50% and the paper for the other 50%. If the student does better on the exam than the paper, then only the exam will be counted for the final mark.

Family Law I

(2060.04 Q) *Course*

Instructor(s): Professor M.J. Mossman

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and problem-solving

This course explores the fundamental relation between law and the family, focusing on three contexts: the creation of the family unit, the regulation of the on-going family, and problems at family breakdown. The course provides an overview of family law issues, including marriage, adoption, reproduction, child care, family violence, child protection, divorce, property, spousal support, family contracts, custody and access, child support and dispute resolution.

The course seeks to identify criteria for assessing legal policies which affect legislative and judicial choices about the legal regulation of families and family members, including married couples as well as cohabitants (opposite-sex and same-sex), and children. It provides a contextual analysis, sometimes using interdisciplinary and comparative literature.

An important goal of the course is to help students to develop an informed critique of legal policies affecting the family through opportunities for classroom discussion and problem-solving, and in the evaluation processes for the course. This course is also intended to provide a foundation for specialized seminars or research projects in family law. It is presented from a critical, policy-oriented and feminist perspective.

Evaluation: Open-book examination (2 hours and 10 minutes) 65%

Critical case comment (or 50 minutes extension on open-book exam) 35% *.

*This is not a research assignment. It may be submitted during the semester, from a list of topics provided by the instructor; OR it may be done during an additional 50 minutes of the final examination, choosing one option (from specified choices) on the examination.

Family Law II - Family Law Policy

(5120.03) *Seminar*

Instructor(s): Professor M.J. Mossman

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Discussion, problems, and student presentations

This seminar focuses on family law policies and processes of family law reform. It explores critically underlying assumptions about families and family law in relation to the legislative and judicial development of family law policies and dispute resolution. The course assumes that students have a basic knowledge of family law in Ontario, and examines family law developments from a comparative and interdisciplinary perspective, including reform proposals.

The seminar will focus on critical readings about family law and family law policies, using cases and other examples to explore the impact of these principles and underlying policies. Students will be expected to participate in class discussions, and to make brief presentations on assigned materials. In addition, students will choose a topic for a research essay that examines policy issues and/or processes in relation to a specific family law issue, and the essay will be expected to link course materials and discussions to the essay topic.

Evaluation: Research essay and seminar participation:

Participation includes class discussion, one or more brief oral presentations, and a sample of writing at the beginning of the seminar. In addition, students are expected to submit an outline/ bibliography for the research essay, and the instructor will be available to discuss the research essay on an individual basis, as needed. It is normally expected that the research essay will be about 25 pages in length, using standard citation format and headings, and providing a bibliography and table of contents. Topics for the research essay may be chosen by students, but the topics and outlines/bibliography must be approved by the instructor.

Forensic Science & the Law

(3690.03) *Seminar*

Instructor(s): V. Rondinelli & R. Federico; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers. Seminar maximum is 20 students, 10 spaces are reserved for Innocence Project students.

From blood to bytes. Today's fact finding mission in Canadian courts increasingly engages the forensic sciences. This seminar course introduces students to the interdisciplinary nature of forensic science and the law. Students will be familiarized with the techniques and skills required to deal with expert witnesses and scientific legal issues. Wrongful convictions will be examined to highlight the utility and frailties of forensic science. Guest experts from both the legal and scientific community will provide students with a valuable insight on the capabilities and limits of their respective disciplines.

Evaluation: Students will be required to complete an essay worth 100% of the final grade.

Freedom of Expression and the Press

(3002.03) *Seminar*

Instructor(s): Professor J. Cameron & C. Bredt, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

This seminar studies the Supreme Court of Canada's jurisprudence under section 2(b) of the *Charter of Rights and Freedoms*. It examines the guarantee's core values and asks whether the Court has adequately protected those values across a range of issues. The two key issues on expressive freedom are: 1. content-based restrictions (*i.e.*, *Criminal Code* provisions on hate propaganda, obscenity, child pornography, and defamatory libel, and other non-criminal restrictions on discriminatory expression under human rights codes, commercial advertising, political expression, and defamatory statements); and 2. access (*i.e.*, *Charter* claims for access to government property for expressive purposes).

The seminar also considers the role of the press and media in democratic governance; in doing so it questions what freedom of the press means today when technology makes it possible for all of us to be journalists (*i.e.* if "we're all journalists now", what does that mean for freedom of the press as a distinct *Charter* guarantee?). On the regulatory side we will consider broadcast regulation and some of the challenges which arise in regulating the internet. Current topics include the constitutional status of newsgathering practices and the use of confidential sources, as well as Supreme Court decisions dealing with publication bans and access to information about the justice system.

Evaluation: Evaluation: research paper (75%); class presentation (15%); class attendance and participation (10%).

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): J. McKay, Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 20 max; 5 upper

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar – primarily student-led, student-centred discussion of assigned readings. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2012. Each session will be 3 hours.

The course will introduce a number of law-related issues and problems that emerge out of an understanding of recent developments in the global economy and polity that are lumped together under the rubric of globalization. Globalization is an oft-heard idea employed by various individuals and groups to mean different things. Despite assertions of novelty many of the issues have very long histories. That said, changing technology and growing populations have meant that we live in an increasingly interconnected world. Legal responses to the challenges of a shrinking world take many forms. International law since WWII has grown and changed in its attempts to deal with world trade and economic activity, environmental challenges, human migrations, security, criminal activity and aiding the most vulnerable. International law itself has faced many challenges. What constitutes the legitimate form for structuring an international or transnational normative order is an open question. This course will consider the changing shape of the transnational normative order and home in on a selection of topics for closer examination.

Evaluation: Term Paper (5000 words ~approx.) 90%; the submission, and discussion with the instructor, of a paper proposal is required and will be assessed holistically as part of the paper. Participation 10%: Students will be expected to attend classes and do the readings. There will be reading quizzes that should not be difficult if the readings have been done. Students will take responsibility for "presenting" one of the readings and leading the class discussion of that reading.

Health Law

(3004.03) *Seminar*

Instructor(s): Professor J. Gilmour

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: none

Presentation: Discussion, student participation (including presentations), lectures

This seminar will examine selected topics at the interface of law, medicine and bioethics. The principles underlying this area of law - autonomy, rights, beneficence, and distributive justice – as well as the impact of technological imperatives and cost constraints will frame the inquiry. Students will examine the legal relationships among patients, health care professionals, the pharmaceutical industry, the state and family members. Areas of study will include: the allocation of scarce medical resources, legal dimensions of new reproductive technologies and genetics, consent and capacity, the maternal/fetal relationship, AIDS/HIV, regulation of drugs and devices, and death and dying. Students will develop a critical appreciation of the extent to which law and legal values underpin and shape medical and bioethical practice and values and vice versa, and consider the consequences of that interaction.

Evaluation: Paper (85%); Presentation (10%) and class participation (5%).

History of Criminal Law & its Administration

(2047.03) *Course*

Instructor(s): Professor D. Hay

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

The two dominant legal traditions in much of the world, common law and civil law, generated quite different systems of criminal law after their emergence in medieval times. They now differ greatly in their modes of prosecution, standards of evidence and nature of proof, form of trial and roles of fact finders, although some convergence can be seen in the ICC and other international fora, where lawyers and judges have sought to find common ground between the Anglo-American-Canadian, and the European-Latin American traditions (and mixed systems).

This course looks at those basic differences, but concentrates mainly on criminal law and procedure in common law jurisdictions, in order to explain distinctive aspects of Canadian criminal law. Our own system is the complex product of changes to institutions and doctrines over a long period, first in England, then in Canada, rather than a logical structure designed as a whole. Changes, sometimes sudden, were the result of military conquest, miscarriages of justice, new demands for prosecutorial efficiency, political crisis and revolution, the abolition of capital punishment, changes in ideas of criminal responsibility, and electoral campaigns--among others. Change in one part precipitated change in other parts of the system, because the criminal law IS a system. The result, in Canada, was the creation of substantial differences from both English and American criminal law.

The course explores this process and its results in considering— blood feud; Romanization of European law; inquisitorial procedure and the emergence of the common law; the common law trial before the lawyers; treason, felony, and misdemeanour; development of a right to counsel; capital punishment and the genesis of exclusionary rules of evidence; the origin and development of the preliminary inquiry; search warrants; habeas corpus and detention without trial; judicial review; development of a federal criminal law after 1867 and codification; juries, jury nullification, and crown appeals (unusual elsewhere); grand juries (a distinctive American survival); private and public prosecution; speedy trials and lay justice; the insanity defence and other doctrines of criminal responsibility; origins of the presumption of innocence; habitual and dangerous offenders; the calculus of punishment; executive clemency, error, and defence appeals; judicial authority and contempt of court; election of judges and prosecutors; Canadian policing in comparative perspective; military justice; criminal law in empires and for aboriginal peoples; civil liberties and political trials; and the development in recent decades of 'governing through crime.' If there is a strong interest in a particular topic or topics not mentioned here, including particular offences, I'll find a place for it in the schedule of lectures.

Evaluation: The course will be presented as lectures with power point, but with 30% of the grade given for participation such as submitting questions on the readings, and one or two group presentations to the class. 70% of the grade is for the final exam or an 8,000 word research paper, with required deadlines for a proposal and working bibliography, an advanced draft, and the final version.

ICT Colloquium

(5810.03) *Seminar*

Instructor(s): Professor C. Scott

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Successful completion of ICT Program pre-Colloquium requirements (but see below under "Preferred" for second admission path).

Preferred Courses: Subject to space, the instructor may approve admission of a up to six JD students not in the ICT Program whose record of courses in areas of international, comparative and transnational law and demonstrated interest in legal theory reveals that they have the necessary background to contribute to and benefit from the seminar. The student must have completed at least one of Public International Law, Conflict of Laws, or Comparative Law. Presentation: Assigned reading guided by reflective questions provided in advance by the instructor; classroom time devoted to active student participation along with interspersed instructor presentations; participation in conceptualizing and generation of early-stage content for a special web project involving 'transnational normative mapping,' culminating in student-led sessions for the last few classes.

This seminar is the capstone course for the International, Comparative and Transnational Law (ICT) Program. The goal of the seminar is to create a challenging intellectual environment that will provide a stimulating culmination for students' studies in the ICT Program, with the specific goal of providing a foundation for students to pursue their individual research interests by way of a research paper or of two analytical papers that engage a specified cluster of course materials. Each year, a series of topics and/or a theme is chosen that fits the objective of synergizing the strands of ICT. The emphasis is on: (a) studying examples of legal practices, orders or processes that are assumed by participants or observers to be "transnational" in some respect; and (b) on relating the disciplinary fields of public international law, private international law (conflict of laws) and comparative law to transnational legal theory and transnational lawyering. The seminar is heavily oriented to interaction amongst, and participation of, the seminar students.

For the 2011-2012 Colloquium, these themes will be pursued through a combination of (a) scene-setting readings on transnational law and legal process and (b) both readings and a web-based project on the theme of 'transnational legal accountability versus impunity' with respect to three case studies that the instructor has been researching at the intersection of transnational human rights, crime and security, namely: the 2009 coup d'état in Honduras and the subsequent rule-of-law situation; the final stages of the civil war in Sri Lanka and the subsequent rule-of-law situation; and various human rights, crime and security dimensions of Canada's policy and practice of transferring detainees in Afghanistan to a risk of torture at the hands of intelligence authorities of that state.

Evaluation: 1. *Attendance* (5%)

2. *Participation* (25%): Consisting of (a) 5% for *meeting deadlines* for a preliminary description and later an outline for whichever of the single-essay or two-essay options are chosen [see below], (b) 20% for contributions to a Nathanson Centre on Transnational Human Rights, Crime and Security web project called Transjuridica.com in specific relation to a 'transnational normative mapping' of the Honduras, Sri Lanka and Afghanistan case studies. In relation to 2(b), half the mark (i.e. 10%), will be assessed on the basis of the quality of the student's collaboration with and/or feedback to other students in the course.

3. *Single Research Essay OR Two Essays Based on Course Readings* OR a work of law-themed literature (70%) – Choose one of the following options:

· Option 1: Single research essay of 7500 to 8500 words excluding footnotes and bibliography, and also excluding any primary-document appendices. (The paper length must be at least 8000 words if the student declares the paper for this seminar to satisfy the JD major-paper requirement for graduation.)

· Option 2: Two medium-length analytical essays of 3750-4250 words each (excluding footnotes and bibliography, and also excluding any primary-document appendices). These essays are based on assigned readings and must make connections across readings throughout the course. Each counts for half of the 70% grade.

Immigration

(4270.04) *Course*

Instructor(s): Professor S. Rehaag

Fall: 4 credits; 4 hours; max. enrollment: 80

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

Immigration law is among the most controversial areas of law in Canada.

This controversy flows in part from disagreements at the policy level on questions such as: What level of immigration is appropriate? Should temporary foreign workers be used to fill perceived labour shortages? What is the proper balance between economic immigration, family class immigration, and humanitarian immigration? Who should be excluded from immigrating to or even visiting Canada? What kind of limitations (if any) should there be on access to citizenship for permanent residents?

In addition to these policy disagreements, the controversy also stems from disagreements regarding procedural matters such as: Should non-citizens facing removal be entitled to robust procedural protections similar to those enjoyed by individuals subject to criminal prosecutions on the grounds that the interests at stake are equally weighty? Alternatively, should such non-citizens be entitled to far fewer protections on the grounds that immigration to Canada is a privilege and not a right? Who should make decisions about admissions and to what extent should those decisions be subject to judicial oversight? Should the state be able to use secret evidence in immigration proceedings, and if so, subject to what kinds of conditions?

This course will explore these and other questions through a careful examination of the rules and procedures governing immigration and citizenship in Canada, as found in legislation, regulations, government policy manuals, case law, and various international legal instruments.

The course will be taught in an experiential learning format. Rather than simply learning the relevant rules and applying them on an examination at the end of term, students will instead complete a number of exercises throughout the term. These exercises will require students to prepare the kinds of documents that lawyers working in this field use on a daily basis.

Evaluation: Five assignments (100%); no final examination.

Individual Employment Relationship

(2550.04) *Course*

Instructor(s): Professor S. Slinn

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This is an introductory course in the law governing the individual employment relationship, which regulates the working lives of the approximately two-thirds of Canadian employees who are not unionized. The goal of the course is to provide students with an overview and working knowledge of the principles, theory and law surrounding regulation of the individual employer-employee relationship. Main topics addressed in the course include: the fundamentals of forming an employment contract, express and implied employment contract terms, employee and employer rights and obligations, wrongful dismissal, constructive dismissal, restrictive covenants, and human rights protection in employment. This course examines common law, contractual and statutory sources of employment law, including the Ontario Employment Standards Act, 2000 and Human Rights Act as it applies to employment.

Evaluation: (1) 100% open-book final exam; or (2) an additional form of evaluation such as a research paper or course comment worth up to 75% of the final course mark, as approved by the instructor, with the balance of the final course mark to be from the open-book final exam.

Institutions of the European Union

(2650.03) *Course*

Instructor(s): Professor P. Zumbansen

Winter: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Course. Required Reading: Paul Craig & Grainne de Búrca, *EU Law: Text, Cases and Materials*, 5th ed., Oxford University Press, 2011 (will be released on 18 August 2011). Additional materials will be accessed online.

This new course introduces students to the law, institutions and politics of the European Union [EU]. Being born out of the destruction of the Second World War and conceived at the dawn of a fast-globalizing world, the EU has long been a fascinating laboratory for the study and practice of innovative forms of market regulation, institution building and political integration. The course will study the institutions, the regulatory instruments as well as the most important policy and law-making areas of the EU, as they have been evolving over time from the Union's inception in 1957 to the Lisbon Treaty. Emphasis will be placed on the particular quality of the 'supra-national' governance forms, processes and institutions that characterize the EU. The course, depending on enrolment, will be delivered in a mixture of lecture and seminar discussion.

Evaluation: Final Exam, open book.

Insurance Law

(2280.04) *Course*

Instructor(s): J. Campisi, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: lectures and in-class discussions

Insurance rights underlie so many aspects of our daily professional and personal lives. Through this course, students will achieve a better understanding of an individual's rights when involved in a motor vehicle collision, a slip and fall accident, or when they suffer from an unexpected illness. Through a case study approach, students will be able to tailor and apply the *Statutory Accident Benefits Schedule* to the circumstances of various individuals. This will involve an analysis of the *Dispute Resolution Practice Code* and case law generated by both the Financial Services Commission of Ontario and multiple levels of the Superior Court of Justice. As part of this analysis, students will also be taught to identify unfair and deceptive practices and whether an insurer has violated its duty of good faith. Students will also be able to appreciate the role that insurance law plays in specific tort claims, short-term and long-term disability benefits, and accidental death and dismemberment claims.

The type of analysis offered in the insurance law context carries over into many areas of litigation.

Evaluation: Final examination, 100%. Paper option (8,000 words), 60% of the final grade.

Intellectual Property

(2970.03) *Course*

Instructor(s): B. Sookman & S. Mason; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussion

This course will provide students an opportunity to survey all areas of IP: copyright, trade-marks, patents, trade secrets. It will also touch on privacy. As this course is meant to be an introductory course to IP, students wishing to specialize in IP are also open to take more specialized courses in Copyright, Patents, Trade-marks, as well as the other courses and seminars available in this area. There are no pre-requisites for this course and this course is not a pre-requisite for any of the other IP courses.

The primary goal of this course is to examine the core doctrinal areas of IP through an analysis of the jurisprudence and legislation in these areas. The course will also provide students with a basic understanding of the justificatory and regulatory framework to the IP system, the often overlooked interplay among the various areas of IP and IP's relationship to other core areas of the law. While Canada will be the main focus, students will be exposed to the international dimensions of IP and will learn about comparative approaches where relevant.

The learning objectives of the course are as follows:

- to allow students who want a basic grasp of IP (but may not be interested in pursuing IP further) to have a basic awareness of IP.
- to allow students who are interested in IP to begin their course of study with a basic introduction to IP in general
- to help students refine analytical and critical thinking and writing skills in relation to IP.
- to help foster a more interdisciplinary understanding of IP (with respect to its interrelated core areas and with other areas of the law).
- to help students see IP within a domestic, comparative and international context.
- to complement the existing courses in IP by allowing students who develop a desire to specialize in IP the opportunity to build a portfolio of specialization in this area.

Evaluation: 100% open book exam.

Intellectual Property Theory

(5430.03) *Seminar*

Instructor(s): Professor C. Craig

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Intellectual Property Law, Copyright, Trademark, or Patent Law

Preferred Courses: None

Presentation: Discussion, student presentations

The seminar explores the theory surrounding the protection of creative and commercial intangibles under the legal category of 'intellectual property' (IP). The emphasis is upon exploring the fundamental theoretical premises, principles, and policies that underpin IP systems.

Over the last two decades, the power of IP rights-holders has expanded dramatically. It is important, therefore, to analyze the justifications for IP rights and their limits. The various theoretical foundations and critiques of IP include theories based in: Lockean labour-desert, German idealist personality rights, economic utilitarianism, democratic governance, cultural studies, feminism, human rights, and post-structuralism.

The objectives of the seminar are: to develop students' understanding of the theoretical framework for IP protection; to further students' awareness of the practical and political significance of various theories in the development of IP law; and to encourage students to critically evaluate the normative bases of IP rights. Students will read and discuss a growing body of challenging academic scholarship about intellectual property theory. The seminar will also provide students with an opportunity to develop their research, writing, and presentation skills. No background in philosophy or economics is necessary, but students must have taken a course in some area of intellectual property.

Evaluation: Research paper (70%); participation (30%).

Intensive Legal Research & Writing

(3920.03) *Seminar*

Instructor(s): Professor J. Davis

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, skills-development exercises

This intensive seminar provides students with the opportunity to refresh and update their research and writing skills. Skills reviewed will include the analysis, citation and presentation of authorities; and standard research techniques, tools, and concepts, such as noting-up, controlled subject vocabularies, digests, and boolean searching. We will review the formats and media used to publish legal information, including web sites, print, and microforms. Additional topics covered will include the publishing and record-keeping practices of the major decision-makers, rule-makers, lobbyists, interest groups, etc.; the publishing and business activities of the significant commercial and non-profit disseminators of information and libraries; and the institutionalization of research activity in law firms, government and academia.

Evaluation: The grade is determined on the basis of a two-part assignment consisting of a research paper (Part I) and an accompanying research commentary (Part II) which reflects upon the paper and the research sources and methodology used to write it. The assignment (Part I plus Part II) is required to be 8,000 words (at least) in length, excluding notes, bibliography and appendices. Part I of the assignment can be on any legal topic acceptable to the instructor. It must be an argument in favour of some debatable point of view, and must include a substantive discussion of at least one case decided by the Supreme Court of Canada, an Ontario court or tribunal, or another tribunal acceptable to the instructor. In addition, there will be a number of ungraded research and writing exercises earlier in the term, the purpose of which is to provide feedback on work in progress towards the final assignment

International and Comparative Family Law

(5140.03) *Seminar*

Instructor(s): Professor S. Drummond

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Family Law

Preferred Courses: none

Presentation: Seminar, discussion

Family law has long been considered so paradigmatically local a field of study that it was of limited use for comparative and international law studies. This perspective has changed radically in the last twenty years. As a result of greatly increased mobility of individuals and families, transnational family law disputes have correspondingly increased. It is no longer unusual for family law disputes to involve more than one jurisdictions and divergent legal traditions. Family law has become an unlikely pioneer in both comparative and international law.

This seminar begins with comparative approaches to a range of legal traditions in which family law is idiosyncratically situated. Topical issues touching on how domestic law interacts with legal diversity in family law will be canvassed. Particular emphasis will be placed on the interactions between religiously-governed family law and secular state law, especially in the Canadian context.

From the comparative law perspective, the course will progress to a consideration of the ways in which Immigration and Refugee Law interacts with Canadian family law and family law policy.

The seminar will then progress to an examination of the traditional common law conflict of law principles that touch on family law matters, including jurisdiction and recognition and international enforcement of foreign family law orders. Consideration will then be given to the modification of the common law regime by treaty and legislation, including the various Hague Conventions that apply to family law issues. Further attention will be given to the United Nations Convention on the Rights of the Child as well as other human rights treaties. Each regime will be considered in the context of its impact upon domestic legal issues in Canada.

The six main area of family law will be examined through the lenses of comparative and international law, including marriage, divorce, matrimonial property, adoption, custody, and support.

Evaluation: 1. Final Paper (80%): Students must submit a final research paper worth 70% of the final grade. The paper should be approximately 30 pages double-spaced. Paper topics are to be selected by the students with the proviso that they draw upon the subject matter and substantive areas of law contemplated by the course. Paper topics must be vetted by the professor via the submission of a proposal:

2. Paper Proposal (10%): Within the first month of term, students must submit a brief 5 page, fully sourced proposal outlining the substantive area of their final paper, the theoretical concerns and arguments it will advance, and a description of the areas of law and society they will be drawing upon. The proposal should have a detailed bibliography attached.

Student Questions (10%): On a rotating basis, students will be selected to submit questions on the course reading materials and lead the class discussion.

International Business Transactions

(2890.03) *Course*

Instructor(s): C. Gastle, Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course examines the legal structure of business transactions that cross national boundaries. It reviews the nature of transnational commercial law and the concept of the *lex Mercatoria*. The course deals with the Convention on the International Sale of Goods, International Transportation of Goods (Bills of Lading), International Finance (Letters of Credit), International Insurance, International Cross-Border Relationships (e.g., Licensing issues), and Corporate Social Responsibility with a concentration on the mining industry. It also deals with the importance of international commercial arbitration in the development of transnational commercial law and the practical implications arising from its role as the primary dispute settlement mechanism for international business transactions. This course intersects with international business regulation and the World Trade Organization as border measures that form one element of an international business transaction.

Evaluation: Open-book examination.

International Criminal Law

(2440.04) *Course*

Instructor(s): Professor M. Mandel

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers

This course is about the intersection of international law and criminal law, in other words the international law aspects of criminal law and the criminal law aspects of international law. The course covers international crimes, such as crimes against peace, crimes against humanity and war crimes, as well as domestic crimes with a transnational aspect, i.e. crimes that take place in more than one country. It deals with the various types of jurisdiction (from territorial jurisdiction to universal jurisdiction), immunities from jurisdiction (such as diplomatic immunity and official act immunity), and international co-operation in the enforcement of criminal law (most importantly, extradition to and from Canada). The course will also give the student an opportunity to study the law, practice, procedure and functioning of some selected international courts and tribunals such as, for example, the International Court of Justice, the International Criminal Court, and the International Criminal Tribunals for Rwanda and the former Yugoslavia.

The course also explores the theory of international criminal law and the role played by it in times of peace and times of war.

Evaluation: *Option 1* : 100% open-book examination; *Option 2* : 50% examination and 50% research paper. Research papers are due on the day of examination in the course.

International Dispute Resolution: Advocacy in the International Criminal Court

(3007C.03) *Seminar*

Instructor(s): L. Adler, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: International Criminal Law and / or other advanced International law courses

Presentation: Moot presentations, discussions,

Purpose: The focus of this advanced seminar is to give participating students an in-depth view of the law, practice, procedure and functioning of some selected international courts and tribunals that now permeate the international criminal legal system, as well as the various resolutions, treaties and conventions that underline their legitimacy and authority. For example, the course will focus on the International Criminal Court (ICC), the ad hoc Tribunals for Rwanda and the former Yugoslavia, Sierra Leone, the International Court of Justice and other similar bodies.

Following introductory sessions providing background on the relevant principles and concepts of international criminal law, particularly the Statute of Rome and the Rules and Regulations of the ICC, students will prepare and present written and oral submissions on the various issues arising in the case set for the International Criminal Court Moot to be held in New York and The Hague in January and April of 2012. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for the ICC Moot will be selected during the term, based on the quality of the written and oral presentations throughout the term. In the four years in which Osgoode has participated in the ICC Moot, we have excelled in the Competition, which brings together schools from around the world, winning in 2010 and placing as 2nd runner-up in 2008 and 2011, as well as winning individual awards. The greatest achievement, though, has been the strong representation of the best of Osgoode's collegiality and team spirit - all of which are fostered in the seminar!

Evaluation: Evaluation in the seminar will be based on in-term written assignments including a draft factum.

International Dispute Resolution: Vis Moot

(3007A.03) *Seminar*

Instructor(s): Professor J. Walker

Fall: 3 credits; 2 hours; max. enrollment: 16

Prerequisite Courses: None

Preferred Courses: none

Presentation: Student Moot Presentations, discussions.

The focus of this advanced seminar is on the arbitration of international commercial disputes under the UN Convention on the International Sale of Goods (CISG). Following introductory sessions providing background on international commercial arbitration, the UNCITRAL Model Law, and the CISG, students prepare and present written and oral submissions on the various issues arising in the case set for the Willem C. Vis International Commercial Arbitration Moot. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for the Vis Moot is selected near the end of the term based on the quality of the written and oral presentations throughout the term. In the nine years in which Osgoode has participated, we have excelled in the Competition, winning the 11th Moot in 2004, the Top Oralists award (2006); Second Runner-up Oralists (2008), Third Place overall out of more than 250 teams (2010), and winning oralists and memoranda prizes in each of the past eight years. The greatest achievement, though, has been the strong representation of the best of Osgoode's collegiality and team spirit - all of which are fostered in the seminar!

Evaluation: Evaluation in the seminar will be based on in-term written assignments including a draft factum.

International Human Rights Law

(3440.04 A) *Seminar*

Instructor(s): Visiting Professor N. Udombana

Fall: 4 credits; 6 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: The course will consist chiefly of in-class discussions facilitated by the instructor. Students will be expected to read the assigned materials in advance of each class, and to participate fully in class discussions.

This seminar will be taught intensively, Tuesdays and Thursdays between August 29th and October 25th.

Some commentators have described our contemporary period as the “age of rights,” arguably because of the pervasive role that human rights have come to play in national and world affairs. In this seminar, we will attempt to understand the ever increasing, but constantly contested, role of international legal and other norms in the promotion and protection of human and peoples’ rights. The seminar will proceed in three broad segments: (i) the **conceptual and historical foundations**; (ii) the **normative framework and institutional processes**; and (iii) the **policy and practical issues and problems**.

The first segment, we will grapple with the **conceptual and historical foundations** relevant to the international human rights discourse. We will seek to locate, engage, and understand the factors that gave birth to the human rights movement as well as the underlying economic, socio-cultural and political forces that shaped, and continue to shape, both international human rights law and the world in which it operates. In pursuit of these objectives, we will, *inter alia*, consider the following facts/circumstances and reflect upon the following questions: First, the ethical doctrine of human rights should articulate standards that will indicate what human rights we have, but how do we understand their nature and what is the significance of a right’s being a human right? Second, we live in a world that is at once deeply multicultural and patently unequal, a world that is divided *inter alia* by race, gender, culture, and class-given these particularities; can the ‘international’ (which claims universality) accommodate the ‘local’ (which is particular)? Indeed, why (and to what extent) is the ‘international’ an important element in the protection of human and peoples’ rights? Third, how (and to what extent) is ‘law’ relevant to the international protection of human rights - why do we not just resort to politics? Interrogating these and related questions will require examining a broad-based set of literature, including African, Asian, Islamic, European, and Inter-American perspectives.

In the second segment, we will examine the various global-level and regional-level international **normative texts** (e.g. treaties) and **institutional processes** that have been established to advance the cause of the international protection of human and peoples’ rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples’ rights.

In the third and last segment, we focus on the **policy and practical issues** from our examination of the literature and seminar discussions, including their application to contemporary problems of development, poverty, environment, revolutions, *etcetera*.

Evaluation: Evaluation will be based on class attendance/participation, and the quality of seminar paper/bibliography and its outline. Marks will be allocated as follows:

1. Class Attendance; 10%
2. Participation; 20%
3. Outline of Research Paper and Draft Bibliography; Pass/Fail
4. Research Paper and Final Bibliography; 70%

Research paper topics must be approved by the instructor. The research paper should contain a minimum of **8000 words**, excluding footnotes, the bibliography, and appendices (i.e. approximately 30 pages of double-spaced 12 point font main text

Due Date: Monday November 14 at 3.30 PM in the Osgoode drop box.

Papers emailed to the instructor directly will NOT be accepted.

International Human Rights Law

(3440.04 P) *Seminar*

Instructor(s): L. Utyasheva, Adjunct Professor

Winter: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to active student participation, in addition to lectures and discussions.

In this seminar, we will attempt to understand the role of international law (as well as other modes of regulation and other forms of normativity) in the promotion and protection of human and peoples' rights the world over. We will grapple with the histories and policies that are relevant to the international legal protection of human and peoples' rights. We will seek to locate, engage, and understand the underlying economic, socio-cultural and political forces that have shaped, and continue to shape, both international human rights law and the world in which it operates. We will also examine the various global-level and regional-level international normative texts (e.g. treaties), processes, and institutions that have been established to advance the cause of the international protection of human and peoples' rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples' rights. Finally, we will focus on the practice of international human rights activism by states, groups, and individuals and on the question of the possibility of the enthronement of a cosmopolitan international human rights ethos, of a "multicultural universality". Throughout we will engage human rights theory through the exploration of concrete human rights claims and violations.

Evaluation: Participation (20%); final paper (80%).

International Investment Law

(3100.03) *Seminar*

Instructor(s): Professor G. Van Harten

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

This seminar examines current developments in international investment law and investment arbitration. It may be of special interest to students interested in public international law, international arbitration, business law and regulation, or law and development. The main legal topic is the public international law, and to a lesser extent domestic law and policy, governing the regulatory relationship between states and foreign investors. Special attention is paid to investment treaties including bilateral agreements and regional agreements (e.g. NAFTA). The seminar also examines the burgeoning body of arbitration awards pursuant to investment treaties as well as relevant domestic court decisions.

Anticipated topics include: policy issues in regulation of foreign investment; background to investment treaties and relevant arbitration treaties; major arbitration institutions and rules; international standards including expropriation, fair & equitable treatment, national treatment, and most-favoured-nation treatment; jurisdiction and admissibility of claims in investment arbitration; umbrella clauses, investment contracts, and privatization; remedies and state liability; recognition and enforcement of awards. The aim is to provide students with a sound grounding in technical issues while affording opportunities to engage in critical discussion of this area of the law and possible reforms and to develop their analytical, presentation, and research/ writing skills.

Evaluation: Research paper (80%); participation/ class activities (20%).

International Taxation

(4150.04) *Course*

Instructor(s): Professor J. Li

Fall: 4 credits; 4 hours; max. enrollment: 40

Prerequisite Courses: Taxation Law

Preferred Courses: none

Presentation: Discussion, lecture, problems, guest speakers

The overall objective of the course is help students learn fundamental knowledge and skills to prepare them for a legal career in tax or other fields. These knowledge and skills include: some basic knowledge about tax law and policy applicable to cross-border transactions, problem solving skills, statutory interpretation skills, writing at a novice professional level, modest group/collobarative learning and ethical issues in international tax planning.

The subject area is important for lawyers working in a small and open country such as Canada. The globalization of trade and investment flows are having a profound effect on the practices and policies of income taxation and on the ways Canadian corporations doing business. More specifically, this course provides students with the opportunity to study tax law in a global context. It covers both domestic tax law and tax treaties. Specific issues include jurisdiction to tax, non-residents investing in Canada; cross-border services; Canadian investing offshore; the foreign affiliate system, foreign tax credit, electronic commerce; and transfer pricing. Canadian as well as foreign tax cases are studied in this course.

Students are treated as forthcoming legal professionals. Students are expected to learn how to learn, how to communicate, and how to perform at a professional level.

This course is taught like a seminar. Each module of the course is designed to help students further develop a set of basic knowledge or skills. Guest speakers will be invited to lead the discussion of some modules of the course. In stead of a 3-hour exam, students will have opportunities to participate in discussions or make brief presentations in class, write a short paper (accounting for 30%) or a major paper (accounting for 85%). The short paper will be assessed and critiqued by the Instructor in order to help student improve their professional writing skills.

Evaluation: Option One: 15% for class participation and presentation, and 85% for a major research paper. This paper can be written in satisfaction of the Upper Year Research and Writing Requirement. An outline, bibliography and introduction must be submitted to the Instructor after the Fall Reading Week.

Option Two: 15% for class participation, 30% for a short paper covering a topic related to the materials discussed in class prior to the Fall Reading Week and 55% for a take-home exam during the Exam Period. This short paper may take the form of a case comment, policy brief, opinion memo, or factum. It will be submitted to the Instructor at the end of the Fall Reading Week.

International Trade Regulation

(2290.03) *Course*

Instructor(s): C. Gastle, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course surveys the public laws of international trade from a Canadian perspective. The course addresses various regimes affecting the conduct of international trade to and from Canada, with a particular focus on the World Trade Organization and the General Agreement on Tariffs and Trade. Particular subjects for discussion will include the principle of non-discrimination, the treatment of phytosanitary and technical regulations, the regulation of intellectual property, the treatment of least developed countries within the WTO framework. If time permits, additional subjects may include the treatment of subsidies, anti-dumping matters and trade in services.

Evaluation: Open-book examination.

Investor Protection: Advanced Seminar

(5410.04) *Seminar*

Instructor(s): Professor E. Waitzer

Winter: 4 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: None

Presentation: Seminar, discussion, presentations

It is recognized that the state of a nation's investor protection regime has a substantial effect on economic growth, the value of firms and market confidence. Advances in the law (both in its administration and in the development of public policy) and the media play key roles in such regimes (which often present challenging policy choices and political implications). The law is the basis for investor rights while financial media gives investor voices greater influence.

This advanced seminar, engaging both senior year law students and financial journalists (as well as distinguished visiting practitioners), is intended to provide an opportunity to:

- (i) actively explore this intersection of law, business and public policy; and
- (ii) interact with each other and develop mutual knowledge of the law and practice relating to investor rights and remedies.

The seminar format focuses on active learning through collaborative exercises and a case study/workshop presentation approach.

Evaluation: 1) class participation and collaboration: 15%; 2) class presentation: 25% and 3) paper: 60%.

Joint JD/MBA Seminar

(3820.03) *Seminar*

Instructor(s): Professor T. Johnson

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: None

Presentation: Discussion

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. In order to achieve this objective we canvass a broad range of topics from both perspectives, and visit several businesses on-site to discuss business models and challenges with top executives.

For the last two years we have used the financial crisis as the focal theme of the seminar, and we may do so again this year. Topics explored in this seminar may include valuation methodologies, capital markets and structured financing, traditional regulation of the financial services sector, innovative financing techniques and the shadow banking system, rating agencies, executive compensation schemes, venture capital, private placements and strategic planning. We will also explore the impact of the financial crisis on the manufacturing, transportation, retail, communications and service industries, and examine some of the financial sector reforms that have been implemented in various jurisdictions. Senior members of the business community and legal and accounting professionals will be invited from time-to-time to participate in the seminar.

*NOTE: This seminar is mandatory for students in the 4th year of the Joint JD/MBA program.

Evaluation: Research paper - 80%; Class participation - 20%.

Jurisprudence

(2720.03) *Course*

Instructor(s): Professor F. Tanguay-Renaud

Winter: 3 credits; 3 hours; max. enrollment: 25

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This seminar offers a critical introduction to some leading themes in contemporary analytic jurisprudence. Its approach is philosophical, not historical or sociological. Problems that may be considered include: theories of the nature of law and legal systems; the normative character of law; whether there is an obligation to obey the law; the relationships between law and power, law and justice, law and equality, and law and individual liberty; the rule of law; emergencies and law; the nature of legal responsibility; human rights; as well as puzzles related to the nature of international law and the transnational character of law.

Evaluation: Weekly participation, including regular discussion notes (20%); final examination (80%).

Labour and Employment Law and Policy Colloquium

(5550.03) *Seminar*

Instructor(s): Professor E. Tucker

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Students must have taken one of Labour and Employment Law, Collective Bargaining Law, or Individual Contract of Employment.

Preferred Courses: None

Presentation: Class discussion, student presentations

Employment and labour relations have been transformed in the past twenty years and the pace of change is accelerating. The inter-related phenomena of globalization, economic restructuring, neo-liberalism, and feminization have contributed to these changes. One result is that while employment and labour law are in a state of flux, arguably these laws have not adequately responded to the challenges posed by the changing reality of the labour market. In order to assess existing law and to devise appropriate reforms, labour lawyers need to be aware of how the labour market operates and the changes it is undergoing.

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. Theoretical perspectives will include neoclassical economics, institutional economics and Marxist political economy. Attention will be paid to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant employment), vertical and horizontal disintegration of production, increased labour force participation by women, and the problems experienced by young workers. The implications of these and other trends for minimum labour standards, collective bargaining and the common law contract of employment will be considered. The role of constitutional and international law may also be considered. Topics will vary depending on the instructor's and the student's research interests.

Evaluation: 1. Major research paper (70%), paper presentation (20%), commentary on a set of readings (10%).

Labour Arbitration

(5070.03) *Seminar*

Instructor(s): M. Lewis, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Labour Law

Preferred Courses: Evidence, Administrative Law

Presentation: Tutorial discussion, simulation, visitors

Labour arbitration was one of the premiere "alternate dispute resolution" processes to be established. In order to achieve industrial peace, productivity and competitiveness, the grievance and arbitration process was designed to provide speedy, expeditious and expert resolution of work place disputes during the life of the collective agreement.

This seminar will begin by examining the machinery of the grievance and arbitration process. Students will also explore a variety of topics, such as the role of the arbitrator, private and public arbitration processes, the nature of the jurisdiction of arbitration boards, evidence and advocacy issues, and judicial review of arbitration awards.

The general focus of the seminar will be a critical analysis of arbitration practice and theory in order to determine if modern labour arbitration is fulfilling the purpose for which it was designed.

Evaluation: Seminar participation and contribution (30%); mock hearing and written assignment (70%).

Labour & Employment Law

(2315.04) *Course*

Instructor(s): Professor E. Tucker

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

The purpose of the course is to provide students with a foundation for engagement with labour and employment law. It will give students an overview and working knowledge of Canadian labour and employment law, including the common law individual contract of employment, minimum standards legislation and regulations, and collective bargaining law. The role of the *Charter of Rights and Freedoms* as it pertains to labour and employment law will also be explored, as will transnational law. The course examines the role of institutions, including legislatures, government departments, administrative tribunals, arbitration boards and courts. It also is attentive to the historical, social, economic and political context within which labour law is created and operates.

Evaluation: 100% final examination is the default form of evaluation. Students may opt to undertake an additional form of evaluation (research paper, case comment, etc.) for up to 75% percent of the final grade with the final examination counting for the remainder. The value of the additional form of evaluation will be determined on the basis of discussions between the instructor and student and will be based on the length and complexity of the project.

Land Development & Commercial Real Estate Problems

(5160.03) *Seminar*

Instructor(s): M. G. Gross; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

The seminar deals with a broad range of subject matter within the context of land development and commercial real estate. Its focus is on developing problem-solving techniques to deal with the issues raised by the subject matter. The areas covered by the seminar include planning and land use control issues related to subdivisions, urban developments and commercial real estate; drafting of agreements of purchase and sale; discussion of various business entities used in real estate transactions such as limited partnerships, joint ventures and co-tenancies; current problems respecting condominiums; a discussion of institutional and secondary financing consideration of ground leasing techniques; mixed use developments, public-private partnerships and commercial leases.

Evaluation: One term paper at end of term involving problem solving based on class discussions and course materials.

Land Use Planning

(2320.03) *Course*

Instructor(s): K. Hare & J. Mascarin, Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion, formal student presentations

This course examines the law governing land use planning and development in the Province of Ontario, with some inter-jurisdictional comparison. Topics include key legislation, the jurisdiction of various levels of government (federal, provincial and municipal), the role of public-sector entities, land use planning instruments, and the development process. The rights of landowners and developers, citizens, public sector entities and non-governmental organizations in the planning and development process are also examined. The course is taught by two land use planning and municipal lawyers.

The goal of this course is to provide students with a working knowledge of the *Planning Act*, and an understanding of other vital legislation in the land use planning and development regime, such as the *Ontario Heritage Act*, *Building Code Act, 1992* and *Development Charges Act, 1997*.

Key planning instruments available to municipalities such as official plans, subdivision and site plan control, zoning by-laws, and development charges are considered in detail. Legal constraints on urban growth imposed through inter-regional plans such as the *Greenbelt Plan*, the *Oak Ridges Moraine Plan* and the *Growth Plan for the Greater Golden Horseshoe* are examined. The involvements of public sector entities (e.g. province, municipalities, conservation authorities, school boards) in land use planning is also examined. The powers and jurisdiction of the Ontario Municipal Board as a quasi-judicial tribunal responsible for adjudicating land use appeals will be fully considered. The course also seeks to provide students with an understanding of the powers and rights available to citizens, stakeholders, landowners, governments, non-governmental organizations, and public sector agencies in shaping land use planning.

Students will be asked to consider the multi-faceted purposes and functions of land use planning and how the current and very public regulatory framework functions in practice.

Evaluation: 1. Group in-class presentation with supporting paper – 40% of final grade

2. (a) Open book final examination - 60% of the final grade or

(b) Research paper (20 double-spaced pages) - 60% of final grade.

Law of War

(3730.03) *Seminar*

Instructor(s): Professor M. Mandel

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion

Is NATO's military intervention in Libya legal? What about Afghanistan? Or the imprisonment of America's detainees in Guantánamo Bay, Cuba? What happens to people who commit war crimes? What are the remedies for an illegal war? This seminar examines the international law governing war, including both questions of when war is legal (so-called 'jus ad bellum') and how even legal wars must be conducted (so-called 'jus in bello' or the laws and customs of war) and the relationship between the two types of law. It also examines the various judicial institutions that have jurisdiction over these issues, from the World Court, to the ad hoc tribunals (Yugoslavia, Rwanda, Sierra Leone), to national courts exercising 'universal jurisdiction' (Belgium, Canada), to the new International Criminal Court.

Case studies on the armed conflicts over Kosovo, in Afghanistan, in Iraq, and between Israel and the Palestinians, provide the settings for concrete legal analysis and also for critical evaluation of the role of law in war.

Evaluation: Evaluation is by term paper (75%) and student participation (25%), including one brief class presentation (15%).

Law & Psychiatry

(3240.03) *Seminar*

Instructor(s): K. Bryan & M. Perez; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Criminal Law

Preferred Courses: None

Presentation: Discussion and Student Presentations

This seminar explores the legal framework and the policy considerations linking law and psychiatry in both the civil and criminal contexts. One portion of the course focuses on the criminal justice system and mental health: fitness assessments, findings of "not criminally responsible" and Ontario Review Board dispositions. The civil law portion of the course reviews issues arising from state institutional detention, as well as the law of treatment capacity and decision-making. Additional topics include: financial capacity and powers of attorney, capacity to instruct counsel, ethical responsibilities of counsel when representing clients with mental health issues, criminalization of persons with mental illness, seclusion and restraint, patient sexuality, the use of psychiatric evidence in legal proceedings, and international approaches to law and psychiatry.

Typical seminars will cover substantive law and statutory provisions, as well as policy issues. Students are expected to actively participate via class discussion and a class presentation. Guest speakers will provide unique perspectives on several topics.

Evaluation: Major paper (60%), 3-5 page reflective piece (20%), class presentation on one assigned reading (10%), and class attendance/participation (10%).

Law & Rights

(3450.03) *Seminar*

Instructor(s): Professor B. Slattery

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar participation

The Universal Declaration of Human Rights of 1948 declares that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Yet some have argued that the concept of universal human rights is a relatively recent development in human history, coming to prominence only in the 18th century, and that it lacks deep roots in the history of human societies worldwide. Others have gone on to suggest that the modern conception of human rights is the exclusive product of European culture, philosophy and religion, and as such is not always well-suited to peoples of other cultures, traditions and faiths.

These arguments pose challenging and important issues for anyone interested in the multi-cultural origins and dimensions of human rights. This seminar examines them in an open-ended way. It considers readings from a variety of disciplines – including history, philosophy, anthropology, religion and law – and explores the contributions of diverse cultural and religious traditions to the modern conception of human rights.

Evaluation: Research paper (approx. 80%) and participation (approx. 20%), as explained in class.

Law & Social Change: Community Action Across Borders

(2750M.03) *Course*

Instructor(s): Professor F. Bhabha

Fall: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: This seminar is open only to those students who participated in a summer ILP.

Preferred Courses: none

Presentation: Seminar

The law is increasingly being used as an instrument of social change in the globalized world. A central aim of this course is for students to *learn* how to make a difference: how to be a community-based lawyer on a global scale. It offers students the opportunity for skills training, hands-on experience, structured reflection and peer collaboration. It merges theory, doctrine and practice in a dynamic, comprehensive and multi-disciplinary setting.

The course works in tandem with the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the developing world. Since 2006, Osgoode students have undertaken summer fellowships in places such as Uganda, Zambia, Kenya, the Philippines, India, Argentina, Kosovo and South Africa.

Prior to their departure, students participate in a week-long intensive program in May, which includes mandatory sessions with the course instructor. While abroad, they submit weekly reports and write comments on the class blog, which is reviewed by the instructor.

On return, student participation in the weekly seminar focuses on writing a term paper incorporating research, findings and reflections based on their experience abroad, and presenting works in progress to their classmates. Papers are due at the end of the term.

Evaluation: Research/reflective paper (60%); Presentation (20%); Participation (20%).

Law & Social Change: Current Issues in Reproduction and Law

(2750S.03) *Course*

Instructor(s): Professor R. Mykitiuk

Fall: 3 credits; 3 hours; max. enrollment: 25

Prerequisite Courses: None

Preferred Courses: None

Presentation: The subject matter of this course is diverse and interdisciplinary and is best understood using a variety of methods and approaches. Therefore, this course will combine a number of teaching methods: (lectures, guest speakers, group discussions, class presentations) and types of materials (legal cases, fiction, journalistic non-fiction, secondary legal sources, policy sources, scientific, social science and ethics secondary sources, films where identified).

The impetus for this course comes out of two interdisciplinary research grants funded by the Canadian Institutes of Health Research on which Professors Roxanne Mykitiuk and Dayna Scott are Principal Investigators. As a part of our research we are examining the legal and ethical obligations that are owed to future persons to prevent them from reproductive harm as a consequence of environmental exposures to toxic chemicals while that "future person" was an embryo, ova, sperm or unconceived. In the spirit of linking research and teaching at Osgoode, I am inviting students to work with me in this course to explore this cutting edge topic.

The focus of this course will be on reproductive harm and on obligations to future generations. How does law characterize reproductive harm? How does law regulate it and how does law compensate for reproductive harm? What counts as harm? Whose harm is counted and whose harm is not? How is reproductive harm proven and what are the consequences if a harm has occurred but its cause cannot be proven? Are there ethical challenges with the conception of reproductive harm, especially wrongful birth in the case of a child born disabled? What obligations do we have to future persons? Can we be held responsible for harm to future persons? Do we have to consider the quality of life of future persons, of our progeny? Do we have to refrain from behaviour or make certain choices that will have consequences for the lives of future generations? These are examples of the questions that will be explored in a systematic and interdisciplinary manner in this course.

Evaluation: Class Attendance and Participation – 20%; 2 x 15 page research/reflection papers submitted during the term OR 1 x 30 page research paper submitted at the end of the term - 80%.

Law & Social Change: Law & Religion

(2750T.03) *Course*

Instructor(s): Professor B. Berger

Winter: 3 credits; 3 hours; max. enrollment: 25

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Students enrolled in this course will engage in a close and critical examination of the complex historical and contemporary interactions between law and religion, two social forces whose relationship has shaped – and continued to shape – our modern world. The course takes an overtly interdisciplinary approach, placing questions of history, philosophy, and religious studies alongside legal theory and analysis. The course will explore topics such as the role of religion in the development of the Western legal tradition, varieties of “secularism”, the constitutional status and protection of religion, religion and equality, religion and legal pluralism, religion and public decision-making, and contemporary controversies in law and religion. Although there will be a primary focus on the Canadian setting, some attention will be given to other national traditions and international issues.

Evaluation: Term Paper 75%; Participation and other short assignments 25%.

Law & Social Change: Policing

(2750B.03) *Course*

Instructor(s): Professor M. Beare

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar /Lecture and discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2012. Each session will be 3 hours.

Law and Social Change will look at the institution of policing from an organizational, operational, and legal perspective. The course will examine issues concerning police conduct and misconduct as a means of illuminating broader questions about the relationship(s) between law and social change.

We will use recent policing related Inquiries/Royal Commissions as a resource to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/ legislation/ and the wider legal process, and consider some of the current theories around police training, discretion, recruitment, and police culture. Specific instances of wrongdoing by police will be examined in a study of legal social and political structures of accountability. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability, in order to consider the efficiency of legal tools to effect social change. The final section of this course will focus on the policing of transnational crime and international issues that impact on domestic policing. Class participation is required.

Evaluation: 80% for a research paper (this percentage will be divided into smaller research tasks that culminate in the final paper— 10% outline, 20% annotated bibliography, 50% actual research paper); 20% participation including a brief class presentation.

Lawyer as Negotiator

(3960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 64

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups, with experienced negotiators as coaches and faculty. Students will receive a letter grade.

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through negotiation and mediation. Lawyer as Negotiation is designed to familiarize students with contemporary negotiation theory and practice and specifically how theory informs the development of effective and strategic negotiations. Students will participate in some large class and seminar based lectures and discussions, that will introduce and critique contemporary theory and practice of representative negotiation. Students are expected to prepare plans and to participate in weekly negotiations simulations as well as in two graded negotiations at the end of term. Students will be coached and received critiques from experienced negotiators and are encouraged to reflect on and discuss their weekly negotiations in a small working group of either 8 or 16.

The first part of the course will be an Intensive Negotiation Workshop introduce students to distributive and integrative bargaining as well as to the importance of developing a negotiation strategy and a details plan and strategy for each mediation. The latter part of the course will focus on the importance of communication, integrity, power, gender, and culture representative negotiations.

Evaluation: Students will receive a final letter grade based on their two final negotiations (40%); their weekly and final plans (20%); a short reflective paper that applies contemporary negotiation theory (20%); and class participation including their negotiation reflections (20%).

Law, Gender, Equality

(3039.03) *Seminar*

Instructor(s): Professor S. Lawrence

Winter: 3 credits; 3 hours; max. enrollment: 20 max; 5 upper

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style discussion/debate guided by set questions/topics. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2012. Each session will be 3 hours.

This course focuses on how law and gender operate in two thematic areas: the way we manage/interpret appearance, and restrictions on access to spaces and groups in which we learn, work and play. How does law participate in or disrupt the ways that gendered expectations shape our lives? How do aspects of identity and experience other than gender play into these processes? What can we expect from law and how can we pursue these expectations? Through readings, visitors, group discussion, and individual research and writing, we will explore how to analyse gender (in)equality and the ways that law promotes and thwarts our choices and actions.

Through these two main areas of inquiry – the regulation of appearance and single gender spaces – students in this course will develop and apply a critical approach to examining law's role in supporting or challenging particular visions of masculinity and femininity, an approach which is alert to counterarguments, and attentive to the ways that phenomena other than sex/gender, in particular race and sexual orientation, are implicated in the situations we examine. We will consider each week's readings not only in terms of substantive content, but also in terms of the research and writing process as students develop or refine the skills necessary to identify an interesting research problem, find secondary literature which addresses the problem, and write and revise a research paper which attempts to resolve the question posed. The course will include a *brief* introduction to feminist/gender analysis of law in order to outline the analytic tools. It is appropriate for students with various levels of experience with gender/feminist studies – including "none".

Evaluation: Students will be asked to write a **paper** of 4500 words (20pg x 225 words/page) on a relatively narrow subject area. The paper should provide explanation and discussion of a gender related legal controversy, which allows the application of the kinds of analyses we have used in the class. There will be **graduated assignments** leading to the paper – for instance, outline, thesis statement, annotated list of sources, peer review exercise, etc. Students will have some choice in the type of preparation which best suits them (for instance, outline or abstract). These graduated exercises are intended to assist in time management and lead directly to the paper and are flexible in the sense that they ought not comprise any "extra" work. Peer review exercises may comprise some portion of the graduated assignments.

Four graduated assignments leading to the paper:

Topic + [short annotated bibliography *or* more extensive preliminary reference list]

Statement of research question

Outline *or* description of paper

Five pages, either an expanded outline *or* part of draft.

Total 20%

Final paper: 55%

Overall, the paper is worth 75% as in all Perspective Option courses.

All students will be expected to **participate** in class **discussion**. Students will be assigned particular responsibility to provide short blog style **written commentary** on the readings at least twice in the semester.

Legal Drafting

(2140.03) *Course*

Instructor(s): J. Shin-Doi & S. Benda; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 75

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion

This course focuses on the language, structure and organization of documents that create and support legal relationships such as formal contracts, letter agreements, licenses, memoranda of understanding and legal opinions. Students analyze, review, prepare, present and discuss legal documents in the areas of corporate/commercial law, intellectual property law and other substantive law areas. The work includes commenting on the drafting of legal documents, revising legal documents, and selecting and adapting precedents. The overall emphasis is on modern legal drafting conventions and techniques.

Evaluation: Two take home assignments: 50% and 50% ; the second assignment involves drafting a complete formal contract or key portions of a contract or both.

Legal Governance of Health Care

(2404.04) *Course*

Instructor(s): Professor J. Gilmour

Winter: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This course will focus on the legal frameworks (statutory and common law) governing health care delivery. Topics covered will fall into six general areas: federal and provincial jurisdiction over health care, civil liability of practitioners and institutions, professional self-regulation, access to health services, regulation of hospitals and independent health facilities, and an introduction to public health law. As part of these broad topics, students will also examine underlying ethical principles, substitute decision-making, privacy of health information, and discrimination in the provision of health services. The course will include consideration of the effect that underlying paradigms (for instance, relative to health, disability, and the role of health care providers) may have had in shaping political and legal responses.

Evaluation: 100% final examination or 50% final examination and 50% essay on topic approved by instructor. Latter option (if chosen) to be selected by end of Week 3. Outline of paper and initial bibliography due end of Week 6. Essay due on the first day of examinations.

Legal Politics

(2570.03) *Course*

Instructor(s): Professor M. Mandel

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2012. Each session will be 3 hours.

This course examines the phenomenon of the Charter of Rights and Freedoms and how it has affected Canadian social and political life. It places the Charter in a historical and international context and has as its central theme the question of its democratic character. The course critically analyzes and evaluates the history and philosophy of the Charter and its impact on the major political controversies of the day, such as the French-English struggles inside and outside of Quebec, the powers of the police, refugee rights, union rights, business rights, Aboriginal rights, women's rights, gay and lesbian rights and equality in general. The attempts at constitutional change in the 1990's (Meech Lake and Charlottetown) also come in for scrutiny. The course treats law as "politics by other means" trying to uncover the political element in law as well as to grasp what it means for politics increasingly to take this legal form.

Evaluation: Evaluation is by major paper (75%), class participation (15%) and attendance (10%).

Legal Theory: Law & Politics

(3170A.03) *Seminar*

Instructor(s): Professor D. Priel

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: The class will meet twelve times in the fall term. The course is conducted as a colloquium, with the focus on oral presentations and discussion. Each session will begin with introductory comments on the background of the readings by the instructor, followed by oral commentaries presented by assigned students. Each student will be a commentator at least once during the seminar. This format encourages students to explore the readings from many different angles and to express their viewpoints in an informed way. Students are expected to attend the sessions on a regular basis and to read all the assigned materials.

These days law impacts human life in more diverse ways than it has ever had in all of human history. Its influence upon our lives is both more pervasive and (for this reason?) more invisible: almost everything we do, and much of what we own is regulated by law. Even the "private" domain is now often heavily regulated. Perhaps for this reason the relationship between law and politics has become more visible and contested. In this seminar we will try to explore some of the issues relating to the relationship between law and politics and some of the perspectives from which this relationship has been examined.

Though the readings to be discussed are academic, the question of the relationship between law and politics is far from "academic." Whether representing a large corporation or a single individual fighting a large corporation, whether working on legislative reform or in court, the questions of the interaction between law and politics are perennial and a better grasp of the different attitudes with regard to them is important for understanding many practical issues that dominate contemporary legal debates.

Among the topics that may be considered: the effect of political ideology on legal theory (e.g., liberal conservative, and republican legal theory); critical legal studies; the politics of adjudication; public choice and the law; separation of powers; the justification of judicial review of legislation; the distinction between public and private; the role of public opinion in law; law in the welfare state; theories of regulation and their connection to political theory.

Learning objectives : Among legal scholars, lawyers and even laypeople, there is a broad range of views on the relationship between law and politics running the gamut from those who insist that law and politics are separate domains—that law ceases to be law when it mingles with politics—to those who think that law is the continuation of politics by other means. The purpose of this seminar is to learn about these different approaches and critically assess them.

Choice of topic for the essay : The area is vast and the topics chosen for the readings are not meant to limit the possible topics for the seminar papers. Other topics, including (but not limited to) more "applied" analysis of issues relating to Canadian law and politics, are welcome. Students may well build on their previous academic studies in areas like philosophy, psychology, political science, sociology, history.

Students are encouraged to start thinking seriously about a topic for their paper as early as possible. By the end of the sixth week of term the students will have to indicate a topic for the seminar paper. During the first weeks of term, students are encouraged to consult the instructor informally (either face-to-face or by email) about their ideas for the paper. By the end of the sixth week of term (October 7) the students will have to submit a short (1-2 pages) proposal. This proposal will not be graded, but will have to be approved by the instructor who will comment on each proposal.

Evaluation: The grade for the course is based on a combination of two factors: (1) class participation, and (2) a research paper due at the end of the first term, in December 5, 2011.

- (1) **Class Participation:** class participation consists of two elements. The first is attending and participating in discussion in class. The second is leading the discussion in at least one seminar.
- (2) **Research Paper:** Students are expected to prepare a research paper dealing with a topic or author considered in the course of the seminar. The paper should normally be 20 to 30 pages long (in 12 point font, including footnotes but excluding the bibliography), and written in standard academic format (with citations according to the latest, seventh, edition of the *McGill Guide to Uniform Legal Citation*).

Legal Values: International & Comparative Copyright Law

(3591J.03) *Seminar*

Instructor(s): C. Chisick, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Copyright Law

Preferred Courses: None

Presentation: Discussion, student presentations

The international dimensions of copyright have been the subject of discussion and debate at least since Charles Dickens attempted to prevent his books from being published in the United States because of the lack of protection for the works of foreign nationals. Today, while copyright law is the subject of numerous international treaties that set out basic standards for the domestic copyright laws of their signatories, the implementation of those international norms varies widely from country to country. While navigating these territorial differences has always presented challenges for rightsholders and users alike, never have those challenges been more significant than they are in the age of borderless digital communications.

This course will build on the basic Copyright Law course by introducing students to the application of basic and advanced copyright principles in various jurisdictions. Students will be invited to compare and contrast the unique ways in which different countries deal with the same problems and to draw conclusions about how Canada measures up to its international trading partners. Topics to be considered will include:

- Approaches to authorship and originality
- Exceptions to infringement: the “three-step test”
- Collective administration of copyright
- Alternative methods of compensation
- Implementation of the WIPO “Internet treaties”
- Moral rights
- Copyright reform around the world
- International approaches to ISP liability: notice and notice, notice and takedown, and graduated response.

Evaluation: Research paper, including class presentation: 70%

Participation - 30%, of which 15% will consist of acting as lead commentator on another student’s paper. Attendance compulsory.

Legal Values: Legal Ethics

(3590N.03) *Seminar*

Instructor(s): C. Morton, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar participation

This seminar will encourage students to take a critical look at the professional responsibility of lawyers, legal ethics and the profession. The course will be problem and discussion-based and students will be expected to participate extensively.

Evaluation: 80% writing components, 20% participation (to be discussed further in class).

Legal Values: Race and Gender in Corporate Law and Governance

(3591A.03) *Seminar*

Instructor(s): Professor A. Dhir

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Business Associations

Preferred Courses: None

Presentation: Lecture, discussion, student presentations

This seminar will explore the intersections of race and gender with corporate law and governance. To date, the confluence of these fields has garnered little attention. Traditionally, the disciplines have lived in remote houses and had few occasions to speak to one another and to establish points of mutual concern. And yet almost 25 years ago, one prominent Canadian academic argued that “the impacts of corporate cultures are not...marginal to the experiences of women” and bemoaned “the relationship between patriarchal culture and the development of business corporations.” And as further noted by another commentator, “[r]ace suffuses all bodies of law...even the purest of corporate law questions within the most unquestionably Anglo scholarly paradigm.”

In addressing these intersections, particular attention will be paid to issues such as the following:

1. Critiques of corporate law from the perspectives of critical race and feminist theory;
2. Corporate board composition and the implications of homogenous boards for organizational performance and social justice;
3. The argument that corporate law and culture may serve to facilitate corporate homogeneity and to undermine future diversification initiatives.
4. The role of shareholder voice and disclosure obligations under securities regulation in addressing existing barriers.
5. Considering available identity narratives in order to ascertain how racism and sexism manifests itself in the everyday lives of subordinated groups within the corporation; and
6. The developing world operations of the Canadian extractive industry and the argument that these firms are, in essence, agents of neocolonialism.

After completing this seminar, the successful student will have developed the theoretical and practical skills necessary to do the following:

1. Critically analyze how race and gender are constituted and contested in corporate law and governance;
2. Assess the strengths and weaknesses of dominant normative discourses and legal frameworks; and
3. Thoughtfully explore possibilities for change.

Business Associations is a prerequisite. However, students who do not meet this requirement are eligible to enroll provided they obtain the instructor's permission in advance, complete the prerequisite waiver form and complete a set of background readings to be assigned by the instructor.

The use of laptop computers (or other similar electronic note-taking devices) is not permitted.

The above information is provided for course registration purposes only and is subject to change at any time.

Evaluation: i) Research paper (70%)

(ii) In-class presentations/participation (30%).

Legal Values: Reforming Intellectual Property - Copyright & Design

(3591G.03) *Seminar*

Instructor(s): Professor D. Vaver

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: A course or seminar on copyright or intellectual property law

Preferred Courses: none

Presentation: Seminar, discussion

This seminar aims to provide students with a deep understanding of current copyright and designs legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated copyright and designs code that is logically structured, user friendly, and attuned to the needs of a modern economy. The seminar will first consider the justifications for this branch of the law and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming a field of copyright or designs law. They will write a preliminary memorandum on that field's shortcomings in the context of an integrated intellectual property code, and how to address them. After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Draft and final memoranda, the final memorandum being at least 8000 words (65 %); preliminary and final draft legislation (35%).

Legal Values: Reforming Patent & Trademark Design

(3591F.03) *Seminar*

Instructor(s): Professor D. Vaver

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: A course or seminar on patents, trade-marks or intellectual property law

Preferred Courses: none

Presentation: Seminar, discussion

This seminar aims to provide students with a deep understanding of current patent and trade-mark legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated patent and trade-mark code that is logically structured, user friendly, and attuned to the needs of a modern economy. The seminar will first consider the justifications for this field and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming an area of patent or trade-mark law. They will write a preliminary memorandum researching that field's shortcomings in the context of an integrated intellectual property code, and how to address them. After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Draft and final memoranda, the final memorandum being at least 8000 words (65 %); preliminary and final draft legislation (35%).

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03) *Seminar*

Instructor(s): L. Dizgun, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Students must be in their final year

Preferred Courses: None

Presentation: Student presentations and discussion

While this seminar is the required capstone course for students enrolled in the LDA Stream, more broadly it will be relevant for students interested in all forms of dispute resolution. The course will explore some of the centrally contested issues regarding the administration of justice (access to justice, efficiency and procedural fairness, fitting the fust to the forum). A focus of the course will be an in-depth exploration of the principles and concepts of both classical and modern exponents of rhetoric in order to situate persuasive advocacy as central to a critical assessment of the process of dispute resolution in Anglo-American culture. Various rules of *Civil Procedure* will be analyzed as rhetorical devices and as the infrastructure for various modes of persuasive advocacy. Students would be required to review, and parts of the course will be grounded in the literature available on rhetoric, and to a lesser degree narrative theory, as it relates to persuasive technique.

The course provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop a major research paper on a topic related to litigation, advocacy, dispute resolution or the administration of justice. A significant amount of time in the seminar will be devoted to advanced legal research and writing. Students will first identify the research they wish to develop in the seminar, and then consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on one other proposal. Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument. The expectation is that all students will engage collaboratively in a critical and engaged process of reflection on their own and other students' work.

Evaluation: The evaluation in the course is a major research paper (70%) of 8-9000 words, class presentations (10%) and oral and written commentary on another paper (10%). Full attendance and participation is also considered as part of the evaluation scheme (10%). This seminar is the capstone course for the LDA Stream. It provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop and refine a major research paper on a scholarly project commenced in a previous seminar or course. The seminar proceeds in three phases.

First, students identify the research they wish to develop in the seminar, and they consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on one other proposal.

Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument.

Third, as the papers progress through initial drafts, the students participate in intensive editing workshops to provide them with techniques for improving the quality of their writing.

Medical/Legal Seminar

(3180.03) *Seminar*

Instructor(s): Dr. J. Carlisle & B. Brock; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, guest speakers

The management of personal injury cases from initial client interview to trial, basic medical information, expert medical witness, confidentiality, demonstrative evidence, the medical negligence case, the regulatory framework, the Coroner System, hospital visit, and attendance at a personal injury discovery. Prominent guest speakers attend many classes affording students the opportunity to understand real life litigation.

The nature of this seminar is such that attendance at all sessions is mandatory. This, of course, is subject to excuse based on illness or compelling compassionate grounds, notice of which has been communicated to the instructors, prior to the session. Since, "participation" is part of the evaluation process, unexcused absences are unacceptable and will be taken into account for evaluation purposes. In the instructors' view, the early sessions of the seminar are the most important from the perspective of potentially useful information that students may attain from this seminar. Because of this, please note, that persons on the waiting list for this seminar are not only permitted but are required, for the purposes of the "participation" evaluation rule explained above, to attend the first two sessions of the seminar (i.e. the sessions which take place during the "drop" period.)

Evaluation: Regular participation in class discussions; major term paper involving empirical or library research.

National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context

(3008.03) *Seminar*

Instructor(s): R. Atkey, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

This seminar examines the place of national security in Canadian society, focusing on institutional structures, relevant legislation and accountability mechanisms. Students will examine have a close look at national security objectives involved in preventing threats to the security of Canada (terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, public safety and health), and review national security tools and techniques (secrecy, surveillance, intelligence sharing, communication interceptions, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.).Of great importance to this exercise is the Canadian Charter of Rights and Freedoms. Human rights protections are considered in a domestic and international context.

The seminar will be broken down into four phases, as follows:

(a) national security structures (CSIS, CSE, RCMP, provincial & municipal police, CIC, DFAIT, CBSA, Transport Canada, CRA, Federal Court etc);

(b) national security objectives (preventing threats to the security of Canada from terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, pandemics etc.);

(c) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Access and Privacy Acts, Canada Evidence Act, Security of Information Act etc.) considered in the context of the Canadian Charter of Rights and Freedoms, and International Conventions;

(d) national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.)

The seminar will feature outside guests from the legal and security intelligence communities.

Two themes will be pervasive throughout: accountability and the rule of law.

Evaluation: Research paper of approximately 20 pages on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). This will not satisfy the Upper Year Writing Requirement. Papers must be submitted by the date specified by the law school for all seminars (usually the beginning of the exam period). Papers will be valued 75% of a student's mark. The remaining 25% will be assigned by the instructor based on class presentation and participation.

Native Rights

(2110.04) *Course*

Instructor(s): Professor K. McNeil

Fall: 4 credits; 4 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course will provide a critical survey of the law as it relates to Aboriginal peoples of Canada. Topics will include: the historical context and constitutional framework; Aboriginal rights and title; self-government; treaties and treaty rights; the *Indian Act*; Inuit rights; Métis rights; and the authority and obligations of the federal and provincial governments.

This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments. It is also recommended for students who plan to take the advanced seminar on First Nations and the Law.

Evaluation: Open book exam worth 75% of final grade. Short paper worth 25% of final grade.

Occupational Health & Safety

(3260.03) *Seminar*

Instructor(s): Professor E. Tucker

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: One of: Labour and Employment Law; Individual Contract of Employment; or Collective Bargaining

Presentation: Discussion, student presentation, lecture, possibly guest speakers and films.

This seminar focuses on legal and policy dimensions of regulating hazardous working conditions. The nature of the subject matter lends itself to a multidisciplinary approach, including economic, scientific and sociological perspectives, which are considered as appropriate throughout the course.

Topics to be considered may include: (1) the human cost of work-related disability; (2) theoretical perspectives on occupational health and safety regulation; (3) historical development of OHS regulation in Canada; (4) current dimensions of the problem in terms of injury, disease and fatality rates; (5) normative goals in OHS regulation; (6) overview of the current OHS regime; (7) workers' compensation and prevention; (8) prosecuting OHS offences; (9) the role of criminal sanctions; (10) comparative perspectives; (11) current law reform initiatives.

Evaluation: Major research paper (70%); class participation (20%); written commentary on one set of class readings (10%). For the major research paper, students must meet with the instructor to discuss topics by the end of week 3. Outline and preliminary bibliography are due by the end of week 5. Drafts are optional. Students will present their work to the seminar.

Patents

(2330.04) *Course*

Instructor(s): Professor I. Mgbeoji

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This course deals with the law of patents in Canada. Patent law is one of the main headings of intellectual property law (along with copyrights and trademarks); trade secrets arise from a combination of contracts, equity and property law. The regime of patents protects inventions by granting inventors a limited monopoly of twenty years in exchange for disclosing the invention to society. The essential justification of the patent system is that it enables and rewards innovation. Arguments may also be made that patents afford a secure means by which inventions may be put to commercial use by investors. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of both primary and subsidiary regulations of Canadian patent law. The course will also locate developments in Canadian patent law in the context of international and regional transformations in the field. In this context, the course will explore contemporary controversies over the expansion of patent rights in biotechnology (from patenting mousetraps to patenting mice), and the shift from copyright protection to patent protection for computer programs. It is expected that at the end course, students would have a solid understanding of Canadian patent law as well as how international developments shape and influence Canadian patent law.

Evaluation: Open-book examination (80%). Two blog postings for IPOsgoode (20%)

Philosophical Foundations of Criminal Law

(5690.03) *Seminar*

Instructor(s): Professor F. Tanguay-Renaud

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Criminal Law or permission of the instructor.

Preferred Courses: Jurisprudence or other background in moral or political philosophy an asset, but not required

Presentation: Seminar, discussion

This seminar will explore various philosophical issues involved in the fundamental principles of the criminal law. After inquiring into the proper aims and limits of this controversial branch of the law, we will move on to an examination of selected questions about its internal structure—questions about the general principles and conditions of criminal liability (the so-called 'general part' of the criminal law) and about its definitions of specific offences (the so-called 'special part'). Particular issues that may be considered include: the question of what is a 'crime' and what makes behaviour 'criminal'; the justifiability of criminal law and criminal punishment; whether the criminal law should draw a distinction between outcomes that are intended and those which are merely foreseen; whether the criminal law does and/or should focus on culpability, consequences, or both; the various rationales for exculpatory and other defences to crime; the justifiability of 'strict' criminal liability; as well as various philosophical puzzles about the criminal liability of corporations and other groups and about different forms of complicity. The focus of the seminar will be on the domestic criminal law of nation states, but some philosophical issues arising in the context of international criminal law might also be considered briefly and developed further by students in their papers. Theoretical and philosophical texts will be our primary materials, with comparative legal materials sometimes used as illustrations.

Evaluation: 80% Paper, 20% Class Discussion/Presentations.

Public International Law

(2340.04) *Course*

Instructor(s): Professor I. Mgbeoji

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers

Public International Law is the system of law relating to the functioning of international institutions or organizations, their relations with each other, and their relations with States and individuals. It seeks an understanding of certain rules of law relating to individuals and non-State entities. This course is intended as an introduction to the rules of international law that are recognized as being binding obligations on sovereign states in their mutual relationships. Topics will be covered from among the following: sources of international law; subjects of international law (States and non-State actors; peoples seeking self-determination; individuals; international organizations); rights and duties of States; recognition of States and governments and legal effects thereof; state responsibility for international delinquencies: (injuries done to aliens abroad; expropriation of foreign property; trans-boundary pollution; espousal of claims and remedies); international law applying processes in domestic legal systems; state and diplomatic immunities from suit in foreign courts; the United Nations Charter and limitations on the use of force and international dispute settlement.

Evaluation: Option 1: 100% three-hour open-book examination. Option 2: 75% three-hour open-book examination (same as option 1) plus a 25% research paper (15 - 20 pages). Research papers are due on day of the examination in the course.

Public Law & Decision Making

(3400.03) *Seminar*

Instructor(s): A. Levine, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

What role do lawyers and law play in the public policy process? Is there a distinctive role for lawyers within government? How do legal standards and rules intersect with policy and decision making processes in government? To what extent are legislative and policy decisions support or driven by legal analysis, or other considerations?

This course straddles the fields of law, public administration and political science. We will examine the public policy process from a legal perspective, outlining the various legal rules and principles that structure the way governments and legislatures operate. We will also examine how these rules and principles intersect with the broader political and social environment in which they operate.

Topics to be covered include decision making in the legislative process, decision making in the executive branch, the structure of the public service, the process of making regulations, ethical considerations for lawyers in government, and the role of the Attorney General in government. The course will include case studies on classically legal areas of policy: criminal justice, human rights, and access to justice.

Evaluation: Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of public law and decision making (75%, including 10% for an appropriate outline); short written comments on readings when requested and participation in seminar discussions (25%).

Real Estate Transactions

(2070.03 P) *Course*

Instructor(s): P. M. Perell; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This fundamental course examines the legal structure and the legal problems and remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. Topics include conveyancing practice, vendor and purchaser remedies, the Planning Act and mortgage remedies.

Evaluation: Evaluation: *Option 1* : 100% open-book examination. *Option 2* : 50% open-book examination AND 50% essay (maximum 20 pages excluding bibliography). Essay due by date of course examination.

Real Estate Transactions

(2070.04 A) *Course*

Instructor(s): R. Rosenblatt, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 55

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

The purpose of this course is to expose for examination the principal legal, ethical and practical problems in commercial and residential transactions respecting property as well as the legal arrangements available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees and Planning Act will be examined. Focus is on current legal issues, the role of the lawyer including the lawyer's obligations and ethical considerations.

Evaluation: Open-book examination; 50% paper option.

Real Estate Transactions

(2070.04 B) *Course*

Instructor(s): C. Carter, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Evaluation: Open-book examination; 25% optional paper.

Refugee Law

(2470.04) *Course*

Instructor(s): Professor S. Rehaag

Fall: 4 credits; 4 hours; max. enrollment: 80

Prerequisite Courses: None

Preferred Courses: Administrative Law; Immigration Law

Presentation: Lectures and discussion

Refugee protection is in a state of crisis, both domestically and abroad. Many refugee law practitioners and scholars argue that states are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread "abuse" by economically motivated migrants. Still others suggest that refugee protection regimes distract from a deeper problematic: control over migration that serves to entrench global disparities in income, wealth and security.

This course offers students an opportunity to engage critically with these and other debates over refugee law at the level of theory, policy and practice. This critical engagement will occur through a detailed examination of refugee law instruments, institutions and jurisprudence in international and domestic forums.

Evaluation: Open-book examination (60%); 1500-2000 word case comment (30%); participation (10%).

Regulation Of Competition

(2350.03) *Course*

Instructor(s): M. Wood & A. Morris; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Policy makers around the world are increasingly recognizing the importance of regulating competition - not to "level the playing field" or out of concerns for distributional "fairness", but because of an understanding that anti-competitive conduct can destroy the benefits that competition provides. This course surveys Canadian competition laws with comparative analysis of US and EU law. Our aim is to understand both the substance of Canada's competition regulatory framework and the normative policy considerations that underpin the law. Key topics considered in detail are: (1) collusion among competitors; (2) mergers; and (3) abuse of dominance or monopolization.

Evaluation: Open-book examination.

Resources Management

(3490.03) *Seminar*

Instructor(s): A. Koehl & H. Wilkins; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar

This seminar introduces students to natural resources law, with a specific focus on new and emerging issues as well as proposals for strengthening existing laws from a public interest perspective. Each week's seminar will focus on a specific component of natural resources law and include references to legal strategies, especially litigation opportunities, and enforcement, compliance and law reform issues. Topics include forests, mining, water, species, energy (including renewable and non-renewable resources), environmental assessment (provincial and federal), climate change impacts, and sustainable consumption issues.

Evaluation: The course evaluation has two components: research paper (20-25 pages) based on approved topic (75%), and class participation (25%).

Restitution

(2360.04) *Course*

Instructor(s): Professor J. D. McCamus

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

The law of restitution is the third branch - in addition to contract and tort - of the common law of obligations. An understanding of restitutionary doctrine is vitally important for potential litigators and commercial lawyers. Restitutionary issues can, however, arise in virtually every legal area. This course covers a number of topics - such as fiduciary obligation and constructive trust - that feature prominently in contemporary litigation both in commercial matters and in other aspects of private law, including family law.

The course organizes these materials in terms of a unifying theory of unjust enrichment and examines the relationship of restitution with the more familiar doctrines of tort, contract and property law. In so doing, the course fills in a number of gaps left by the first year contracts course and offers the student an overview of the entire field of civil liability.

Placing particular emphasis on Canadian materials which adopt the unjust enrichment theory, the course examines the more common instances of restitutionary recovery, benefits conferred under mistake, fraud or compulsion, in circumstances of necessity, or under transactions that are ineffective for such reasons as informality, incapacity, illegality, mistake, undue influence, unconscionability, frustration or breach. As well, consideration is given to the recovery of benefits acquired through wrongdoing whether criminal, tortious or in breach of a fiduciary duty.

Evaluation: Open-book examination. In addition, but not in substitution for the final examination, students may write a paper on a topic to be approved by the instructor, worth 33.3% of the final grade. Students must elect to write a paper by the end of Week 4, and must provide a detailed outline of the paper by the end of Reading Week.

Securities Regulation

(2620.03 A) *Course*

Instructor(s): D.H. Lastman, Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a three-hour course that provides a detailed overview of securities regulation in Canada, with particular reference to Ontario. The course encourages an understanding of securities regulation through an appreciation of the underlying policy rationales.

The course coverage includes the objectives of securities regulation, principle concepts in the Securities Act (Ontario), registration requirements for persons trading in securities, prospectus requirement to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements (including ongoing disclosure by reporting issuers, insider trading and insider reporting) and take-over bid legislation.

Evaluation: Open-book examination. Optional research paper or essay for a portion of the grade (not in substitution for the examination) also available.

Securities Regulation

(2620.04 P) *Course*

Instructor(s): R. Cattanach & A. Wiens, Adjunct Professors

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a four hour course in which we will deliver an overview of securities regulation in Canada from a practical perspective. We will review in detail the Ontario Securities Act, regulations and policies, and will reference securities regulations in other jurisdictions if necessary. We will study certain key securities regulatory concepts, including the meaning of terms such as "security", "trade", and "distribution"; primary and secondary distribution of securities; prospectus disclosure requirements; exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; continuous and timely disclosure; mergers and acquisitions with reference to takeover bid legislation; primary and secondary market civil liability; and enforcement issues.

Evaluation: 100% open book examination.

Tax As Instrument Of Soc & Econ Policy

(3006.03 P) *Seminar*

Instructor(s): Professor T. Edgar

Winter: 3 credits; 3 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2012. Each session will be 3 hours.

The purpose of this seminar is to provide students with an opportunity to develop skills in legal and public policy analysis that can be used in all areas of law.

Governments pursue a broad range of social and economic objectives including the relief of poverty, economic security, family security, retirement security, access to health and education, social equality, the provision of culture and recreation activities, the efficient allocation of economic resources, full employment, and a growing and productive economy, to name only a few. In pursuit of these objectives it has at its disposal the full range of governing policy instruments including the criminal law, tort and contract law, regulation, direct subsidies, and government direct ownership and production. One of the most pervasive policy instruments the government uses in achieving almost all of its objectives is tax law. There are over 100 provisions in the tax system that have nothing to do with the technical tax system, but whose sole purpose is to assist in achieving these and other broad government objectives. They are frequently referred to as tax expenditures.

This seminar is not an examination of technical tax law and students who enroll in the seminar are assumed to have no background in tax law. Instead it is an examination of tax expenditures. What government purposes are being served by these implicit spending provisions? Are they valid government purposes? What other policy instruments might the government have used in achieving these purposes? Why did it use the tax system? What are the program designs implicit in the tax provisions? Are they target-efficient? Who benefits from it? What effect do they have on the allocation of resources? And so on.

The seminar is intended to be an interdisciplinary seminar that, in the context of tax law, examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives from which issues of public policy can be examined. The seminar will view these issues from a comparative perspective.

Evaluation: Presentation, short critical memo, and analytical or policy oriented research paper.

Tax Law and Policy Colloquium

(5330.03) *Seminar*

Instructor(s): Professor J. Li

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Tax I and an advanced tax course

Preferred Courses: none

Presentation: The winter 2011 colloquium will be in a directed reading format.

This is a capstone course in the Tax Stream. Former Chief Justice of Tax Court of Canada, Mr. Donald Bowman and Prof. Thaddeus Hwong will be guest co-instructors. Students enrolled in the Tax Stream must take this course. However, in light of the following learning objectives, we welcome other students, especially those who are curious about the role of the judiciary in interpreting statutory laws.

The main learning objectives of this course are to help student develop research, writing, presentation, communication, and team work skills through participating in a project that scientifically interrogates the body of tax decisions by the Supreme Court of Canada. More specifically, through this course, students will be able to learn the following:

- (a) Some “deep” systematic knowledge about SCC tax jurisprudence in terms of their approach to the interpretation of the legislation and characterization of facts (the impugned transactions); gain some insights about the factors underlying the SCC decisions; and identify the trends or themes, if any, in the SCC jurisprudence.
- (b) Some important skills, including “empirical” legal research skills and collaborative working skills. As a group, students will work with the instructors to design the project in terms of the expected outcomes, research methodologies, key variables in the interpretation of tax statutes, and a workable timeline for completing the project.
- (c) Presentation skills. The preliminary findings of this project may be presented to a group of lawyers (from law firms as well as Department of Justice).
- (d) Writing skills. The final findings will be documented in a group research report for potential publication. Students will contribute to this project through writing a research paper.

The above-mentioned knowledge and skills are important to students who plan to become litigators in tax or other areas of the law because lawyers are increasingly using empirical data in preparing their cases before trial. They are also important to students who want to become tax planners or general practitioners or who just want to know more about the Supreme Court of Canada’s decisions.

The term will be divided into the following phases:

- (1) Preparation. This involves designing the research project including the development of variables and hypotheses in order to become familiar with the relevant literature on statutory interpretation, role of the judiciary and empirical legal research. Students will meet in the classroom with the instructors;
- (2) Coding. Depending on the number of students in the class, a number of SCC decisions will be selected to represent the body of the SCC tax jurisprudence and a reasonable workload. Students will code the assigned cases to extract information from the cases for analysis later. Students will work in a team of two. The research is done mostly outside the classroom. Each team will receive guidance from the instructors.
- (3) Presentation. The preliminary findings will be presented to an audience at the office of Fraser Milner Casgrain or another location downtown.
- (4) Writing a research paper on a topic related to the research project. Possible paper topics include: the role of the court in Canadian tax law, the evolution of statutory interpretation approaches, judicial attitude towards tax avoidance, the state of health of the *Duke of Westminster*, comparing Canadian tax cases with those in the UK or/and US or other common-law countries, the role of counsel in tax litigation, the relevance of personal attributes of judges in tax decisions, the relevance of broader tax culture in tax decisions. With the approval of the instructors, a student can also write a paper on a topic unrelated to the research project.

Evaluation: Students will be evaluated on the basis of:

- 35 % of the final grade will be for class participation, team work, coding and presentation; and
- 65% for a written paper. Subject to approval of the instructors, a student has the option of writing a paper on a subject unrelated to the empirical project.

Tax Lawyering

(3370.03) *Seminar*

Instructor(s): P. Samtani & J. Kutyan; Adjunct Professors

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Taxation Law (pre or co-requisite)

Preferred Courses: none

Presentation: Group discussion of seminar materials and problems; research lab sessions; individual or team presentations

This seminar is open to all students, but required for those who wish to complete the Tax Law Program and strongly recommended for those interested in participating in the Donald G. H. Bowman National Tax Moot. The purpose of the seminar is to step back from the substantive content of tax law to examine the procedures and skills involved in working as a tax lawyer in various settings, whether in tax planning or tax controversy. The seminar is structured around topics that are central to the practice of tax and will focus on the progression of a federal income tax dispute from the planning stages through to litigation. Through the use of case studies, students will learn about the basic structure of a tax appeal and will gain familiarity with the procedures for litigating the appeal, from the perspective of the Crown and the taxpayer. The object of the seminar is to combine administrative, policy and technical tax issues in a practical

forum. It will address the professional role and ethical responsibilities of tax lawyers in different contexts such as structuring tax motivated transactions and resolving tax controversies. It will also cover the legislative process, including the role of different players in the Department of Finance and the efforts to coordinate tax policy internationally. Finally, the seminar focuses on developing tax research and writing skills. Students will learn how to use a wide range of conventional and electronic research sources and will develop their skills by conducting research, preparing written submissions and making presentations.

Evaluation: 3 assignments. Class attendance and participation.

Taxation Law

(2080.04 A) *Course*

Instructor(s): Professor N. Brooks

Fall: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, problems, discussion

This course surveys most aspects of the taxation of the individual: the concept of residency; amounts that must be included in income for tax purposes; the deduction of business and personal expenses; and the taxation of capital gains.

While the course is about technical tax law, heavy emphasis is placed upon developing skills in dealing with statutory materials, tax policy, and problems of professional responsibility. The distributive effects of tax law is a recurrent theme in the course.

Evaluation: Open book examination. Optional 50% paper, due on the first day of examinations.

Taxation Law

(2080.04 B) *Course*

Instructor(s): Professor T. Edgar

Fall: 4 credits; 4 hours; max. enrollment: N/A

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture; problems, discussion

The focus of Taxation Law is the federal Income Tax Act. Students will be introduced to the core principles and policy choices that inform the income tax in Canada. The majority of the course will centre on the definition of the tax base, although there will also be some consideration of jurisdiction, the tax unit, tax period, and tax rates.

Students will see how policy choices are operationalized in legislation and will learn how to analyze and apply a complex federal statute. It aims at helping students to develop skills of statutory interpretation, drafting, and problem solving. It also aims at helping students learn some basic technical tax law and to understand the underlying tax policy and principles.

Evaluation: 100 % examination (3-hour open book); or alternatively, 50% examination, 50% paper due on the first day of examinations.

Taxation Law

(2080.04 P) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

This course surveys most aspects of the taxation of the individual: the concept of residency; amounts that must be included in income for tax purposes; the deduction of business and personal expenses; and the taxation of capital gains.

While the course is about technical tax law, heavy emphasis is placed upon developing skills in dealing with statutory materials, tax policy, and problems of professional responsibility. The distributive effects of tax law is a recurrent theme in the course.

Evaluation: Open book examination. Optional 50% paper, due on the first day of examinations.

Taxation of Business Enterprises

(4100.04) *Course*

Instructor(s): Professor T. Edgar

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: Tax I

Preferred Courses: None

Presentation: Lectures and discussion

This course examines the federal income tax treatment of resident corporations and their shareholders. It also deals, to a limited extent, with the income tax treatment of partnerships and their members. It considers the basic income tax concerns of business enterprises: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and associated companies; remuneration of the owner manager; transferring assets to a corporation; statutory amalgamations, arrangements, and continuations; liquidations; and demergers and reorganizations of capital.

Evaluation: Open-book examination (3 hours).

Taxation of Wealth Transfers

(4080.03) *Course*

Instructor(s): S. Mexis & L. Levin; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 95

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussion, problems

This course focuses on selected areas of personal taxation that should assist students interested in taxation law and those interested in related areas such as trusts and estates, family law and private corporate law. Topics will include the taxation of capital gains and other items at death; provincial probate planning; the taxation of trusts and beneficiaries; intra-familial transfers; income splitting; and estate freezes. The course is intended to help students develop a more advanced understanding of the technical aspects of the personal income tax, the underlying tax policy issues, as well as basic tax planning techniques.

Evaluation: 100% examination (3 to 3.5 hours long, open book).

Taxation Planning

(5320.03) *Seminar*

Instructor(s): Professor A. Mawani

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Taxation Law, Business Associations or Trusts

Preferred Courses: None

Presentation: Discussion and lectures led by the instructor.

This seminar is designed to introduce students to tax planning, which is broadly defined as optimal business and financial decision-making in the presence of taxes. The course will focus on both personal and corporate taxes, drawing on basic tax planning principles, methods of tax research, the heuristics of problem solving, and microeconomic tools and theories relevant for tax planning.

Evaluation: 90% paper based on any topic covered in the course and due at the end of the term and 10% seminar participation.

Taxation Policy: Tax Law & Development

(5220A.03) *Seminar*

Instructor(s): Professor N. Brooks

Fall: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: No need for background in tax law or related areas

Presentation: Lecture, discussion, student presentation

The differences in material living standards - and the differences in almost every other conventional indicia of well being - between high- and low-income countries has proved difficult to eradicate or even to narrow. Doing so, however, remains without doubt one of the world's most pressing moral and economic problems. A vast literature in development economics examines the challenges pertaining to the social and economic transformation in low-income countries; a much smaller but equally contentious literature examines the role of the legal order in economic development. Somewhat strangely this literature has had little to say about the vital role of tax law in development. Nevertheless, over the past couple decades the importance of effective tax policies and tax administration for the growth of developing economies has been widely recognized, most notably by international aid and social justice organizations. In sheer revenue terms, it has been suggested that most low-income countries will have to raise an additional 4 percentage points of GDP in revenue if they are to meet the U.N.'s Millennium Development Goals. This seminar will examine the role that tax law and policy can play in fostering economic growth, social justice and democratic governance in low-income countries.

The major revenue mobilization problems that bedevil low-income countries will be examined such as the most appropriate mix of taxes for raising revenue effectively, equitably, and for fostering efficiency and long-run growth; strategies for taxing the profits of multinationals; the use and abuse of business tax incentives; the need for regional cooperation and harmonization to avoid "beggar thy neighbor" tax policies; the effect of the tax system on the poor; the taxation of natural resources; strategies for taxing small businesses operating in the informal economy; the effect of tax havens and secrecy jurisdictions on the capacity of low-income countries to raise revenue from their high-income residents; the link between taxation and accountable and responsive governments overall; and, the design and role of income taxes and value-added taxes in low-income countries.

Each student will select a particular low-income country to study in detail to see how well it has been able to cope with the problems suggested above in enacting a just and efficient tax system capable of mobilizing revenue and to make appropriate policy recommendations.

Evaluation: Primarily, a final research paper. Papers for this course can be submitted to meet the upper year writing requirement.

The Art of the Deal

(5100.04) *Seminar*

Instructor(s): Professor E. Waitzer

Winter: 4 credits; 3 hours; max. enrollment: 10

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: None

Presentation: Seminar – foundational lectures, group projects/presentations, discussion

This course is intended to provide senior Osgoode J.D. and Schulich MBA students with a unique integrative experience and the opportunity to analytically examine the planning and execution of major business transactions. The first part of the course is focused on understanding core concepts of transacting – including information problems, strategic behaviour and a range of responses. These are traditional seminar sessions, based on assigned academic readings, lectures, case examples, and discussions. The second part of the course consists of a team-based analysis of significant recent, high profile transactions. Prior to the beginning of the course, the instructor selects a number of recent, significant and different types of complex transactions (including a merger/acquisition, reorganization, joint venture and innovative financing) which have occurred recently. Deal documentation (redacted as required) is supplied by the professionals (lawyers and bankers) who were involved in advising on the transaction. These professionals also participate as mentors to the student teams.

The major deliverable for each team consists of a written analysis of the transaction, which is accompanied by a formal presentation to the class. The aim of the report is to “teach” the dynamics of the transaction to the rest of the class – explaining both the business context and purposes of the transaction from the perspectives of the various parties and the particular issues that had to be resolved in order to effect the transaction. The rest of the class is expected to comment and critically reflect on the presented transaction. Subsequent to each presentation and discussion, all the students in the class are expected to complete a journal entry with their reflections and critical appraisal of the presentation, the deal and lessons learned.

Evaluation: 40% of the final grade is a team component, consisting of the transaction report and presentation. Intelligibility and insight are among the features looked to in assigning this grade. All members of the team will receive the same grade. The remaining 60% of the grade is individual. Of this, 40% is assigned to the student journal with commentary, assessment and critical reflections from two of the presentations. The remaining 20% is based upon class participation.

Theory and Practice of Mediation

(5960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 16

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminars, mediation practice

This seminar will offer students an opportunity to develop an understanding of the utility and impact of mediation within the context of contemporary dispute resolution developments in Canada. Students will gain an understanding of mediation through the weekly seminars, simulations, reflections and four co-mediations at the Toronto Small Claims Court at 45 Sheppard Avenue East, Toronto.

The seminar includes i) weekly seminars and discussion of course readings; ii) an Intensive Mediation Workshop, skills training and introduction to court-annexed mediation and mediation advocacy; iii) a supervised co-mediation at North York Small Claims Court; and iv) a major research paper on issue(s) discussed in the seminar and confronted in students' mediations. The seminar will examine the utility of mediation in civil disputes; ethical and professional responsibility issues that arise in a multicultural society; analyze the issues that students have encountered in their mediations; and explore the role, utility, and impact of mediation in civil litigation and other disputes.

Evaluation: Mediation Practica in Small Claims Court; Mediation Journal; and Class Presentations (30%); Final Mediations and Mediation Advocacy (30%); and Final Paper (40%).

Trademarks

(2170.04) *Course*

Instructor(s): Professor C. Craig

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course is a study of the protection of 'trade identity' afforded by the exclusive right to use a trade-mark that indicates the source of a product or service. In other words, the course offers students the opportunity to learn about the legal protection of the logos and brands that are such an essential feature of today's consumer culture, and so of modern marketing practices and the creation of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate trademark use and unfair competitive practices. Topics to be examined include the common law action for passing off, the criteria for trademark registration, the basis for opposing an application or expunging a registration, distinctiveness, use and infringement. As well as familiarizing students with the substantive law in the area, the course seeks to assess trademark law from the point of view of its normative justifications and policy objectives. We will inquire into the basis of the rights protected and their appropriate limits, and examine the law in light of the various interests at stake: from the entrepreneur's interest in preventing 'free-riding' to the competitor's interest in free competition; and from the consumer's interest in receiving good information and avoiding confusion to the public's interest in free expression.

Evaluation: Open-book examination (100%).

Trial Advocacy

(5270.04) *Seminar*

Instructor(s): J. Rosenthal, R. Grinberg; Adjunct Professors

Fall: 4 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: No Prerequisite, but evidence is a corequisite.

Preferred Courses: none

Presentation: Student performances plus critique, demonstrations

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pretrial preparation and analysis of the case, opening statements, examination and cross-examination of witnesses, evidence issues, closing arguments, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers and Judges. At the end of the seminar, students conduct ½ day jury trials, with two-student counsel acting on each side of the case.

Evaluation: Class presentations, mini trials, final trials and attendance. Grade is on a credit/no credit basis.

U.S. Constitutional Law

(2520.04) *Course*

Instructor(s): Professor J. Cameron

Winter: 4 credits; 4 hours; max. enrollment: 95

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

This is a survey course which focuses on four issues in the American constitutional tradition: judicial review; the separation of powers; federalism; and individual rights. Some attention will be given to textual and structural differences between the Canadian and American Constitutions; some attention, as well, will be given to the roles history and ideology have played in the evolution of doctrine. There will be more emphasis placed on the rights jurisprudence [i.e., due process, equal protection and the first amendment] than on federalism and the separation of powers. Attention to judicial review and its legitimacy is pervasive throughout the course. An American casebook will be used.

Evaluation: One final take home examination [75%] and one in course assignment [25%].

Western Legal Histories

(6601.03) *Seminar*

Instructor(s): Professor D. Hay

Winter: 3 credits; 2 hours; max. enrollment: 20

Prerequisite Courses: Permission of the instructor is required for enrolment in this Graduate level seminar.

Preferred Courses: none

Presentation: Seminar

Law grows out of past law; law changes by escaping (or rediscovering) past law. Particularly in common law countries, law is in constant and paradoxical dialogue with history as well as current issues. The seminar explores the deep roots of legal systems, precedent, the authority of 'elders', custom and context, and a selection of substantive doctrines. Research interests of seminar members help determine which substantive areas (from criminal, evidence, labour, contract, tort, family law) are emphasised in any given year. The approach is interdisciplinary and comparative, designed for students in either law or history, bringing the perspectives of both disciplines to the seminar. The seminar is cross-listed in the graduate programs of Law, History, and Socio-Legal Studies; it is also open to JD students (with permission of the instructor).

Evaluation: Presentation of research/participation: 30% (Presentation of research in progress; critique of some course readings; general participation).

Research paper of about 8,000 words: 70%.