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# Osgoode Syllabus of Courses and Seminars: 2013 - 2014

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# OSGOODE SYLLABUS OF COURSES AND SEMINARS

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**2013-2014  
Fall / Winter**

*This Syllabus and the Timetable provide information available as of June 2013 to enable upper-year students to complete a Study Plan for the 2013-2014 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.*

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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 forms 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 a Writing Requirement that must be satisfied in each of the second and third years by every 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 must seek out at least one significant experiential course (clinical or intensive program, courses with hands-on assignments, etc). Completing at least one such offering – a “practicum” – is now a mandatory graduation requirement for all JD students.

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 Admissions & 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

**SESSIONAL DATES: 2013-2014**

<b>2013 Fall Term</b>	
Thursday, August 29	Orientation for 1 <sup>st</sup> year students begins
Monday, September 2	Labour Day – no classes, University closed
Tuesday, September 3	1 <sup>st</sup> year classes begin for both Ethical Lawyering and Legal Process. 2 <sup>nd</sup> and 3 <sup>rd</sup> year classes begin
Tuesday, September 3 Monday, September 16	Course change period
Monday, October 14	Thanksgiving – no classes, University closed
Thursday, October 17	Deemed Monday – Thursday day and evening classes are cancelled. Monday classes will be held.
Monday, November 4- Friday, November 8	Reading Week for Upper Year students
Friday, December 6	Classes end
Monday, December 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, December 9 to Friday, December 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.
Tuesday, December 24 to Wednesday, January 1	Christmas/Winter break. University closed.
<b>2014 Winter Term</b>	
Thursday, January 2	University re-opens
Monday, January 6	Classes begin
Monday, January 6	Last day to submit Fall Term examination petitions
Monday, January 6 Friday, January 17	Course change period
Monday, February 17	Family Day – no classes, University closed
Monday, February 17 to Friday, February 21	Reading Week
Friday, April 11	Classes end
Monday, April 14	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).
Friday, April 18	Good Friday. University closed.
Monday, April 14 to Monday, April 28	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.
Friday, May 2	Last day to submit Winter Term examination petitions

### 3. ACADEMIC REQUIREMENTS

Please read this section carefully before planning your year of study. The academic requirements are different for students graduating in the Class of 2014 and the Class of 2015.

#### STUDENTS GRADUATING CLASS OF 2014 and students admitted into 1<sup>st</sup> year prior to Fall 2012

1. Successfully complete a minimum of 60 credit hours over second and third years;
2. In either 2<sup>nd</sup> or 3<sup>rd</sup> year, successfully complete a seminar, course or other option satisfying the Upper Year Research & Writing Requirement (see 3.1 for details);
3. Complete the 40 hour Osgoode Public Interest Requirement (see 3.2 for details);
4. Enrol in between 13 and 17 credit hours each term;
5. May not take more than two seminars per term;

Note: Students in the Joint JD/MBA, JD/MES or JD/MA (Phil) should refer to pages 34 - 38 for specific program requirements.

#### 3.1. Upper Year Research and Writing Requirement

All students in the class of 2014 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 3<sup>rd</sup> 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, Students or the Associate Dean, in another University;
- ii. "designated course" means a course or Intensive Programme designated by the Assistant Dean, Students 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.

#### 3.2 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 [https://apps.osgoode.yorku.ca/Quickplace/opir/Main.nsf/h\\_RoomHome/4df38292d748069d0525670800167212/?OpenDocument](https://apps.osgoode.yorku.ca/Quickplace/opir/Main.nsf/h_RoomHome/4df38292d748069d0525670800167212/?OpenDocument)

#### STUDENTS GRADUATING CLASS OF 2015 and students admitted into 1<sup>st</sup> year Fall 2012 or later - (requirements 3.1A – 3.3A)

1. Successfully complete a minimum of 60 credit hours over second and third years;
2. In each of 2<sup>nd</sup> and 3<sup>rd</sup> year, successfully complete a seminar, course or other option satisfying the Upper Year Research & Writing Requirement (see 3.1A for details);

3. Complete the 40 hour Osgoode Public Interest Requirement (see 3.2A for details);
4. Complete a course or seminar that satisfies the Praxicum requirement (see 3.3A for details);
5. Complete the Fiduciary Relationships in Commercial Context requirement (see 3.4A for details);
6. Enrol in between 13 and 17 credit hours each term;
7. May not take more than two seminars per term;

Note: Students in either the Joint JD/MBA, JD/MES or JD/MA (Phil) should refer to page 34 for specific program requirements.

### **3.1A Upper Year Research and Writing Requirement (Class of 2015 or later)**

All students must complete two (2) upper year research papers pursuant to Rule 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. In each of their 2<sup>nd</sup> and 3<sup>rd</sup> years, students are required to declare which course, seminar or other option satisfies the requirement. 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. *Students will be required, in each of second and third year, to 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 (Students) or the Associate Dean, in another University;*
  - ii. *“designated course” means a course or Intensive Programme designated by the Assistant Dean (Students) 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;*

- v. *a “research paper” means a paper at least 7,000 words in length, excluding notes, bibliography and appendices.*

### **3.2A 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 [https://apps.osgoode.yorku.ca/Quickplace/opir/Main.nsf/h\\_RoomHome/4df38292d748069d0525670800167212/?OpenDocument](https://apps.osgoode.yorku.ca/Quickplace/opir/Main.nsf/h_RoomHome/4df38292d748069d0525670800167212/?OpenDocument)

### **3.3A Praxicum Requirement (Class of 2015 or later)**

A *praxicum* is a course, seminar or program that integrates legal theory with practice. Such offerings provide opportunities for experiential learning, a process which engages and fosters notions of reflective education. In turn, the purpose of such reflective education is to assist students to become reflective professionals. Courses, seminars and programs that qualify as meeting the praxicum requirement will be indicated as such in the Syllabus. Students are required to declare which course, seminar or program satisfies the requirement.

#### Praxicum Requirement (Academic Rule 3.8)

- a. *In either second or third year, each student shall successfully complete a praxicum designated course.*
- b. *For the purposes of this Rule, “designated” means a seminar, course or Intensive Program designated as meeting the praxicum requirement.*
- c. *Prior to filing of plans of study under Rule 3.2, the Office of the Assistant Dean, Students shall publish a list of seminars and designated courses fulfilling the praxicum requirement*



offered at Osgoode Hall Law School in the next academic year.

### 3.4A Fiduciary Relationships in Commercial Context (Class of 2015 or later)

In order to satisfy the accreditation requirements of the Law Society of Upper Canada, each student must demonstrate an understanding of the foundational legal principles that apply to private relationships, including legal and fiduciary concepts in commercial relationships. These principles are not necessarily covered in the mandatory first year curriculum. Accordingly, each student must complete either Business Associations or the not-for-credit online module "Fiduciary Relationships in Commercial Context". Students are required to declare completion of this requirement.

#### Fiduciary Relationships in Commercial Context (Academic Rule 3.9)

*As a condition of graduation, each student shall successfully complete either Business Associations (Law 2020) or the not for credit online module "Fiduciary Relationships in Commercial Context"*

#### **For both Class of 2014 and Class of 2015 - 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. Supervised 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 (Business, 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 posted on MyOsgoode under the Documents and Publications tab for further details.

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

## 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](http://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 allowable credits 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 begin during the third week of 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 inputted automatically.

**Substitutes** - 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 therefore not reassigned to a substitute selection if one is noted. If you have assigned a letter priority to a course and do not secure a space, you will be automatically 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**

Students enter their course preferences for Fall/Winter 2013-2014 online through the Law Select website. The enrolment dates are sent to students by email as well as posted on MyOsgoode. The Law Select website will be up on June 17th and 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 25th. 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 September 3rd. 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 Monday, July 22nd until Monday, September 16th 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 16th, and then reopens on January 6, 2014 until January 17, 2014.

After viewing their course enrolments and confirming their intent to register on the REM, 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.

## 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 (1012 Osgoode, telephone 736-5042) is open to all students requiring assistance on course selection from 8:30 a.m. to 4:30 p.m. Monday to Friday and to 3:30 p.m. on Fridays in June, July and August.

Students are also encouraged to consult with members of Faculty.

## 5. PROPOSAL AND PERMISSION FORMS

Proposal and Permission Forms can be downloaded from Osgoode's website. Once completed, the forms should be scanned and sent to the Student Services Office. More information on the scanning procedures will be sent in July. Note that some forms require the approval of the Assistant Dean, Students.

### 1. Intensive Research Proposal Form

Students who propose to undertake a major research project for not less than 15 and no more than 30 credit hours, must complete and submit the designated form.

### 2. Research Paper Approval Form

Students who propose to undertake a supervised 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.

## 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, 6021 and 6022*

Professor F. Bhabha, Program Director

Each year competitive mooting 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 mooting programs of any law school in Canada. Consistent with Osgoode's commitment to experiential education, the mooting program offers simulated experience in a variety of types of lawyering, from appellate court work to trial advocacy, arbitration, mediation, negotiation and client counselling. These skills competitions cover a wide range of subjects, including aboriginal, administrative, corporate, criminal, constitutional, environmental, family, taxation, 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 various locations across Canada and around the world. Participation in the mooting and lawyering skills competition 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 collaborative, small group-setting, under academic guidance and direction.

The 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 through the school year. The consolidated tryouts cover the Corporate/Securities, Bowman (Tax), Walsh (Family), Fox (Intellectual Property), Gale (Constitutional), Jessup (Public International), Niagara (Canada-US relations), Julius Alexander Isaac Diversity, Matthews Dinsdale Clark (Labour Arbitration), Laskin (Administrative) and Wilson (Equality) competitions. Teams selected via separate processes include the Arnup Cup and the Ontario Trial Lawyer's Association Cup trial advocacy competitions (selected via the Trial Practice course), Hague International Criminal Trial Competition (selected via the International Dispute Resolution: Advocacy in the International Criminal Court seminar), IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (selected by Professor A. Boisselle) 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 (LW 6022.00) and the Praxicum Requirement**

Members of the Corporate/Securities, Bowman Tax, Fox IP, Jessup, Gale, Laskin, Niagara, Walsh and Wilson teams are required to attend a bi-weekly Appellate Advocacy Workshop in the Fall term. This workshop allows members of Osgoode's upper year, five credit, research-based appellate moot court teams to connect the theory and practice of lawyering through a combination of readings, discussion, demonstrations, practice exercises, a guided visit to the Ontario Court of Appeal and guest appearances by coaches, faculty members and other legal practitioners. The workshop provides a framework for maximizing the learning potential in lawyering simulations. Students will read about different approaches to oral and written advocacy; learn how to formulate a case theory and develop legal arguments; hone their research, writing, editing and oral skills; and prepare for their respective competitions. The workshop carries no academic credit of its own, but students are required to complete it to receive the two ungraded credits for mooting.

It is important to note that students may not enrol in mooting credits via the Law Select system. Students who are selected for mooting teams will be instructed on how to enrol in mooting credits. Also important to note, the Appellate Advocacy Workshop is scheduled in the timetable and mooting students may not enrol in a course that conflicts with the workshop.

The praxicum requirement will be satisfied by those students who participate in competitive mooting and who also participate in the Appellate Advocacy Workshop.

## **6.3 Osgoode Hall Law Journal**

*LW 8010.04*

Professor S. Wood, Editor-in-Chief

Academic Rule 7(a) (Part 1 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 an associate 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 School 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 and the grade will be reported as Credit or No credit.

## **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, Students.

### **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, Students, is required. Students should submit a written request for a Letter of Permission to the Assistant Dean. The student's academic record, reasons for wishing to spend a period of time elsewhere, the law school the student proposes to attend and the proposed program of study will all be considered.

### **7.3 Extended Time Program**

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. Reasons 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. Written requests by current students to participate in the Extended Time Program must be made to the Assistant Dean, Students.

### **7.4 Withdrawal**

See information on course changes and on leaves of absence.

## 8. SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2013-2014 Fall / Winter

The main purpose of these 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 2013/2014 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:**

Indigenous Peoples and the Law  
Property Law  
State and Citizen

#### **Level Two:**

Comparative Law: All Our Relations  
Comparative Law: Environmental  
Protection & Rights of Indigenous  
People – The Case of India  
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  
Real Estate Transactions

#### **Level Two:**

Corporate Governance  
International Investment Law  
Real Estate Finance  
Regulation of Competition  
Securities Regulation  
U.S. Securities Regulation

#### **Level Three:**

Advanced Securities  
Case Studies in Business  
Enterprises  
Joint JD/MBA Seminar (joint  
program students only)

#### **Level Four:**

Advanced Business Law Workshop  
I and II

### 3. CONSTITUTIONAL AND ADMINISTRATIVE LAW

#### **Level One:**

Administrative Law  
State and Citizen

#### **Level Two:**

Civil Liberties  
Comparative Law: Comparative  
Constitutionalism  
Constitutional Litigation  
Disability and the Law  
Discrimination and the Law  
Education Law

Law and Rights Seminar  
Municipal Law  
National Security Law in Canada  
Native Rights

**Level Three:**

CLASP Intensive  
Criminal 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  
International Business Transactions  
Legal Drafting  
Restitution  
Statutory Interpretation

**Level Three:**

Administration of Civil Justice:  
Issues in Assessment of Litigation &  
Regulatory Risk  
Banking and Negotiable Instruments  
Case Studies in Business  
Enterprises  
Contract Remedies  
Copyright Law  
Entertainment and Sports Law  
Insurance Law  
Patents  
Trademarks

**Level Four:**

Osgoode Business Clinic

**5. CRIMINAL LAW**

**Level One:**

Criminal Law

**Level Two:**

Criminal Procedure  
Directed Reading: Documenting  
Kingston Penitentiary  
Evidence

International Criminal Law

**Level Three:**

Administration of Criminal Justice:  
Regulatory Offences  
Administration of Criminal Justice:  
Sentencing  
Administration of Criminal Justice:  
Wrongful Conviction  
Criminal Law II: Advocacy and the  
Criminal Trial  
Criminal Law II: Ethical Issues  
Criminal Law II: Homicide  
Criminal Law II: Youth Justice  
Evidence and Proof: Theory and  
Practice  
Forensic Science and the Law  
History of Criminal Law and Its  
Administration  
International Dispute Resolution:  
Advocacy in the Int'l Criminal Court  
Legal Values: Great Cases  
Philosophical Foundations of  
Criminal Law  
Trial Advocacy

**Level Four:**

Criminal Law Intensive  
Innocence Project

**6. DISPUTE RESOLUTION**

**Level One:**

Legal Process

**Level Two:**

Civil Procedure II  
Comparative Law: All Our Relations  
Dispute Settlement  
Dispute Settlement: Collaborative  
Lawyering  
Dispute Settlement: Dispute  
Resolution in the Securities and  
Corporate Context  
International Dispute Resolution:  
Advocacy in the International  
Criminal Court  
International Dispute Resolution:  
International Commercial Arbitration  
International Dispute Resolution: Vis  
Moot  
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:**

Comparative Law: Environmental Protection & Rights of Indigenous People – The Case of India  
International Environmental Law  
Land Development and Commercial Real Estate Problems  
Land Use Planning (alternate years FES and Osgoode)  
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  
Conflict of Laws  
Dispute Settlement  
Dispute Settlement: Collaborative Lawyering  
Estate Planning  
Estates  
Family Law I  
Health Law  
Immigration  
Law, Gender and Equality

Lawyer as Negotiator  
Refugee Law  
Taxation Law  
Trusts

**Level Three:**

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

**Level Four:**

CLASP 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:**

Administration of Criminal Justice: Mental Illness  
Disability and the Law  
Law and Psychiatry  
Legal Governance of Health Care

**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  
Administration of Criminal Justice: Mental Illness  
Civil Liberties  
Comparative Law: All Our Relations  
Constitutional Litigation  
Directed Reading: Documenting Kingston Penitentiary  
Disability and the Law  
Education Law  
Law and Poverty  
Law and Psychiatry

Law and Rights Seminar  
Law and Social Change: Critical  
Race Theory  
Law of War

**Level Three:**

Anti-Discrimination Intensive  
Program  
CLASP Intensive  
Criminal Law Intensive  
Disability Intensive Program  
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:**

Comparative Law: Privacy and  
Access to Information  
Entertainment and Sports Law  
International and Comparative  
Copyright Law  
Legal Values: Commercializing  
Intellectual Property  
Legal Values: Copyright in the  
Digital Age

**Level Three:**

Intellectual Property and  
Technology Intensive

**12. LABOUR LAW**

**Level One:**

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

**Level Two:**

Labour Arbitration  
Occupational Health and Safety

**Level Three:**

Intensive Program in Poverty Law  
(Workers' Rights Division)

**Level Four:**

Labour and Employment Law and  
Policy Colloquium

**13. LEGAL THEORY**

**Level One:**

Jurisprudence

**Level Two:**

Chinese Law  
Comparative Law: Islamic Law  
Disability and the Law  
Judgment and Decision Making  
Law and Film  
Law and Social Change: Policing  
Law and Social Change: Restorative  
Justice  
Law, Gender and Equality  
Legal Philosophy Between State  
and Transnationalism Workshop  
Legal Values: Great Cases  
Legal Politics  
Legal Profession (History)  
Legal Values: Law and Literature  
Legal Values: Law, Ethics and  
Social Media  
Legal Values: Legal Ethics  
Western Legal Histories

**14. NATURAL RESOURCES AND THE  
LAW**

**Level One:**

Environmental Law  
Native Rights

**Level Two:**

Comparative Law: Environmental  
Protection & Rights of Indigenous  
People – The Case of India  
International Environmental 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  
Municipal Law  
Real Estate Transactions  
Trusts

**Level Three:**

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

**16. REGULATORY LAW**

**Level One:**

State and Citizen: Constitutional Law  
Administrative Law

**Level Two:**

Bankruptcy and Insolvency  
Comparative Law  
Communications Law  
Comparative Law: Privacy and  
Access to Information  
Conflict of Laws  
Corporate Governance  
Environmental Law  
Health Law  
Immigration  
Insurance Law  
Intensive Legal Research and  
Writing  
International Investment Law  
Land Use Planning (alternate years  
FES and Osgoode)  
Law and Film  
Legal Drafting  
Legal Values: Governance of the  
International Financial System  
Municipal Law  
National Security Law in Canada  
Native Rights  
Refugee Law  
Regulation of Competition  
Securities Regulation  
Statutory Interpretation  
U.S. Securities Regulation

**Level Three:**

Advanced Securities  
CLASP Intensive Program

Intensive Program in Poverty Law  
Intensive Program in Aboriginal  
Lands, Resources and Government

**17. SOCIAL JUSTICE, EQUALITY  
AND THE LAW**

**Level One:**

Collective Bargaining Law  
Comparative Law: Islamic Law  
Environmental Law  
Family Law I  
Immigration Law  
Labour and Employment Law  
Law and Social Change: Critical  
Race Theory  
Law, Gender and Equality  
Law, Society and State: Animals,  
Law and Society  
Legal Values: 'Domestic Violence'  
and Law's Role  
Legal Values: Legal Ethics  
Native Rights  
Refugee Law

**Level Two:**

Civil Liberties  
Criminal Law II: Youth Justice  
Directed Reading: Documenting  
Kingston Penitentiary  
Discrimination and the Law  
Law, Gender and Equality  
Law and Social Change: Community  
Action across Borders (ILP students  
only)  
Western Legal Histories

**Level Three:**

Administration of Criminal Justice:  
Wrongful Conviction  
Anti-Discrimination Intensive  
CLASP Intensive  
Criminal Law Intensive  
Disability and the Law  
Disability Intensive Program  
Innocence Project  
Intensive Program in Poverty Law  
Intensive Program in Aboriginal  
Lands, Resources and Government

**18. TAXATION LAW**

**Level One:**

Taxation Law

**Level Two:**

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

**Level Three:**

Advanced Corporate Tax

**19. TRANSNATIONAL LAW**

**Level One:**

Ethical Lawyering in a Global  
Community  
Globalization and the Law

**Level Two:**

Conflict of Laws  
Immigration  
International Courts and Tribunals  
International Law of South-North  
Relations  
Legal Values: UN, Governance and  
State Building  
Public International Law  
Refugee Law

**Level Three:**

Comparative Law: U.N., Peace &  
Security Law  
Exchange Programs with Foreign  
Universities  
International Business Transactions  
International Criminal Law  
International Dispute Resolution: Vis  
Moot  
International Human Rights Law  
International Taxation  
Law and Social Change: Community  
Action across Borders (ILP students  
only)  
Law of War  
Legal Philosophy Between State  
and Transnationalism Workshop  
Legal Values: Governance of the  
International Financial System  
National Security Law in Canada  
Summer Abroad Programs

**Level Four:**

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

**9.0 CURRICULAR STREAMS**

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")**

2013-2014 Convener – Professor Ikechi Mgbeoji

#### **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, 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 ICT work 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.

***Upper Year Writing Requirement:*** A student who has completed the ICT Course paper is deemed to have also complied one of the two upper year research and writing requirements.

***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 list indicates as ICT courses in the field 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, Students 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 Employment Relationship.
2. Two of the following seminars: Labour Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law, Advanced 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 Advocacy (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")**

*Convenors – Professor T. Edgar (fall term) and Professor J. Li (winter term)*

The Tax Law 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 should 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 Policy (3);
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. In addition to the courses mentioned above, credits can be earned by taking the following courses: Taxation of Wealth Transfers (4), International Tax (4), a special topic course that will be offered from time to time, and an independent research paper on a tax-related topic.

The *Convenors* have the discretion to waive a requirement mentioned in 1 to 6 above.

## 10.0 CLINICAL & INTENSIVE PROGRAMS

### 10.1 *Advanced Business Law Workshop I Corporate Finance (LW 7180.05)*

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

The Advanced Corporate Finance Workshop 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 bank financings and transactions in the capital 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 exercises. Evaluation will be in the form of three assignments, one of which will be a group assignment involving the negotiation and drafting of a loan agreement, and class

participation. The workshop 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 workshop will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP.

Demonstrated academic performance based on law school grades to date will be an important selection factor.

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2013. ABLW II - Mergers & Acquisitions will be offered in January 2014.

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

Directors: Ms. Patricia Olasker & Mr. Alex Moore, Adjunct Professors

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, Alex Moore 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 tax, competition law and corporate governance. Seminars include classroom lectures, guest lectures, student-led presentations and problem-solving exercises. Evaluation will be based on three assignments, including the preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in an M&A transaction and a group assignment involving the negotiation and drafting of a term sheet for an M&A transaction, and class participation. The workshop has no major research paper or exam.

ABLW II – Mergers & Acquisitions accepts 16 students who will receive five credits over one semester. Pre-requisites: Business Associations and Securities Regulation. With special permission Securities Regulation may be taken concurrently.

Recommended Courses: Commercial Law, Taxation Law, and Taxation of Business Enterprises. The workshop will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP.

Demonstrated academic performance based on law school grades to date will be an important selection factor. Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2013. ABLW II - Mergers & Acquisitions will be offered in January 2014.

**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 Friday (except Fridays when the seminar meets) 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 every second Friday, commencing in

September and continuing until March. 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). The research paper must be at least 7,000 words in length and thus qualifies for the upper year writing requirement. 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.

The Anti-Discrimination Intensive satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

**10.4 Business Law Intensive**  
LW 7700.05, 7710.05, 7720.05  
Director: Professor Tom Johnson

The Intensive Program in Business Law provides an opportunity for students to obtain clinical legal experience in the field of business law. It is a 15 credit program offered in the Winter semester.

Originally offered from 2000 to 2004, this program is designed to provide students with in-depth exposure in several areas of advanced business law as reflected in current strategies used by business to finance expansion, to enhance the market value of their shares, to combine for greater productivity and efficiency

and to meet the continuing challenges of globalization and changes in information technology. Students will be exposed to corporate income tax, banking, securities, competition, intellectual property, pension, real estate and general corporate/commercial law mixtures, mainly in actual or simulated transactional settings. Commercial negotiation and litigation, using examples of an insolvency restructuring, will also be covered. The program will also provide students with a contextualized learning experience, through placements with business enterprises or large public corporations.

The program is divided into 3 modules:

- The first module is an intensive seminar lasting two or three weeks, covering a range of business law topics.
- The second module – lasting six or seven weeks - consists of a placement with the legal department of a business enterprise in the industrial or service sectors, or in a large public institution. Students, supervised by in-house counsel, are expected to provide the placement client with legal assistance. Throughout the placement period students are expected to attend weekly classes taught by the Program Director, other Osgoode Faculty members and practitioners. These classes will provide training to prepare and assist students with their clinic work.
- In the third module students return to the classroom for an intensive seminar consisting of presentations and reflections upon their placements, discussions and assignments.

#### Who May Apply

The Intensive Program is open to approximately 15 second and third year law students who are selected by the Program Director in an application process. Depending upon demand, preference will be given to students in the final year of their studies. Prerequisites for enrolment in the program are successful completion of Business Associations, Taxation Law (or Taxation of Business Enterprises) and Commercial Law. Securities Regulation is also recommended but not required. Applications are made in January/February of the preceding year.

Because of the challenging nature of the placements, the program is designed for students in the last term of their third year of law school. The program is not recommended for students who have experienced academic difficulty.

#### Placements

In all instances placements will be within the Greater Toronto Area, and students will not receive funding for travel or accommodation. The Program Director will work with each student to make every effort to facilitate placement in a setting matching the interests and skills of the student.

The Program Director will carry out the detailed arrangement of the placement itself, but students may make their own contacts. In all instances the Director will make final decisions on placements.

#### Evaluation

The program is divided into 3 modules, and therefore each student will receive three grades worth five credit hours each.

- 1) Essay (5 Credit Hours) - minimum 8,000 words, excluding footnotes and bibliography - on an approved business law topic related to the student's placement is due on the first day of the winter semester exam period. The Program Director must approve topics no later than the middle of February. The final paper is eligible for the upper year writing requirement.
- 2) Placement (5 Credit Hours) - Following your placement, the supervising counsel will make a written evaluation of your work during the placement. This assessment of your work and accomplishments within the program will be permanently attached to your transcript.
- 3) Seminar Presentations, Participation and Attendance (5 Credit Hours) - Students will be evaluated on the basis of work completed in the two seminars, including the presentation to the class, a small number of open book assignments or multiple choice exercises, participation in seminar discussions, and attendance.

The Business Law Intensive satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

### 10.5 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%).

Case Studies, taken in conjunction with the Osgoode Business Clinic, satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

### 10.6 Collaborative Research Teams (CRTs):

LW 5610.03, LW 5615.04

**Not offered 2013/14**

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.

### **10.7 Community Legal Aid and Services Program**

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

Marian MacGregor, Clinic Director; Richard Ferriss, Review Counsel; Natasha Persaud, Review Counsel; Cornelia Mazgorean, Review Counsel; Suzanne Johnson, Review Counsel; Christine Sinclair, Community Outreach Counselor

The Community and Legal Aid Services Programme (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 barriers, youth, female survivors of domestic violence, and members of the Jane-Finch community. CLASP's individual representation work is directed to low-income persons, including York University students, not eligible for a legal aid certificate.

At CLASP we recognize that the social determinants of health have a significant impact on people living in poverty. While individuals may seek out CLASP for legal services we also recognize that for many of our clients there are other issues, often non-legal, that they require assistance in resolving. CLASP has committed to providing holistic services to our clients by also offering social work services to clients who want these services. CLASP meets this commitment by creating an interdisciplinary program that integrates law and social work students working together to meet the needs of our clients. Our interdisciplinary program allows the two professions to learn together and from each other. CLASP offers approximately 3 spots to students from the York School of Social Work who begin May for the paid placement portion

and who then continue at CLASP during the academic year for academic credit.

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 approximately 15-18 law student "division leaders" who work in the clinic, under the supervision of four 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 intake volunteers (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 intake volunteers and caseworkers), advance a case load (including files and summary advice) in accordance with the standards of the supervision policy and related standards, oversee intake volunteers at our main location, coordinate and staff our five satellites, and pursue law reform, PLE and community development projects in the clinic's three divisions (Administrative Law, Criminal Justice and Women's, and Immigration 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 and complete a research paper. The seminar is offered bi-weekly (every other week) for the duration of the academic year. The seminar is graded and for three credits. The research paper is also graded for 3 credits and students will meet monthly with the seminar instructor(s) to discuss this larger project and have opportunities to discuss their research with their peers and to receive feedback on the research. The research paper will meet the requirements of the upper year writing requirement. 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.

The CLASP program satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

### **10.8 Disability Law Intensive**

*LW 7210.05 and 7230.02 (fall), 7220.05 and 7240.03 (winter)*

Co-Directors: Professor Roxanne Mykitiuk, and Marion MacGregor, Adjunct Professor, ARCH Staff Lawyers

The Disability Law Intensive, in partnership with ARCH (The Disability Law Centre) is a unique opportunity for students at Osgoode Hall Law School to engage in the practice and study of disability law, through direct client advocacy as well as systemic policy advocacy in partnership with an organization that is considered a leader in disability legal rights and is known and respected across Canada and around the world.

The DLI consists of three interconnected components; a part time two-semester placement at ARCH; a bi-weekly academic seminar; and a research assignment. The purpose of the DLI is to learn about the scope of disability law through involvement in individual client advocacy, community education and systemic policy based advocacy. It is an opportunity to understand how the law applies in concrete ways to people, problems and issues. In doing so students will gain an understanding and appreciation that the practice of law can be very different than the study of law. By merging theory and practice students will gain insight into real issues that are faced by people with disabilities. However, the purpose of the DLI is not to focus exclusively on specific client files but rather to provide space to also engage in larger policy based advocacy that values systemic and community partnership approaches to addressing issues that people with disabilities face. Placement

Credit allocation: 10 credits (pass/fail) divided equally between the Fall and Winter terms

Students (a maximum of 12 students) will be placed at ARCH, on a part time basis, throughout the Fall and Winter semesters. The placement will consist of individual client work (including test case litigation) as well as participation in the policy and systemic work (including public legal education) that ARCH engages in in partnership with disability organizations throughout Ontario. In one term half the students enrolled in DLI

(normally 6) will focus on individual client work while the remaining students (normally 6) will focus on systemic policy and law reform work. In the second term the students will switch focus.

#### Orientation

Students will begin the DLI program in the week before the Fall semester begins (normally the last week of August) by participating in a weeklong intensive skills training program. During the "skills week" students will be oriented to the general operations of ARCH, substantive areas of disability law and models of disability theory, particularly the social model of disability. In addition students will receive training in lawyering skills. More specifically students will learn: how to conduct an interview, file maintenance, negotiation and informal advocacy skills, writing skills (e.g. letter writing, plain language), cross cultural training, anti-discrimination training and how to work together as a cooperative team in a work setting.

#### Evaluation

#### Clinical Placement

Students will be evaluated through a combination of informal and formal feedback by the staff lawyers at ARCH. Informally, students will receive feedback on their work through the process of revision of written work and through supervision discussions. On a formal basis students will be evaluated on their work (using a structured evaluation form that will be made available to students) at the start of the term, at the midway point in the semester (mid to late October, mid to late February) and again at the end of the term. The final evaluation will be a written evaluation that will encompass the evaluation of the student's work from both semesters. While the final evaluation will come from the Academic Directors it will be strongly influenced by the evaluations provided by the staff of ARCH. The credit allocation will be on a pass/fail basis for a total of 10 credits.

#### Seminar

Credit allocation: 2 credits (graded)

To enhance the intersection of theory and practice, students will have the opportunity for reflection through participation in an academic seminar. The bi-weekly seminar will begin in September and be held every other week during the Fall and Winter semesters for a total of 14 classes. The seminar will allow students to engage in a reflective process that will both

deepen their overall learning but will also strengthen their abilities within the clinic.

The seminar will begin by addressing the value of critical thinking and creating an environment for critical thinking about disability issues. The seminar will encourage students to be aware of, and develop an understanding of, their own way of thinking that will in turn challenge assumptions made about people with disabilities. The seminar will critically examine: the importance of language and “people first”, how people with disabilities have been portrayed through different disability theories (e.g. medical model, charity model) and the consequences and impact of ableism.

The seminar will also focus on the role that the law (and lawyers) play in the lives of people with disabilities. In accessing services, from education to attendant care, people with disabilities come into contact with administrative decision making processes. Often, although not always, outside the scope of formal tribunal settings people with disabilities must navigate through “discretionary” decisions that directly impact how they live their lives. The seminar will examine the role that administrative decision making has on the ability of people with disabilities to access and receive necessary personal care services, education, skills training, transportation, health services and income benefits. The seminar will also examine the role of governmental policies and the intersectionality of disability and poverty which impacts the issues outlined above. Finally the seminar will examine the role of international law, more specifically the Convention on the Rights of People with Disabilities, and what impact it has on the domestic Canadian laws.

#### Research Assignment

Credit allocation: 3 credits (graded)

Students will produce a policy or law reform based paper or other project in consultation with ARCH and the Academic Director. The nature and topic of this assignment will reflect the policy and law reform priorities identified by ARCH and its community partners in any given year. The research assignment will build on the work undertaken by students during their policy and law reform placement at ARCH. While students may choose to research and write a conventional research paper for evaluation, students are also encouraged and will have an opportunity to submit alternative formats for example: PLE materials (not necessarily written), facta, protocols, reports to standing committees, documentary film.

The intention of the research assignment is to

allow students to engage more fully in the policy and systemic component of their placement and to produce an end project that will have impact on and value to the communities they have been engaging with over the past year.

Students will work closely with the Academic Director to identify a project that will meet the criteria of a major research paper. Students will be expected and encouraged to do much of the work for the project during the semester that they are engaged in policy/systemic work as part of their placement.

The Disability Law Intensive satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

#### **10.9 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.

The Innocence Project satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

#### **10.10 Intellectual Property Law and Technology Intensive Program ("IP Intensive")**

LW 7400.09, LW 7410.03 and LW 7420.03  
Director: Professor D. Vaver

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, trade-marks, copyright, industrial designs, trade secrets, etc.), technology, computer and Internet law, privacy and other areas. The first two weeks of classes feature workshops and lectures from prominent members of the IP community. These classes 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 periodic 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 (max 30 pages) – 80% of final mark.

3 credits/letter graded: A seminar presentation & workshop supplemented with visual aids/handouts – 40% of final mark; 2 research-based short papers to be published in blog format (1 blog post, max of 750 words and 1 response/comment, max of 250 words) – 20% of final mark; class seminar leader (introducing topic, speaker and facilitating discussion) – 20% 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.

##### Pre-Requisites

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

The IP Intensive satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

#### **10.11 Intensive Program in Aboriginal Lands, Resources and Governments**

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professor S. Imai & A. Boisselle and K. Murray, Adjunct Professor (Instructor)

##### 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.

The Intensive Program in Aboriginal Lands, Resources and Governments satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

### **10.12 Intensive Program in Criminal Law**

*LW 7100.03, LW 7110.03 and LW 7120.09*

Directors: Enzo Rondinelli and Joseph Di Luca, Adjunct Professors

*LW 7100.03, LW 7110.03 and LW 7120.09*

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. 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 on 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.

The Criminal Law Intensive satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

**10.13 Intensive Program in Immigration and Refugee Law**  
 LW 7300.04, LW 7310.04, LW 7320.03 and LW7330.04  
**Not offered 2013-2014**

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.

**10.14 Intensive Program in Poverty Law at Parkdale Community Legal Services**  
 LW 7000.03, LW 7000.12  
 Academic Director, Professor S. Gavigan

**1. Background**

The Intensive Program in Poverty Law places 20 students for an entire semester in the poverty law context of an operating community legal Clinic, Parkdale Community Legal Services (PCLS), in downtown Toronto. PCLS was established in 1971 as the first community-based legal aid clinic in Ontario. Osgoode students were instrumental in establishing the Clinic and since its inception, have been an integral part of PCLS. The 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 as part of their legal education.

Recognizing that many of the problems facing people in the Parkdale community are systemic, PCLS embraces a model of community lawyering that integrates strategies designed to redress individual legal problems with those designed to facilitate broader systemic reform. The systemic work of the Clinic takes many forms including public legal education, community development, coalition building, community organizing, media strategizing and law reform. PCLS works with people in the community to identify issues and challenges that are facing them collectively and to develop strategies to address these issues. Students participate in all dimensions of the Clinic's work, engaging daily with the practices of community-based lawyering.

## 2. Learning Objectives

Students are expected by the end of a semester at PCLS to be able to, among other things,:

- critically evaluate law's role in reproducing poverty and as a resource to help eradicate poverty
- assess various models of poverty law practice
- describe and explain the 'gap' between law on the books and law in action
- describe different theories of social change and evaluate the work of PCLS in light of these theories
- engage in practices consistent with community lawyering
- establish rapport with clients and effectively conduct client interviews
- effectively apply the substantive law in the area of practice of his/her division
- explain different models of public legal education and design & deliver public legal education workshops drawing on one or more models
- capably manage client files and community work files
- work collaboratively with clients, other students, staff and partners
- identify and deliberate about issues of professional responsibility and ethics in the context of poverty law practice and community lawyering

## 3. Assignment to a Division

Students are assigned to one of four divisions at the Clinic:

- Housing Rights
- Workers' Rights
- Social Assistance, Violence and Health
- Immigration & Refugee

While students are able to indicate a preference as to division, the final decision will be made by the Clinic.

## 4. Responsibilities at the Clinic

At PCLS, students

- are the front-line faces that members of the community meet when they come to the Clinic
- have hands-on responsibility for developing cases and legal arguments, carrying a caseload of approximately 15 active files
- have daily opportunities to learn and develop skills in interviewing, counseling and negotiating
- may represent people at hearings before Administrative Tribunals, including the Social Benefits Tribunal, the Landlord and Tenant Board and the Refugee and Immigration Board
- participate in community organizing, law reform or other activities designed to instigate social change

## 5. Support for Student Learning

The environment at PCLS is deeply collaborative and enormously supportive. The permanent staff at the Clinic includes a Clinic Director, four staff lawyers, seven community legal workers (CLWs), two articling students and five support staff. In addition to the permanent staff, the Academic Director (a member of Osgoode's faculty) and 4-6 students who have 'summered' at the Clinic, all play roles in supporting student learning. Among the structured learning sessions is the academic seminar, which meets Wednesday morning, usually at Osgoode, for a three-hour seminar led by the Academic Director. The seminar provides a space to critically reflect on experiences at the Clinic, to become acquainted with relevant theory, and to draw connections between theory and practice. At the Clinic, divisions meet regularly early in each semester to review the substantive law and to interrogate the relationships between the issues individuals are facing and broader structures of power. Students also meet on a handful of occasions to learn some of the foundational skills of community outreach, education and organizing. Beyond the structured sessions, staff doors are always open and students are invited – indeed encouraged – to ask questions and to work with others to problem-solve.

## 6. Credits

Students receive a letter grade for the seminar, which is allocated three credits. The remaining 12 credits are graded on a credit/no credit (pass/fail) basis. Detailed written evaluations of the student's performance prepared by the student's supervising lawyer and community legal worker, together with a summarizing evaluation report prepared by the Academic Director, form part of the student's academic transcript.

## 7. Introductory Clinic-based Skills Week

All students accepted into the Program, both for the Fall and Winter semesters, 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 are combined with an understanding of the work in the context of the Parkdale community. It is a good opportunity to get to know the staff and the other students participating in the Program. The sessions are held at different locations, although largely in the Parkdale community. Attendance at, and participation in, Clinic Skills Week is mandatory.

## 8. Term Dates

A semester 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 a 'reading week' in each of the Fall and Winter semesters, however the timing of this week is staggered so that the Clinic is able to continue to be accessible to the community throughout each semester.

## 9. In-house Clinic Orientation

The first two weeks of each semester include several events, activities and training sessions which are designed to introduce 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 semesters.

## 10. Workload & Hours of Work

The work at the Clinic can be intense and the amount of work can be unpredictable. While the objective is to ensure that the hours are reasonable, because it is a working Clinic there are sometimes spikes in the workload. As well, there is quite an intense period at both the beginning and end of the semester. The Clinic's hours extend into evenings and community work and events also occasionally happen in the evenings.

The program is a full-time, full-term commitment. Each student handles 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 appropriate agencies or services. Students are expected as well to become involved in the Clinic's change-oriented work.

## 11. Acceptance and Withdrawal

The work of the Clinic cannot accommodate last-minute adjustments. Accordingly, acceptance of an offer of a place in the Program includes 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 or Assistant Dean, who will consult with the Academic Director.

## 12. Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for 20 summer student positions. The Clinic's ability to offer summer work to students is dependent upon receipt of this funding. Assuming the same level of funding as prior years, 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). The Clinic hires 12-16 new students who will be entering the academic program 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); four to eight positions are reserved 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 is committed to employment equity, and will give priority to applicants who are members of traditionally disadvantaged sectors of our society, where competence is equal. The Clinic may also consider students' career goals and current financial need. Students are advised that typically PCLS is only able to offer relatively modest summer salaries.

The Intensive Program in Poverty Law satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

### 10.15 *Mediation Clinical Program*

*LW 7810.03 (Fall),*

*LW 7800.04 (Winter), 7810.02 (Winter)*

Academic Director, M. Simmons, 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 (at least 7000 words) 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.

### **Grading and Evaluation**

Graded (Winter term) 4 credits: Class participation (20%); Paper (30%); Mediation assessment (20%); and Community engagement project (30%).

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

The Mediation Clinical Program satisfies the Praxicum requirement.

#### **10.16 Osgoode Business Clinic**

*LW 7600.02 (Fall) & 7610.02 (Winter)*

Director, Stan Benda, Adjunct Professor

The objective is to fuse students doctrinal education in commercial law with experiential training thereby providing a holistic educative experience. Students are put into teams of 2 – 3, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files

typically involve providing basic but typical legal advice and documents (i.e. incorporation, drafting sales contracts, subcontracts). The clients cannot otherwise afford professional legal services but are attempting to start up or raise the sophistication of their small company or sole proprietor business practices.

The clinic presents an opportunity to “practice” law and learn without any billing, status, volume or commercially 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. The clinic often provides students with their first ever challenge involving managing client expectations, and focusing client wants.

Student duties include:

- Physical and electronic 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;
- monthly classes thereafter; and
- weekly written reports to the Director throughout.

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;

Meetings: 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;

Reports: written weekly, approximately 10 hours per semester.

The Osgoode Business Clinic, taken in conjunction with Case Studies in Business Enterprises, satisfies the Praxicum requirement.

#### **10.17 Intensive Research Program**

*LW 7020*

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)

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).

#### 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.

Successful applicants are asked to select 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.

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 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:**

- 45.00 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***

27.00 credit-hours of Schulich MBA 1 [Required Foundations of Management Core Courses](#)  
3.0 credit-hours of Schulich MBA elective courses

***OR***

33- 34 credit-hours (9 courses) of required Osgoode Hall Year 1 curriculum

***\* students with previous business degrees 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**

Students in the JD/MBA Joint Program enrol in a normal full-time course load of between 13.00-17.00 credit-hours of courses per term (consisting of a combination of JD and Schulich courses, in the third and fourth years of the program).

**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 15.00 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000 3.00 Strategic Management and MGMT 6090.00/MGMT 6100. 3.00 Strategy Field Study can be taken in either Year 3 or Year 4.

- at least 45 academic credits 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 both the three year and four year options, please visit [Schulich.yorku.ca/MBAJD](http://Schulich.yorku.ca/MBAJD) and select "Planning My MBA/JD > Study Options" on The Schulich website.

### 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](http://www.yorku.ca/fes/apply) (MES Admissions) and [www.osgoode.yorku.ca/JD/applying.html](http://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.

Adequate participation in the MES/JD Program Seminar Series, as determined by the MES/JD Program Coordinators, is an MES degree requirement for MES/JD students

#### 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](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 Stepan Wood, Law faculty coordinator, [swood@osgoode.yorku.ca](mailto:swood@osgoode.yorku.ca), or Professor Mark Winfield, FES coordinator, [marksw@yorku.ca](mailto: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](mailto:giudice@yorku.ca)) or Prof. Francois Tanguay-Renaud ([ftanguay-renaud@osgoode.yorku.ca](mailto:ftanguay-renaud@osgoode.yorku.ca))

### 12. JD/BCL Degree Program

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

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 may apply for a Letter of Permission if they wish to propose a study-abroad program at a university which is not on the exchange 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. The exchange opportunities are as follows: University of Strathclyde (Scotland), University of Kent (England), 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), National University of Singapore, University of Hong Kong (China), National Law School of India (Bangalore), Jindal University (Delhi), National Law University (Delhi), Bar Ilan University (Israel), Hebrew University (Israel), Waseda University (Japan), Sao Paulo Law School of Fundacao Getulio Vargas (FGV) Brazil, 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](http://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](mailto:karenw@osgoode.yorku.ca). The application deadline falls in early 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.

The application is available through Quicklinks online on the MyOsgoode website after the international exchange information meeting held in November.

### **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 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 the following components:

1. Licensing Examinations (the Barrister Examination and the Solicitor Examination); and
2. Articling term (10 months), including completion of an online Professional Responsibility and Practice (“PRP”) course;  
**OR**
3. Completion of the Law Practice Program  
**(New)**

You must successfully complete the Licensing Examinations and either 10 months of articles or the new LPP, 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 Licensing Examinations are based on validated entry-level competencies, which have been defined by the legal profession through a rigorous development and validation process. A competency is defined as the knowledge, skill, ability, attitude or judgment required for entry-level practice. The competencies tested are:

- a) have the most direct impact on public protection;
- b) influence effective and ethical practice; and
- c) can be measured reliably and validly by the assessment question format used by the examinations.

The Barrister Examination will assess competencies in the following categories:

- ethical and professional responsibility;
- knowledge of the law, specifically in public law, criminal procedure, family law and civil litigation;
- establishing and maintaining the barrister-client relationship;
- issue identification, analysis and assessment;
- alternative dispute resolution; and
- the litigation process.

The Solicitor Examination will assess competencies in the following categories:

- ethical and professional responsibility;
- knowledge of the law, specifically in real estate law, business law, and wills, trusts and estate administration;
- establishing and maintaining the solicitor-client relationship;
- issue identification, analysis and assessment; and
- fulfilling the retainer.

It is expected that each examination will be approximately 7 hours in length with an hour and a half (1.5) break. 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 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.

### Law Practice Program (LPP)

In November 2012, the Report of the Articling Task Force on the development of alternatives in the licensing process for the legal profession was approved by Convocation of the LSUC. Pursuant to this new model of licensing, candidates for admission to the Bar of Ontario will be required to complete either the Articling Program or the LPP. This pilot project requires that competencies for the licensing process be evaluated in both the Articling Program and the LPP. During the three-year pilot project, the LSUC will be evaluating and comparing the Articling Program and the LPP as methods of transitional training, including the evaluation of impact on equality-seeking groups.

The LPP will incorporate a 4 month training course and a 4 month work placement. The LPP is expected to be available for the 2014-2015 licensing process. The LPP will be available to those who enrolled in the licensing process in

2012, 2013, and 2014. As more information on the LPP becomes available, it will be distributed through the Career Development Office.

### **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 S. Ben-Ishai – Fall and Winter terms  
Professor B. Berger – Fall and Winter terms  
Professor N. Brooks – Winter term  
Professor M. Condon – Fall and Winter terms  
Professor P. D'Agostino – Fall and Winter terms  
Professor A. Dhir – Fall and Winter terms  
Professor S. Drummond – Fall and Winter terms  
Professor T. Edgar – Winter term  
Professor B. Geva – Fall and Winter terms  
Professor S. Imai – Fall term  
Professor M. Mandel – Fall term  
Professor M.J. Mossman – Winter term  
Professor L. Philipps – Fall and Winter terms  
Professor D. Priel – Fall and Winter terms  
Professor C. Scott – Fall and Winter terms  
Professor D. Vaver – Winter term  
Professor E. Waitzer – Winter term

Detailed faculty biographies may be found on <http://www.osgoode.yorku.ca/faculty-research>

## **16. COURSE INFORMATION TABLES**

### **Course Information Tables**

The following tables list the courses and seminars offered in the 2013 - 2014 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. Please note that enrolment demand fluctuates and the figures presented may not accurately reflect future results.

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. Courses without prerequisites: 2000's;
4. Courses with prerequisites: 4000's.
5. Seminars without prerequisites: 3000's;
6. Seminars with prerequisites: 5000's

## 2013 Fall Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	W13	118	95	Full
Administrative Law	Gover/ Van Niejenhuis/ Gonsalves	B	4	2010	4	F12	52	95	72
Business Associations	C. Williams	B	4	2020	4	F07	89	95	90
Business Associations	Waitzer/ Fransen/ Nordick	A	4	2020	4	F12	122	95	Full
Children and the Law	Kierstead/ Mang		4	2910	4	F11	10	45	8
Commercial Law	Johnson	A	4	2030	4	W13	85	95	86
Communications Law	Engelhart/ Abramson/ Dinsmore		4	2005	4	F11	21	50	15
Conflict of Laws	Walker		3	2040	3	F12	35	95	27
Copyright	Craig		4	2870	4	F12	57	95	80
Criminal Law II: Ethical Issues	Di Luca/ Brown		3	2240B	3	F12	17	95	19
Criminal Procedure	Greene/Grill	A	4	2690	4	N/A	N/A	95	N/A
Disability & the Law	Gilmour		3	4905	3	W12	11	25: 15 JD	5
Environmental Law	Wood		4	2880	4	F12	45	95	33
Estates	Black	A	4	2050	4	F12	67	95	87
Evidence	Bessner	A	4	2490	4	W13	70	95	80
Evidence	Klukach/ Flumerfelt	B	4	2490	4	N/A	N/A	80	N/A
Family Law I	Kierstead	A	4	2060	4	F10	94	95	81
Family Law I	Mossman	B	4	2060	4	F12	100	95	Full
History of Criminal Law & its Administration	Hay		3	2047	3	F12	12	20	9
Insurance Law	Campisi		4	2280	4	W13	30	95	52
International Business Transactions	Martyn		3	2890	3	N/A	N/A	30	N/A
International Courts & Tribunals	Okafor		4	2442	4	N/A	N/A	40	N/A
Labour & Employment Law	Tucker		4	2315	4	F12	74	95	91
Law & Social Change: Community Action Across Borders	Bhabha		3	2750M	3	F12	14	20	14
Legal Profession	Girard		3	2120	3	N/A	N/A	65	N/A
Native Rights	McNeil		4	2110	4	F12	28	50	29
Patents	Mgbeoji		4	2330	4	F12	35	95	32
Public International Law	Saberi		4	2340	4	W13	35	95	20
Real Estate Transactions	Carter	A	4	2070	4	F12	42	95	56
Real Estate Transactions	Rosenblatt	B	4	2070	4	W13	75	65	Full
Refugee Law	Rehaag		4	2470	4	F12	20	80	20
Restitution	McCamus		4	2360	4	F12	42	80	48
Securities Regulation	Lastman	A	3	2620	3	F12	102	95	Full
Taxation Law	Edgar	A	4	2080	4	F12	13	90	24
Taxation Law	Li	B	4	2080	4	F10	148	95	Full
Taxation of Business Enterprises	Edgar		4	4100	4	W13	51	95	47
Trusts	Esposito	A	4	2090	4	F12	35	90	26

## 2013 Fall Seminars

Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Walker		2	3010A	3	F12	10	20	5
Administration of Criminal Justice: Mental Illness	Barrett/ Shandler		2	5010G	3	New	N/A	20	N/A
Administration of Criminal Justice: Regulatory Offences	Libman		2	5010F	3	New	N/A	20	N/A
Administration of Criminal Justice: Sentencing	Crosbie		2	5010C	3	F11	8	20	8
Administration of Criminal Justice: Wrongful Conviction	Young		2	5010D	3	New	N/A	20	N/A
Case Studies in Business Enterprises	Kroft		2	5630	3	F12	N/A	N/A	N/A
Chinese Law	Li		2	3130	3	W09	12	20	6
Comparative Law: All Our Relations	Hewitt		2	3040Z	3	New	N/A	15	N/A
Comparative Law: Comparative Constitutionalism	Allan		2	3040Q	3	New	N/A	20	N/A
Comparative Law: Environmental Protection & Rights of Indigenous People in India	Vibhaw		2	3040U	3	N/A	N/A	20	N/A
Comparative Law: International Copyright Law	Nabhan		2	3040Y	3	New	N/A	20	N/A
Constitutional Litigation	Dassios/ Lokan	A	2	3630	3	F12	15	20	15
Corporate Governance	Puri		2	5170	3	W13	21	20	11
Discrimination & the Law	Faraday		2	3300	3	F12	15	20	11
Dispute Settlement	Fleischmann/ Caplan	A	2	3980	3	F12	17	20	16
Entertainment & Sports Law	Duarte	A	2	3840	3	W13	29	20	17
Family Law II - Family Law Policy	Mossman		2	5120	3	F12	10	20	8
Health Law	Gilmour		2	3004	3	F12	34	20	18
Intensive Legal Research & Writing	Davis		2	3920	3	F12	11	20	11
International Dispute Resolution: Advocacy in the International Criminal Court	Adler		2	3007C	3	F12	11	20	7
International Dispute Resolution: International Commercial Arbitration	Walker		6	3007D	3	W13	13	20	17
International Dispute Resolution: Vis Moot	Walker		2	3007A	3	F12	10	16	9
International Human Rights Law	Saberi	A	3	3440	4	F12	14	20	11
International Law of South-North Relations	Okafor		2	5940	3	W10	6	20	9
Labour Arbitration	Parmar/ Kearsley		2	5070	3	F12	9	20	8
Lawyer as Negotiator	Zemans/Simmons		3	3960	4	F12	83	84	Full
Legal Values: Great Cases & How They Shape Common Law & Society	Hutchinson		2	3591L	3	F12		20	8
Legal Values: Legal Ethics	Anand	A	2	3590N	3	W13	2	20	6
Legal Values: Real Estate Finance	Carter		2	3591N	3	New	N/A	20	N/A
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey		2	3008	3	F12	14	20	12
Occupational Health & Safety	Tucker		2	3260	3	F11	6	20	5
Tax Lawyering	Kutyani/ Samtani		2	3370	3	W13	11	20	15
Theory and Practice of Mediation	Zemans/ Simmons		3	5960	4	F12	20	20	13
Trial Advocacy	Grinberg/ Rosenthal		3	5270	4	F12	113	90	88

## 2014 Winter Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Sossin	P	4	2010	4	W02	90	95	88
Bankruptcy & Insolvency Law	Lund		4	2430	4	N/A	N/A	95	N/A
Business Associations	C. Williams	Q	4	2020	4	F07	89	95	90
Business Associations	Cudjoe/ D'Andrea	P	4	2020	4	W13	N/A	95	30
Civil Liberties	Cameron		3	2220	3	New	N/A	65	N/A
Civil Procedure II	M. Watson		3	2230	3	W13	56	95	62
Collective Bargaining Law	Curran		4	2515	4	N/A	N/A	95	N/A
Commercial Law	Kraag/ Hong	P	4	2030	4	N/A	N/A	80	N/A
Contracts II	Swan		3	2460	3	W13	22	80	16
Corporate Finance	Tardif		3	4000A	3	W13	N/A	85	11
Criminal Law II: Advocacy & the Criminal Trial	Greene/ Trehearne		3	2240J	3	W13	21	20	20
Criminal Law II: Homicide	Breen/McDermott		3	2240H	3	F11	11	95	14
Criminal Law II: Youth Justice	Bessner		3	2240K	3	N/A	N/A	20	N/A
Criminal Procedure	Libman	P	4	2690	4	N/A	N/A	95	N/A
Estates	Black	P	4	2050	4	W13	166	95	91
Evidence	Murphy	P	4	2490	4	N/A	N/A	95	N/A
Family Law I	Kraft/ Franks	P	4	2060	4	N/A	N/A	80	N/A
Globalization & the Law	McKay	P	3	2008	3	W13	7	20; 5 upper	Full
Globalization & the Law	Bhatia	Q	3	2008	3	N/A	N/A	20; 5 upper	N/A
Immigration	Okafor		4	4270	4	F10	64	80	87
Individual Employment Relationship	Slinn		4	2550	4	W13	37	95	55
Intellectual Property	Mason/ Sookman/ Glover		3	2970	3	W13	54	95	39
International Criminal Law	K. Davis		4	2440	4	W13	17	95	24
International Environmental Law	Scott		3	4880	3	W11	16	95	10
International Taxation	Li		4	4150	4	F12	11	40	10
Jurisprudence	Nadler		3	2720	3	N/A	N/A	25	N/A
Law & Social Change: Critical Race Theory	Simms		3	2750X	3	New	N/A	20; 5 upper	N/A
Law & Social Change: Education Law	Lauwers		3	2750Y	3	New	N/A	20	N/A
Law & Social Change: Policing	Beare		3	2750B	3	W12	7	20; 5 upper	2
Law & Social Change: Restorative Justice	Marszewski		3	2750F	3	W13	N/A	20; 5 upper	12
Legal Drafting	Benda		3	2140	3	W12	121	75	Full
Legal Governance of Health Care	Gilmour		4	2404	4	W13	28	50	43
Municipal Law	Mascarin		3	2305	3	New	N/A	50	N/A
Real Estate Transactions	Perell	P	3	2070	3	W13	70	90	77
Regulation Of Competition	Rosner		3	2350	3	W13	26	80	25
Securities Regulation	Cattanach/ Wiens	P	4	2620	4	W13	45	85	45
Statutory Interpretation	Kettles/ Jenner		3	2930	3	New	N/A	40	N/A
Taxation Law	Frankovic	P	4	2080	4	W13	89	85	85
Taxation of Wealth Transfers	Mexis		3	4080	3	N/A	N/A	95	N/A
Trademarks	Gill		4	2170	4	N/A		90	N/A
Trusts	Haigh	P	4	2090	4	W13	67	90	81



2014 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	W13	22	20	18
Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	Podolny		2	3010D	3	W13	12	20	14
Advanced Corporate Tax	Li		2	5210	3	W11	8	20	8
Advanced Securities	D'Souza/Sorell/ Litwack		2	5280	3	N/A	N/A	20	N/A
Comparative Law: Islamic Law	Kutty		3	3040H	3	W13		20; 5 upper	5
Comparative Law: Privacy & Access to Information	Power/ Williams		3	3040X	3	W13	N/A	20; 5 upper	N/A
Comparative Law: UN, Peace & Security	Thorne		2	3040T	3	W12	15	20	14
Constitutional Litigation	Charney	P	2	3630	3	W13	21	20	14
Contract Remedies	Burr/McCaig/Tzoulas	W	3	3050	4	W13	30	20	14
Directed Reading: Advanced Negotiation	Zemans/ Simmons			6000U	3	New	N/A	8	N/A
Directed Reading: Documenting Kingston Penitentiary	Blazevic			6000T	3	New	N/A	6	N/A
Dispute Settlement: Avoiding & Resolving Securities & Corporate Disputes	Ritchie		2	3980C	3	W12	12	20	13
Dispute Settlement: Collaborative Lawyering	Smith/ Graham		2	3980B	3	W12	9	20	16
Entertainment & Sports Law	Selznick	P	2	3840	3	F12	30	20	Full
Estate Planning	Berry/ Rochweg		2	5110	3	W12	8	20	13
Evidence and Proof: Theory and Practice	Stribopoulos		3	5440	4	W13	37	15	Full
Forensic Science & the Law	Rondinelli/ Federico		2	3690	3	W13	12	10	Full
ICT Colloquium	Mgbeoji		2	5810	3	W13	5	20	3
Indigenous Peoples & the Law	Imai		3	3390	3	W13	7	20; 6 upper	Full
International Human Rights Law	Okafor	P	3	3440	4	W11	26	20	11
International Investment Law	Van Harten		2	3100	3	F11	13	20	18
Joint JD/MBA Seminar	Johnson		2	3820	3	W13	26	20	Full
Judgment & Decision Making	Corbin		2	5650	3	New	N/A	20	N/A
Labour & Employment Law and Policy Colloquium	Slinn		2	5550	3	W10	9	20	11
Land Development & Commercial Real Estate Problems	Gross		2	5160	3	W13	14	20	17
Law & Film	Buchanan		2	3200	3	W13	N/A	20	N/A
Law & Psychiatry	Bryan/ Perez		2	3240	3	F12	13	20	13
Law & Rights	Slattery		2	3450	3	W13	13	20	5
Law, Gender, Equality	Lawrence		3	3039	3	W13	6	20; 5 upper	4
Law, Society & State: Animals, Law & Society	Mia		3	3520B	3	N/A	N/A	20; 5 upper	N/A
Law, Society & State: Domestic Violence	Mosher		3	3520E	3	New	N/A	20; 5 upper	N/A
Legal Philosophy Between State and Transnationalism Workshop	Tanguay-Renaud/ Giudice		2	5670	3	New	N/A	20	N/A
Legal Values: Commercializing IP	Grimaldi/ Fan		2	3591M	3	New	N/A	20; 5 upper	N/A
Legal Values: Copyright in the Digital Age	Craig		2	3590K	3	W13	6	20	7
Legal Values: Governance of the International Financial System	Van Harten		2	3590R	3	W10	4	20	13
Legal Values: Law & Literature	Sutherland		2	3590V	3	W13	13	20	12
Legal Values: Law, Ethics & Social Media	Jenkins		2	3590C	3	W13	2	20; 5 Upper	Full
Legal Values: Legal Ethics	Freiman	P	2	3590N	3	N/A	N/A	20	N/A
Legal Values: The U.N. Governance & State Building	Mgbeoji		3	3591E	3	N/A	N/A	20; 5 upper	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Emond		2	5007	3	W13	8	20	10
Philosophical Foundations of Criminal Law	Tanguay-Renaud		2	5690	3	F11	7	20	6
Resources Management	Koehl/ Wilkins		2	3490	3	W13	10	20	10
Tax Law and Policy Colloquium	Li			5330	3	N/A		10	N/A
U.S. Securities Regulation in Comparative Perspective	C. Williams		2	5620	3	W09	22	20	9
Western Legal Histories	Hay		2	6601	3	W13	5	20	1

## **Administration of Civil Justice: Class Actions**

(3010A.03) *Seminar*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

Class actions are rapidly becoming a key element of our civil justice system. The extent to which they fulfil the objectives of access to justice, judicial economy and behaviour modification, and continue to support traditional procedural values has become a source of considerable interest and debate. This is an excellent seminar for those considering a career in civil litigation and for those interested in the way class actions are transforming the role of civil justice in society.

This seminar examines critically and comparatively a range of contemporary issues. The primary focus is on class actions in Canada and the United States. Issues addressed include: certification; the role of the “lawyer entrepreneur” and related ethical issues; costs (who should be ordered to pay costs and when); funding class actions; settlement (“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, and the remarkably different roles of plaintiff-side and defendant-side counsel.

This year, along with several visits from other excellent guest instructors, Emeritus Professor Garry Watson will join the class on a regular basis as a guest instructor.

Evaluation: 8000-word paper, student presentations and class participation.

**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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 (8,000 words) - 70% of final grade

Class attendance, participation, and student presentations - 30% of final grade.

**Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk**

(3010D.03) *Seminar*

Instructor(s): R. Podolny; Adjunct Professor

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities, Bankruptcy & Insolvency

Presentation: Lecture, class discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is strongly recommended for those considering a career in corporate law or commercial litigation. 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 strategic 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: Research paper of at least 7,000 words - 65%, 25% presentation, 10% participation.

**Administration of Criminal Justice: Mental Illness**

(5010G.03) *Seminar*

Instructor(s): J. Barrett & R. Shandler; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers.

Upper Year Research & Writing Requirement: Yes

Practicum: No

With one in five Canadians having a mental illness, it is not surprising that mental illness affects all stages and all participants in the criminal justice system. This seminar course introduces students to the interdisciplinary nature of psychiatry 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 psychiatric community will provide students with a valuable insight on the capabilities and limits of their respective disciplines.

Evaluation: Participation (class attendance and participation in class discussion) - 20%; Final Research Paper (also eligible for Upper Year Writing Requirement) - 80%.

**Administration of Criminal Justice: Regulatory Offences**

(5010F.03) *Seminar*

Instructor(s): R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Guest Speakers, Student Presentations and Student Participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

In this seminar students will learn the substantive and procedural aspects of regulatory offences, or public welfare or quasi-criminal offences as they are sometimes called. The course has a practical focus, examining matters that arise before courts, administrative tribunals, regulators and law enforcement agencies. Seminar topics will include: the classification of regulatory offences, evidence gathering techniques, the application of the Charter of Rights, and the unique nature of strict liability prosecutions, including the operation of the due diligence defence. Sentencing considerations and proposals for reform will be canvassed as well.

Evaluation: Research paper (7,000 words) 70%, class participation 15%, class presentation 15%

## **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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 research paper of at least 7,000 words 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 in November. (Note: if a student does not wish to participate in the moot, arrangements may be made with the professor for an alternative assignment).

## **Administration of Criminal Justice: Wrongful Conviction**

(5010D.03) *Seminar*

Instructor(s): Professor A. Young

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

Prerequisite Courses: None

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Over the past two decades the criminal justice systems in the United States, Canada, and the United Kingdom have all struggled with the problem of mounting claims of wrongful conviction. This course will explore both the causes of wrongful convictions and the various remedial approaches adopted by different jurisdictions. In particular, we will study the following factors which contribute to wrongful convictions: adversarial excess, police and prosecutorial misconduct, inadequate disclosure, frail identification evidence, false confessions, jailhouse informants, faulty forensic testing and junk science. With respect to remedial options we will explore the operation of s.696.1 of the *Criminal Code* (ministerial review), the Criminal Case Review Commission (U.K.) and Innocence Protection legislation (U.S.). In addition, this course will examine the findings and recommendations advanced in the growing number of Canadian Commissions of Inquiry designed to explain and analyze the causes of a wrongful conviction in a particular case.

Evaluation: 1) A 25-30 page directed research paper worth 90% of the final mark.  
2) Class participation worth 10% of the final mark.

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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 B) *Course*

Instructor(s): B. Gover, B. Van Niejenhuis, A. Gonsalves; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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: Final examination (100%) - take home.

In compliance with the requirement of an additional evaluation method, students may also opt to prepare a paper on a topic to be approved by the instructors in the range of 15-25 pages (precise page limit and date requirements TBD). In that event, the paper will be weighted as 30% of the final grade, and the final examination will be weighted as 70% of the final grade.

## **Administrative Law**

(2010.04 P) *Course*

Instructor(s): Professor L. Sossin

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures/Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 administrative and adjudicative decision-making. It is relevant to a wide range of potential career tracks of law graduates. The administration (or executive branch of government) implements legislative policy and delivers government services in diverse 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, just to name a few. Administrative law also incorporates the law and policy arising from adjudicative tribunals, such as landlord-tenant boards, immigration appeals tribunals, or human rights commissions, in addition to regulatory bodies that govern energy, transportation, communications, etc. Finally, administrative law also applies to the Broader Public Sector (Municipalities, Universities, Schools & Hospitals, etc).

The course does not focus on any single substantive area of law or policy but rather on multiple legal dimensions of administrative and adjudicative decision-making. We will focus on how decision-makers develop legal standards through their decision-making and internal guidelines and policies within the scope of their legislative authority, and the effect of those decisions on individuals and communities. The course will also examine 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 further explores policy concerns and debates about the rules and principles in the field, as well as theoretical themes arising from the relationship between the executive, legislative and judicial branches of the state.

The course relates both to the lived experience of those affected by administrative law as well as fundamental ideals about law and justice inherent in the field (e.g. the rule of law, the separation of powers, the nature of fairness, etc). Students are expected to read the assigned materials each week, typically including excerpts from a textbook or from statutes, on-line and electronic resources, as well as significant or exemplary tribunal decisions and policies, cases, and to be well prepared for class discussions. The focus of class discussion will be to understand and apply the course material in problem-solving settings.

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

**Advanced Corporate Tax**

(5210.03) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: Taxation of Business Enterprises (or with special permission of the instructor)

Preferred Courses: None

Presentation: Discussion, lectures, problems, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is co-taught with practising lawyers. It is designed to examine advanced problems in the taxation of business transactions. After an introduction about tax planning, ethics, and the general anti-avoidance rule, the seminar will focus on selected corporate transactions, including corporate financing, the purchase and sale of a business, corporate reorganizations, foreign takeovers, and “hot” corporate tax deals.

Students are expected to participate in discussions in the classroom and be actively engaged in learning.

Evaluation: Students will be assessed for class participation (discussions and presentation) and a take home assignment during the Examination Period.

**Advanced Securities**

(5280.03) *Seminar*

Instructor(s): S. D'Souza, R. Sorell & G. Litwack; Adjunct Professors

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

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: None

Presentation: Discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar offers a practice-oriented program in securities regulation and litigation. Students will receive first-hand exposure to securities practitioners outside of a traditional classroom setting. Specific seminar discussions may include: shareholder activism; take-over bid and issuer bid regulation; insider trading and tipping; listed company regulation/ receipt denial issues; registrant regulation; asset securitization and derivatives; and regulation of investment funds/mutual funds. Students will participate in a mock securities hearing that will build on securities and corporate law issues and skills developed in the course.

Evaluation: Research paper on approved topic (qualifies for Upper Year Research and Writing Requirement) - 60%; mock securities hearing - 30%; participation & attendance - 10%.

## **Bankruptcy & Insolvency Law**

(2430.04) Course

Instructor(s): A. Lund; Adjunct Professor

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

Prerequisite Courses: Commercial Law

Preferred Courses: Business Associations

Presentation: Lecture, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 insolvency law in Canada. There are two basic approaches to insolvency: liquidation and reorganization. Traditionally, bankruptcy was conceived of as the liquidation of the debtor's assets for the benefit of all the creditors. More recently, the rescue and rehabilitation of the debtor have become important objectives in both business and personal insolvency law. We shall consider the relevant parts of the *Bankruptcy and Insolvency Act* concerning liquidation and reorganization, as well as the *Companies' Creditors Arrangement Act*, which provides a vehicle for corporate reorganization. Insolvency law governs relationships between creditors and debtors, but may implicate other stakeholders such as employees and communities. We shall examine the extent to which insolvency law can serve the interests of all stakeholders. The course will also canvass the roles of the various participants in the system including 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 reflections on the broader policy debate over what role a bankruptcy system should play in contemporary society.

Evaluation: 70% Final Exam or Research Paper, 30% Class Assignments (3 assignments of 500-750 words each)

**Business Associations**

(2020.04 A) *Course*

Instructor(s): Professor E. Waitzer, D. Nordick & A. Fransen; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problem solving, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 shareholder derivative actions and other remedies.

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

**Business Associations**

(2020.04 B) *Course*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem solving

Upper Year Research & Writing Requirement: No

Practicum: No

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 P) Course

Instructor(s): B. Cudjoe and T. D'Andrea; Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures and discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introduction to the laws governing the predominant forms of business organization in Canada – sole proprietorships, (general) partnerships, limited partnerships, limited liability partnerships and corporations. The focus of the course will be on business corporations, with particular reference to the *Canada Business Corporations Act*. The course will canvass such topics as:

- the creation and organization of the corporation;
- the corporation as a distinct entity from its shareholders;
- the capital structure and activities of the corporation;
- roles and duties of directors, officers and shareholders;
- corporate governance;
- shareholder derivative actions and other remedies; and
- introduction to corporate transactions (mergers and acquisitions).

Evaluation: 100% open-book final examination

## **Business Associations**

(2020.04 Q) Course

Instructor(s): Professor C. Williams

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem solving

Upper Year Research & Writing Requirement: No

Practicum: No

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.

## **Case Studies in Business Enterprises**

(5630.03) *Seminar*

Instructor(s): J. Kroft, Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: N/A

Prerequisite Courses: Business Associations. Restricted to students in the Osgoode Business Clinic or subject to approval of the instructor. Enrolment must be done manually. Not open for balloting in Lawselect.

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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. 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 approval 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.

The above is subject to change at the discretion of the Instructor.

This seminar taken in conjunction with the Osgoode Business Clinic satisfies the Practicum requirement.

Evaluation: Students in the seminar will receive a letter grade for a combination of assignments (2 x 10%), participation (20%) and research paper (60%). Evaluation methods and weighting is subject to change at the discretion of the Instructor.

## **Children and the Law**

(2910.04) *Course*

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

Fall: 4 credits; 4 hours; max. enrollment: 45

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course will deal with both theoretical and practical aspects of child protection law. 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. *Charter* implications of various aspects of child protection law will be explored throughout the course, and the inter-disciplinary nature of child protection work will be examined.

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.

**Note:** Up to ten students who complete the Child Protection course will be eligible to participate in a 3 credit **externship** during the Winter 2014 term. The externship will be structured as an Independent Research Project under Professor Kierstead and Mr. Mang's supervision. Students will spend Friday of each week during the Winter 2014 term at various child-protection related placements, which will be organized by Legal Aid Ontario. Evaluation for this project will be a paper that reflects on the interaction of theoretical and practical aspects of child protection law.

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



**Chinese Law**

(3130.03) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, lectures, guest speakers, student presentation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Canadian lawyers and businesses need to deal with issues related to China and Chinese law. This seminar provides an opportunity for students to learn about how Chinese think about the role of law as well as selected areas of Chinese law. It aims at helping students learn the basic skills of finding, researching, and analyzing Chinese laws. It encourages students to think about legal issues from a comparative and trans-national perspective. In addition to gaining some substantive knowledge about Chinese law, students will acquire close familiarity with pertinent legislation as well as an ability to apply this knowledge to the structuring of realistic transactions and the resolution of problems that commonly arise in practice.

The first part of the seminar will focus on the theories, institutions and operation of law in contemporary China and the various forces that shape the development of Chinese law. The second part focuses on public law, such as human right law, criminal justice and disputes resolution. Many classes will be devoted to discussing areas of law that have direct impact on Canadian corporations doing business in China and Chinese companies doing business in Canada.

Evaluation: One written paper (80%) (7000-8000 words); and class participation and presentation (20%).

**Civil Liberties**

(2220.03) Course

Instructor(s): Professor J. Cameron

Winter: 3 credits; 3 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None

Presentation: None

Upper Year Research & Writing Requirement: No

Practicum: No

This new course offering considers the *Charter*'s fundamental freedoms together, in context with one another. The focus will be on s.2(a) (freedom of religion); s.2(b) (freedom of expression and the press); and s.2(d) (freedom of association). Section 2(c)'s freedom of peaceful assembly will be included but, in light of its lack of development, which will be discussed, will not be given the same attention. The course will consider the key theoretical rationales, the Supreme Court's conception of entitlement and *Charter* methodology, and the major doctrinal developments for each of the freedoms. The approach throughout will be critical, comparative, and contextual in nature. The overall objectives of the course are to establish a foundation for each of these guarantees, to identify the critical issues each poses for constitutional interpretation, and to consider whether, how and to what extent religious, expressive and associational freedom relate to each other.

Evaluation: 25% for in-course work and 75% for a final, take-home examination. The in-course component will offer a choice between a written assignment – a short, critical commentary of about 1200-1500 words – and a short class presentation (brief written outline and 10-12 minute presentation).

**Civil Procedure II**

(2230.03) Course

Instructor(s): M. Watson, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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, cross-border litigation, 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.

## **Collective Bargaining Law**

(2515.04) *Course*

Instructor(s): B. Curran, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 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, as approved by the instructor, worth 25% of the final course mark, in which case the open-book final exam is worth 75% of the final course mark.

**Commercial Law**

(2030.04 A) *Course*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lecture, discussion, podcasts

Upper Year Research & Writing Requirement: No

Practicum: No

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, suretyship, asset securitization, cost of borrowing disclosure and the proprietary aspects of sale of goods.

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.

**Commercial Law**

(2030.04 P) *Course*

Instructor(s): S. Kraag & J. Hong; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Business Association

Presentation: Lecture & Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on secured credit in lending, wholesale and retail sales transactions and touches upon related areas. Coverage includes a brief introduction to securitization, leasing, insolvency, corporate debt financing transactions and mortgage financings. 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: 100% open-book examination or 50% open-book examination and 50% research paper. The above information is provided for course registration purposes only and is subject to change at any time.

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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). The best two tests will be counted. There will be a mark of 10% for class attendance and participation. In addition, students will prepare a mock written submission (15-20 pages) to the CRTC and present the submission in a CRTC moot hearing. The written and oral submissions will be graded for 70% with the bulk of this going to the written submission.

## **Comparative Law: All Our Relations**

(3040Z.03) *Seminar*

Instructor(s): J. Hewitt; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 15

Prerequisite Courses: None

Preferred Courses: None

Presentation: This course will be held weekly on Thursdays. In addition to the regular classes there will be two additional Friday classes that students will be required to attend, which will be held in Rama First Nation. The additional two dates are: September 27th and November 22nd.

Upper Year Research & Writing Requirement: Yes

Practicum: No

There are many sources of law: statutes, regulations, court and tribunal decisions but there are also others sources equally as valuable: treaties, wampum, stories, drawings, paintings. While Aboriginal People in Canada have made extraordinary contributions to Confederation, their contribution to the legal realm is largely overlooked yet just as valuable as the lands and resources shared with Canadians. We will examine what it means to draw the law versus draft it; how Aboriginal People's approaches to law may hold value for Canadian businesses through innovation, creativity and competition; and how the foundational values in Aboriginal approaches to law may offer new ways of dispute resolution.

Students will ground their explorations in this class through a research paper and as a practical application students will consider principles of administrative law with the values of Aboriginal People in the development of a codified process for hearing and resolving disputes.

**Areas of Interest:** Aboriginal People, Business Law, Administrative Law, Human Rights, Dispute Resolution, Fine Arts, Legal Drafting.

Evaluation: Evaluation will be based on the graded research of 7,000 words (70%), the presentation of that research paper (10%) and participation in group discussions and events (20%). The paper will fulfill the Upper Year Research and Writing Requirement.

**Comparative Law: Comparative Constitutionalism**

(3040Q.03) *Seminar*

Instructor(s): J. Allan; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will look at the constitutional structures of those countries closest to Canada, namely the U.K., Australia, the U.S. and New Zealand. It will consider the ways in which these democracies structure their limits on power, with a special emphasis on the sorts of bills of rights, if any. The aim of the course will be to provide insights into how the Canadian system compares to its most closely related constitutional cousins, in order to see its strengths and weaknesses.

Evaluation: This seminar will be assessed by means of a major essay of at least 7,000 words. Students will write on topics agreed upon with Professor Allan in advance.

## **Comparative Law: Environmental Protection & Rights of Indigenous People in India**

(3040U.03) *Seminar*

Instructor(s): N.Vibhaw; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, student presentations. Taught intensively Tuesday, Wednesday, Thursday, Sept. 3rd - 19th from 4:30-6:30 p.m.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The seminar would discuss the law and the social context relating to pollution control and environmental protection. It would delve into the typical problems in the developing world which are at the root of environmental violations. With the Naxal movement<sup>1</sup> a cause for concern in India, the rights of the indigenous people (forest rights and role of village tribunals) would be addressed. The seminar would discuss the legislations like Forest (Conservation) Act, 1980; Panchayats Extension to Scheduled Areas (PESA) Act, 1996 and Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 to provide the students a perspective of the statutory framework in India to protect the rights of the indigenous people. The seminar would briefly compare the law in India with that in Canada to facilitate a critical study. With the National Green Tribunal, a dedicated tribunal for environmental law cases having been constituted in India in 2010, the seminar would discuss its constitution, jurisdiction and functions as well as consider its efficacy in developed nations like Canada.

The seminar would be relevant for Canadian students of environmental law to understand and appreciate cases of environmental law violations and their causes in the developing world, especially India. It would enable them to understand the framework for determining the rights of the indigenous people. It would provide the students with an understanding of the context of the law related to environment in both developed and developing nations and also to consider the functioning of a dedicated tribunal for environmental issues.

Evaluation: 7,000 word research paper (75%)(qualifies for Upper Year Research and Writing Requirement); classroom participation (25%).



## **Comparative Law: International Copyright Law**

(3040Y.03) *Seminar*

Instructor(s): V. Nabhan; Visiting Professor

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

Prerequisite Courses: Even though not required, it could be helpful for students who plan to sign up for this course to have acquired some basic prior knowledge of Copyright principles.

Preferred Courses: None

Presentation: Lectures, interactive discussions, and students' presentations. Taught intensively, Monday through Thursday, the weeks of September 23, 30, and October 6 from 4:30 - 6:30 p.m.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course includes a presentation of the international legal framework of copyright and related rights protection, with a comparative law approach. Its purpose is to allow an understanding of the origins, foundations, evolution and basic principles of the international intellectual property system. Attention will be devoted to the following treaties: Berne Convention, Rome Convention, TRIPS, WCT, WPPT, Beijing Treaty. Also current issues debated at international level will be discussed, such as exceptions and the needs of educational institutions, access to information of the visually impaired, the adequacy of the current regime vis-à-vis the needs of developing countries, etc.

A wrap up exercise will consist in acting as a prospective advisor for a developing country with respect to the compliance of its domestic Copyright law with international obligations.

Evaluation: Research paper (7,000 words): 65%; participation: 10%; oral presentations: reading reports, case presentations, etc. : 25%

## **Comparative Law: Islamic Law**

(3040H.03) *Seminar*

Instructor(s): F. Kutty; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to a combination of lectures, student presentations, guest lectures, videos and active student participation in class discussions. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will provide a contextualized and critical introduction to Islamic law. The course will examine the origins and sources of Islamic law, the development of the classical schools of jurisprudence, the impact of colonialism and modernity on Islamic legal discourse and then focus on the most contested and pressing issues facing contemporary manifestations of Islamic law. The issues and tensions will be highlighted through the exploration of the following areas of Islamic law: family law and the status of women; Islamic constitutionalism and the Islamic state; international law; jihad; human rights; minority rights; freedom of expression; and Islamic finance. Each of these areas will be examined with attention to the substantive law and questions revolving around how it is currently implemented by states and viewed by Muslim jurists from diverse perspectives. The course will also touch upon the contexts of the existing rules, critiques from within and from outside the tradition, and the prospects for and the dynamics and contexts around the calls for reform. The course will wrap up with a discussion of how Islamic law is observed by Muslims in Canada and how it interacts with and impacts upon our domestic laws.

Evaluation: 1) Class Participation based on attendance, preparation and quality of contribution to class discussions: 5% of final grade;

2) Submission of two reflection pieces of no more than 500 words on the subjects discussed the previous week: 10% of final grade;

3) In-class presentations on a topic of interest selected by students (individually or with a partner) from the readings, class discussions or list of topics provided by instructor: 10% of grade and

4) Research paper - 7,000 words: 75% of grade.

**Comparative Law: Privacy & Access to Information**

(3040X.03) *Seminar*

Instructor(s): M. Power & J. Williams; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and lectures led by the instructors. The seminar will be taught over 9 classes in an eleven-week period, beginning January 22, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

The subject of privacy in today's society raises questions in a number of inter-related disciplines, including law, information security, philosophy, sociology, engineering, health care and political science. This seminar introduces and explores the subject of privacy as well as data protection governance and management.

Classes are organized around discussions of current issues in privacy law and policy, based on short lectures concerning Canadian and international privacy and data protection law as well as student reading and writing assignments. Although it covers the key conceptual foundations of privacy as found in the western legal tradition, a number of sessions will be spent examining the subject from critical perspectives, including aboriginal, reductionist and feminist views on privacy and data protection.

Students participation is required and actively encouraged.

Evaluation: 50% for a paper and 30% for writing exercises based on topics covered in or related to the course; 20% for attendance and participation.

## **Comparative Law: UN, Peace & Security**

(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, video clips, role play exercises

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course seeks to introduce students to the legal, historical and operational framework of the United Nations. It is designed to provide students with the analytical capability and historical perspective 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, as well as to provide a grounding with respect to the UN's regime of international human rights protection.

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" that, on its face, prioritizes international human rights.

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 UN sanctioned international interventions, such as Libya 2011, the historical "Uniting for Peace" actions of the General Assembly, and the legality of the 1990/91 and 2003 Iraq wars, as well as consideration of topical international current events, such as the situation in Syria.

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 central pillar of international human rights will resonate throughout both sections.

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 course 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 unit 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. In particular, the class will culminate in an extensive Security Council simulation role play exercise, and it is also expected that guest speakers working internationally at the UN or in the field of international development will occasionally be brought in to address and interact with the students.

Evaluation: This seminar will utilize a variety of evaluation methods, with the final grade being derived from a combination of class participation (15%), written/role play exercises (25%), and a mandatory 7000 word research paper (60%), which may be used as students' Upper Year Research and Writing

Requirement. Please note that the precise weighting of these elements may be subject to change prior to the commencement of the course.

**Conflict of Laws**

(2040.03) *Course*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

In a world of increasing cross-border communication, trade and travel, conflict of laws questions arise in every field of private law. Understanding the conflict of laws is important for pursuing most careers in legal practice and scholarship and it provides an important foundation for the study of other international law subjects. Once based on arcane principles and complex doctrines, the conflict of laws has changed dramatically in recent years to facilitate the flow of products, wealth and skills across borders and to ensure that disputes with connections to other provinces and countries are resolved fairly.

This course provides a solid grounding in the basic principles governing questions such as whether a court has authority to decide a dispute and whether it should exercise that authority; what effect the court should give to the judgments of courts in other provinces or countries; and which law the court should apply to determine the issues in dispute. Also considered are the particular rules that have been developed for key areas of private law.

The rules applied by Canadian common law courts are compared with the rules applied in other common law countries, in the United States, in Québec, and in Europe. This course also addresses the special rules that apply in federal and regional systems.

This year, the course will be taught in a concentrated format of 12 3-hour classes followed by final class exercises. It is anticipated that Professor Walker will next teach this course in the 2015/16 academic year.

Evaluation: In-course assignments and brief 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.

Upper Year Research & Writing Requirement: No

Practicum: No

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.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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; oral advocacy; 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%). Students are encouraged to participate in the moot, but have the option of writing a paper of 8,000 - 9,000 words.



**Contract Remedies**

(3050.04 W) *Seminar*

Instructor(s): C. Burr, K. McCaig & Tzoulas; 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

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar provides an in-depth analysis of contemporary issues in the area of contractual remedies. Taught by practitioners with experience in litigation and corporate law, this seminar will focus on the practical application of contractual remedy law. Students will participate in weekly discussions on the assigned reading, as well as several simulation exercises including: reporting on research to an assigning lawyer, participating in negotiations with opposing counsel, and making submissions to trial or appellate courts. This seminar will consider 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 between 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.

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: 80

Prerequisite Courses: Anti-requisite - not open to students who have taken or are taking Course of a Transaction.

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

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 effect a transaction or create and administer a relation. 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) the drafting techniques available to deal with the endemic problems which arise in long-term contracts when one party's performance does not meet the contractual standard required or endogenous or exogenous shocks to the relation occur;
- (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 course is not a course on drafting but it will, of necessity, expose students to some of the problems of drafting agreements and the alternative forms that the competent solicitor has to know. The material for the course will consist of:

- (i) Swan & Adamski, *Canadian Contract Law*, 3rd ed., 2012;
- (ii) Swan, Bala & Reiter, *Contracts: Cases Notes and Materials*, 8th ed., 2010;
- (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

Upper Year Research & Writing Requirement: No

Practicum: No

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. With the shift towards an information economy, and the rapid development of new digital technologies, copyright is fast becoming one of the most dynamic, critical and controversial areas of Canadian law and policy. The course will examine the requirements for copyright protection, the kinds of works that qualify for protection, 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 meaning of authorship and originality; the dichotomy between protected expression and unprotected ideas; the role of the public interest and the public domain; and the freedom of users to deal fairly with copyrighted works. Through analysis of the *Copyright Act* and common law jurisprudence, the course offers a comprehensive introduction to copyright law while critically assessing the copyright system in terms of its justifications and its public policy objectives. By the end of the course, students will be familiar with the fundamentals of copyright doctrine, and with the theoretical and political controversies that surround copyright in the modern age.

Evaluation: Open-book examination (100%). Alternative evaluation comment paper (33 1/3%, no downside risk).

## **Corporate Finance**

(4000A.03) *Course*

Instructor(s): P. Tardif; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 85

Prerequisite Courses: Business Associations, Securities Regulation

Preferred Courses: Tax

Presentation: Lectures, discussion, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

The course is designed to introduce the students to the legal framework of financing transactions available to businesses and the role that a lawyer plays in corporate finance transactions. This course will examine corporate financing techniques using actual recent financings by Canadian public companies as case studies. The role of securities regulators and stock exchanges will also be discussed.

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

- understand basic financing alternatives for a Canadian public issuer
- understand the difference between debt and equity financing
- understand risk allocation between issuers, underwriters and investors
- identify and understand important provisions of a loan agreement and trust indenture
- discuss the key terms of underwriting agreements
- discuss the role of the regulators in corporate finance transactions
- discuss the key aspects of an offering document (prospectus and offering memorandum)
- review financial statements to determine relevant

Students will be provided with reference materials which include financial statements, prospectuses, credit agreements and other pertinent publicly available information of selected issuers.

Evaluation: 45% for two class assignments, 45% for a final examination and 10% for class participation. The assignments will focus on the following topics, (i) analysis of the key terms in a loan agreement or note indenture, and (ii) analysis of the key commercial and regulatory steps to a public offering.

## **Corporate Governance**

(5170.03) *Seminar*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation

Presentation: Discussion, Guest Speakers, Student Presentations and Student Participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses, at an advanced level, on contemporary debates in corporate governance, particularly in light of recent North American and international developments. Particular attention is paid to how these developments are situated both within theories of corporate governance and within the history of the development of corporate governance laws and norms in Canada and internationally. Among the subjects considered are: (1) a re-evaluation of the divorce of corporate control from ownership; (2) the duties and responsibilities of corporate directors, officers and insiders; (3) the role of institutional investors and the emergence of new institutions such as private equity and hedge funds; (4) the status and practicability of "shareholder democracy"; (5) the corporation and its constituencies (shareholders, labour, consumers, etc.); (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: 20

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Lectures and discussions

Upper Year Research & Writing Requirement: No

Practicum: No

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, 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

Upper Year Research & Writing Requirement: No

Practicum: No

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): T. Breen & P. McDermott; Adjunct Professors

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

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Lectures, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 Law II: Youth Justice**

(2240K.03) *Course*

Instructor(s): R. Bessner; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussions, student participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

The seminar begins with an examination of the history of youth justice in Canada. This will be followed by a study of the *Youth Criminal Justice Act* and the principles underlying the legislation, including rehabilitation and meaningful responses to youth crime. Some of the subjects that will be examined include the minimum age of responsibility, the roles of legal counsel and parents, protections to youths regarding searches, detention, police questioning and arrest, as well as protections on privacy and the publication of information such as youth court records. Aboriginal youth justice will also be canvassed. Other topics include the principles governing sentencing of youths and the transfer of young persons to adult facilities. Statistical information on youth crime will be studied as well as articles by criminologists and psychologists. Youth justice in other jurisdictions such as England and New Zealand will be compared with Canada's youth justice system.

Evaluation: Class Participation- 15%, Presentation -15%, Research Paper-70% (7000 words excluding footnotes and bibliography). Research paper topic must be approved by the instructor.

## **Criminal Procedure**

(2690.04 A) *Course*

Instructor(s): M. Greene and G. Grill; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, class problems, simulations and group work

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an overview of the Canadian criminal process. It will begin with an exploration of police investigative powers. The authority of Canadian police to detain, search/seize, question and arrest will all be considered in detail. Special attention will be given to the limitations imposed on each of these powers by the *Canadian Charter of Rights and Freedoms*. The exclusion of unconstitutionally obtained evidence under the *Charter*, as well as the availability of other constitutional remedies, will also be addressed. The course will then shift to a consideration of the criminal process after charges are formally brought, including intake procedures, bail, disclosure (the effects of non-disclosure and/or lost evidence), election and plea, preliminary inquiries, the right to trial within a reasonable time and plea-bargaining. The course will then focus on the trial, including trial venue, jury selection and trial procedure. This will be followed by an overview of the law of sentencing, and a brief consideration of appeals.

Evaluation: 100% open book final examination, with the option to write a research paper on an approved topic for up to 50% of the final grade. There is a participation requirement which can result in a downgrading of a student's grade, should a student regularly fail to attend class or to participate in classroom discussion and exercises.



**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

Upper Year Research & Writing Requirement: No

Practicum: No

The manner in which the criminal law is administered involves many procedural and substantive aspects. This is so throughout the pre-trial, trial and post-trial process, in which the state attempts to prove the defendant's guilt to the requisite standard, relying on evidence gathered in the investigative stage and in compliance with police powers, the common law, and of course the provisions of the Canadian *Charter of Rights and Freedoms*. In this course, we will examine the various issues that arise, and their resolution, in such areas as (pre-trial): search and seizure, interrogation, laying the charge and bail (trial): disclosure, burden of proof, Charter remedies, and (post-trial) sentencing and appeals.

Evaluation: Open book exam worth 100%, or option of open book exam worth 50% and research paper on topic approved by professor worth 50%

**Directed Reading: Advanced Negotiation**

(6000U.03) *Seminar*

Instructor(s): Professor F. Zemans and M. Simmons: Adjunct Professor

Winter: 3 credits; hours; max. enrollment: 8

Prerequisite Courses: Lawyer as Negotiator

Preferred Courses: None

Presentation: Discussion, negotiation simulation

Upper Year Research & Writing Requirement: No

Practicum: No

Students enrolled in this group will be challenged to go further with their negotiation practice and theoretical knowledge. The course will involve the creation and performance of negotiation simulations by the students. The course will meet as a group five times over the semester (these sessions may be held off campus). The sessions will include a discussion of the relevant literature and the participation in role plays. In addition, students will prepare a graded 8000 word reflective paper on a topic to be selected in consultation with the course directors.

Evaluation: Class participation (20%), Created simulation (20%), reflective paper on simulation (10%), and a longer reflective paper (50%). With prior approval, rather than writing a reflective paper for 10% on one of the simulations, a student could write a longer reflective paper (8,000 words) for 60% in order to satisfy one of the Upper Year Research and Writing Requirements. Again, this would require prior approval and the filing of the requisite documentation with the Student Services.

## **Directed Reading: Documenting Kingston Penitentiary**

(6000T.03) *Seminar*

Instructor(s):

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Students who have an interest in criminal law, human rights law and issues of social justice may find this Reading Group of interest. Students should expect to work 3-4 hours a week on this project throughout the Winter term. The group will meet informally on a weekly basis.

Upper Year Research & Writing Requirement: No

Practicum: No

As Osgoode Hall's inaugural Artist in Residence, Cindy Blažević will take on the project of photographing the interior spaces of Kingston Penitentiary on the eve of its closing, scheduled to happen in April 2014.

Prisons tell us stories about our society and ourselves. For Ms. Blažević, "photographing the interior of this 19th century penitentiary will be an opportunity to shine a light on the incredible erosion of civil liberties and the prison industrial complex gaining ground in the Canadian penal system.

According to Ms. Blažević, being able to photograph the building at the end of its life without prisoners accomplishes two things: 1) the viewer would see artifacts of lives lived within the building; and 2) the viewer would see the building in its raw state, giving documentary evidence of the inherent limitations not only of the Kingston Penitentiary, but of any prison.

An essential part of the artwork will be the accompanying legal and historical narrative. As part of her residency, Ms. Blažević will collaborate with students to research and create this context for the visual narrative, which will come from documenting the perspectives of the key stakeholders in the prison system (judges, prosecutors, defence lawyers, prison officials, and former inmates).

To this end, students enrolled in this course will work with Ms Blažević on the following:

- to devise and conduct socio-legal interviews with those whose lives are intertwined with the prison.
- to research topics related to the early 19th century experiments in prison architecture, to the social and cultural issues surrounding mass incarceration, and to the ideals of a Canadian prison system, present and future.

Some of the questions we'll collectively consider include the methodology and approach to the interviews and the research, both technically and artistically. This includes, but is not limited to who we will interview, how we will interpret the information, and what medium we will use to convey the documentation, the research and the process (photography, audio, video, written word, etc).

\*\* Interested students must apply by sending a short statement of interest to: [cindy.blazevic@gmail.com](mailto:cindy.blazevic@gmail.com). Use "Directed Research Group -- Application" as the subject line for the email. The application must be received by August 1, 2013.

### **The Artist in Residence:**

Ms. Blažević's project to photograph Kingston Penitentiary is supported by the Canada Council for the Arts and the Ontario Arts Council.

Osgoode's Artist in Residence program brings together artistic creativity with the exploration of justice and the law. Under this innovative program, the Law School will annually bring in an artist, from any artistic discipline, to work on projects focused on interpreting legal history, examining law's realities today, and imagining law's future, whether in Canada or elsewhere in the world.

Evaluation: Students who are selected to participate in this project will receive 3 credits on a pass/fail basis. In order to pass, students will be expected to attend and participate in the weekly meetings that take place throughout the Winter term and to carry out and complete their assigned tasks in a conscientious and timely manner, making sure to meet all specified deadlines.

**Disability & the Law**

(4905.03) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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): F. Faraday; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 decades 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 of at least 7,000 words (not including footnotes or bibliography) on a topic, approved by the instructor, relating to any aspect of equality/anti-discrimination law (70%); attendance, class participation and class presentation (30%).

## **Dispute Settlement**

(3980.03 A) *Seminar*

Instructor(s): E. Fleischmann and G. Caplan; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar offers an in-depth examination of dispute resolution processes in the context of the legal environment. The course focuses on the theory and practice of negotiation, mediation, and arbitration. We examine readings drawn from the growing body of theoretical literature in the area, beginning with an understanding of legal theory and the language of law. The course will then explore key topics, including: negotiation and mediation orientations and styles, mediation advocacy, confidentiality and privilege in mediation, mediator neutrality and impartiality, ethical issues, and the role of power and culture.

The seminar is designed to maximize class discussion and debate regarding emerging developments in the theory and practice of dispute resolution. There will also be an opportunity to enhance lawyering skills through participation in negotiation and mediation role-plays and the provision of constructive feedback.

Evaluation: A 5-page written reflective journal based on the in-class mediation role-play incorporating class readings and discussion (25%) and a 20-page written paper on a pre-approved dispute resolution topic relevant to the seminar content (75%). 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: Avoiding & Resolving Securities & Corporate Disputes**

(3980C.03) *Seminar*

Instructor(s): L. Ritchie; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Business Associations, Securities Regulation (highly recommended)

Presentation: Discussion, presentation and guest lectures

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will allow students to explore various aspects of disputes within the securities and corporate law areas, and their policy implications, and will on the different methods of, and approaches to avoiding and resolving them. The seminar will also emphasize the variety of forum available in which to address securities and corporate disputes, once they arise, including administrative bodies and tribunals, such as securities commissions, and self-regulatory organizations, private arbitration, mediation, the courts. The seminar will provide opportunities to consider other forms of avoiding and resolving disputes, including those within the Board room, and at public or private shareholder meetings, as well as mechanisms developed by various institutions which facilitate settlement of disputes without resorting to litigation. Both private law and public policy aspects of these dispute resolution approaches will be explored.

The seminar will try to highlight not only on the causes and outcomes of disputes, but methods and strategies employed to respond to them. Examples of the range of topics and subject areas to be explored will include control/proxy battles, hostile take-over bids, crisis management in the context of alleged corporate misconduct (e.g. accounting fraud and public statement misrepresentation), public company governance matters. As well, the respective roles of regulatory, quasi-criminal and criminal law enforcement in relation to alleged misconduct, such as insider trading, and market manipulation, will be considered.

The seminar will place emphasis current matters of interest and legal and policy developments in Canada and the United States, including legal and structural reform. It should be relevant to students interested in business and securities litigation, as well as corporate solicitor matters and corporate and securities policy issues. It should provide some ambit for students to have input into the particular areas of focus within the seminar class room discussion, through individual presentations and discussion leadership.

The reading materials will comprise recent case law and journal articles. The presentation will be largely through discussion, short lectures, and guest speakers from a wide range of relevant backgrounds and perspectives, including securities regulators, policy makers, legal practitioners and jurists.

Evaluation: Class participation (20%), student presentations (15%) and research paper (65%). The research paper will satisfy the Upper Year Research and Writing Requirement.

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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 (25%), prepared role play exercise (25%) and a research reflective critical analysis paper (50%).



## **Entertainment & Sports Law**

(3840.03 A) *Seminar*

Instructor(s): T. Duarte, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 (20%), assignments based on class and reading materials (20%), and a 7,000 word research paper (60%).

## **Entertainment & Sports Law**

(3840.03 P) *Seminar*

Instructor(s): S. Selznick; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar - Lecture, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 of at least 7,000 words (90%).

## **Environmental Law**

(2880.04) *Course*

Instructor(s): Professor S. Wood

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, moots, student presentations, guest lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the law and politics of environmental protection in Canada. Major issues and contemporary developments in environmental law are brought to life via guest lectures, videos, news stories and scenarios drawn from real-world environmental controversies. Some of these scenarios are taken up via optional student moot courts and client briefings. Topics typically include international law and the environment (eg multilateral environmental agreements, international trade and investment law); common law environmental litigation (eg toxic torts, class actions, SLAPP suits); jurisdiction to regulate (eg federal division of powers, local government powers, aboriginal self-government); command regulation and regulatory innovations; public participation and environmental rights (eg Ontario Environmental Bill of Rights, community right to know laws); environmental compliance and enforcement (eg environmental sentencing, citizen enforcement); judicial review of environmental decision-making (eg standard of review, public interest standing); economic policy instruments (eg carbon taxes and trading); federal toxic substances regulation; environmental impact assessment; endangered species protection; and parks and protected areas. We take up major federal environmental statutes including the Fisheries Act, Canadian Environmental Protection Act, Canadian Environmental Assessment Act and Species at Risk Act, as well as the Ontario Environmental Bill of Rights. Throughout the course, we use cross-cutting issues like climate change to understand complex legal and policy problems.

The course is evaluated by a mid-term assignment and final exam. For the mid-term assignment, students work in groups to do an in-class moot court, present an in-class client briefing, or submit a public comment to a government agency on a real-life proposed environmental act, policy, or regulation that is posted for comment on the Ontario Environmental Bill of Rights registry or the federal environmental registry.

The 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: Mid-term assignment (moot court, client briefing or public comment): 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.

Upper Year Research & Writing Requirement: No

Practicum: No

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

Upper Year Research & Writing Requirement: No

Practicum: No

A basic and fundamental course in the law of Wills and Estates, 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

Upper Year Research & Writing Requirement: No

Practicum: No

A basic and fundamental course in the law of Wills and Estates, 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**

(2490.04 A) *Course*

Instructor(s): R. Bessner; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an understanding of the basic principles of the law of evidence in Canada. Common law and statutory rules of evidence (*Canada Evidence Act*, *Criminal Code*, *Ontario Evidence Act*) are analyzed in light of the principles underlying the adversary system. The effect of the *Canadian Charter of Rights and Freedoms* upon the law of evidence is also examined. Some of the subjects that will be studied include relevancy, probative value and prejudicial effect; the competence and compellability of witnesses; the rule against hearsay evidence; character evidence; similar fact evidence; opinion evidence; and the principles governing privilege.

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

**Evidence**

(2490.04 B) *Course*

Instructor(s): J. Klukach & R. Flumerfelt; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, In-Class Problems

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an essential overview of the law of evidence. After considering some foundational questions, the course will move on to consider the rules governing how evidence is admitted in court. Questions about who can give evidence - competence and compellability - will be addressed first. Practical issues like refreshing memory, and the introduction of physical evidence will also be considered.

This will be followed by a consideration of what makes evidence "relevant" - the threshold requirement for admissibility. The most common exclusionary rules, and the exceptions to them, will then be considered. This will include hearsay evidence (and the most common categorical exceptions, as well as the principled exception to the rule), character evidence (and its exceptions, including the "similar fact" rule), and opinion evidence (and its exceptions, including expert evidence). By the end of the course students should have a firm grounding in the basic principles of Evidence Law in Canada. This course will be taught using a combination of the case and problem methods. The problems will be taken up through group exercises in class.

Evaluation: Open book examination (100%), paper option (up to 50%). Attendance is mandatory; participation is expected. A half grade deduction may be imposed on the final grade for poor attendance and participation.

**Evidence**

(2490.04 P) Course

Instructor(s): R. Murphy; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving.

Upper Year Research & Writing Requirement: No

Practicum: No

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: In class quizzes (10%); optional presentation on specific case or topic by advance approval (creative format such as visual, video, etc. required ) (20%); open book final examination (for either 70% or 90%).

**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

Upper Year Research & Writing Requirement: No

Practicum: Yes

The seminar will begin to 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 / half way through the term, a set of written reflections (1,250 to 1,500 words), which is pass/fail / and a final case brief assignment worth 75%



**Family Law I**

(2060.04 A) *Course*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The course is intended to offer an overview of family law and to provide a foundation for later, more specialized seminars or research projects. It provides an introduction to some of the issues and problems relating to law and the family, focusing on three contexts: the creation of the family unit, the regulation of the ongoing family, and issues arising at family breakdown. Topics to be explored include marriage, reproduction, adoption, child care, family violence, child protection, divorce, property, support, domestic contracts, custody and access, and dispute resolution.

The course is taught from a critical and policy-oriented perspective. Throughout the course, we will examine the assumptions of gender, class, race, religion and sexual orientation on which family law is based, and consider the appropriateness of these assumptions.

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 assessed. Particular attention will be paid to current provincial and federal law reform initiatives relating to the legal regulation of the family.

Evaluation: Class Participation (20%); Open-book examination (80%)

## **Family Law I**

(2060.04 B) *Course*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course explores fundamental relations between families and law, 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 introduction to basic themes about families, and then focuses on these three contexts: Creating Families through marriage (and cohabitation) and parent-child relationships (including adoption and assisted reproduction); Regulating On-Going Families in terms of issues about child care, child protection, and family violence; and Family Breakdown issues of divorce and separation including family contracts and dispute resolution (and corollary relief issues about property, spousal support, custody and access, and child support).

The course explores underlying legal policies that 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 significant foundation for specialized seminars or research projects about families and 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. A critical case comment (2000-2500 words, and focused on cases related to but outside the course syllabus) may be submitted on specified dates during the semester, from a list of suggested cases provided by the instructor; OR students may write an essay about themes in family law (in relation to specified cases discussed in the course) during an additional 50 minutes of the final examination.

## **Family Law I**

(2060.04 P) *Course*

Instructor(s): M. Kraft & A. Franks; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

What is "marriage"? What is a "spouse"? Who is a "child"? What is a "family"? The answers to these questions, and many others, are no longer as obvious as they may once have seemed to be.

Analyzing legislation, the common law and public policy, and drawing on the practical experience of the instructors and occasional guest speakers, this course offers an introduction to the regulation of the "family" under Ontario and Canadian law. The course will focus on the rights and obligations between spouses, children, parents and third parties upon the creation of the family unit; during the ongoing family relationship; and upon family breakdown. In examining these issues, the course will consider the constitutional framework of family law; the legalities surrounding the formation and dissolution of marriage and common law relationships, child and spousal support; custody, access, parenting and adoption; property division; the private ordering of family rights and obligations through Domestic Contracts; and child protection.

Evaluation: 1) Open book final examination worth 100%; OR 2) Up to three short assignments, valued at 10% each (for up to 30% total); AND a open Book Examination for the remainder.

## **Family Law II - Family Law Policy**

(5120.03) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Discussion, problems, and student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses on family law policies and potential areas of family law reform. It explores critically some of the underlying assumptions about families and family law in relation to legislative and judicial choices about family law policies and dispute resolution. The seminar assumes that students have completed a basic course in family law, so that students can assess policy issues from an advanced perspective, including the use of comparative and interdisciplinary materials. The seminar focuses on critical readings about family law and family law policies, using cases and policy papers to explore the impact of family law principles and fundamental policy perspectives.

Evaluation: Students are expected to be present for classes, to read the assigned materials, and to participate in class discussions. Students will also be required to make brief presentations: on one or more of the assigned materials during the seminar, and in relation to their essay topic for this seminar. Students may also submit (on a credit/no credit basis) a reflection paper (3 pages double spaced) on any one of the assigned readings during week six of the semester (to be reviewed with feedback about writing). The major evaluation for the seminar is a research essay that examines a policy issue in family law (substantive or process issues are acceptable), identifies problems with current legal principles, explores policy options for reforming the issue, and provides a critical assessment for family law reform. Where appropriate, the research essay should link seminar materials and discussion to the research essay topic, and should include legal as well as comparative and/or interdisciplinary literature as sources. It is expected that the research essay will engage with academic literature and public policy research. The essay must be 7000 words in length (7000 words are required for second year students to meet the Upper Year Writing Requirement), not counting notes and bibliography. Students in third year, who are required to write an essay of 8000 words to meet the Upper Year Writing Requirement may submit an essay of 8000 words, not counting notes and bibliography.

The primary evaluation for the seminar is the research essay (approximately 80% of the overall grade). Attendance, participation in discussion, and the presentations (approximately 20%) will also be taken into account in determining the final grade for the seminar.

## **Forensic Science & the Law**

(3690.03) *Seminar*

Instructor(s): E. 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.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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: Participation (class attendance and participation in class discussion) - 20%; Final Research Paper (also eligible for Upper Year Writing Requirement) - 80%.

## **Globalization & the Law**

(2008.03 P) *Course*

Instructor(s): J. McKay; Adjunct Professor

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

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 20, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

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, do the readings, and participate in class discussion. Students will take responsibility for presenting one of the topic sections and leading the class discussion of that section. There may be reading quizzes.

## **Globalization & the Law**

(2008.03 Q) *Course*

Instructor(s): A. Bhatia, Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style, guided discussions of assigned readings combined with activities and guest speakers as available/applicable. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar will examine the laws and policies of transnational migrant work through contextualized examples in Toronto, Ontario, and Canada, with some possible comparison to other jurisdictions. The seminar will offer students the opportunity to further their knowledge about the ever-changing laws and policies of migrant work through historical precursors, current debates, competing values, and seminal scholarship in the field. These laws and policies include, but are not limited to, issues of immigration and refugee law, labour and employment law, law reform, labour market regulation, constitutional jurisdiction, trade in goods and services, international law, globalization, and colonialism. Different actors and networks relevant to these laws and policies include migrant workers and their families, employers and their businesses and families, sending, receiving, and transit nation-states, government actors and agencies (e.g. Federal, provincial, municipal; CIC/HRSDC), global cities, regional industries, labour brokers, employment recruiters, worker centres, lawyers, legal clinics, trade unions, and international non-governmental organizations and institutions.

This course will only serve as an introduction to these issues and actors and no prior experience is required. Apart from introducing students to these different legal and policy aspects of migrant work, the course also aims to help position students to be critical and effective contributors to these ongoing debates in their classrooms, courtrooms, and communities. So, in addition to looking at the content of readings, we will also discuss their persuasiveness, style, and format with the goal of helping students to produce critical and convincing work in this course (and others).

Evaluation: Participation: 20% (readings and attendance are mandatory, with students assessed on the quality of their preparation and contribution to guided discussions).

Research Paper: 80% (very brief presentation of paper proposal and outline to class; submission of revised paper proposal, outline, and bibliography (roughly 5 double-spaced pages); submission of (roughly) 20 page double-spaced paper (excl. bibliography) on approved topic).

**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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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: Research paper: 85%; Class presentation: 10%; 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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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. Procedure, the definition of crimes, and the nature of punishments all differed greatly, even before the full development of adversary criminal trial in common law systems from about 1800. There are still very significant contrasts in prosecution, standards of evidence and nature of proof, in the form of trial and roles of fact finders between the two traditions. Whether characterized as 'fairness' vs 'justice', or 'adversarial' vs 'non-adversarial', the differences present challenges 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 also explains what distinguishes Canadian criminal law from that of other common law regimes, and how it happened. The law is the product of contingent historical changes over the last two centuries, not a logical system, and it continues to evolve, and will do so further in your lifetime. Past changes, sometimes sudden, resulted from military conquest, miscarriages of justice, new demands for prosecutorial efficiency, political crisis and revolutionary threats, new ideas of criminal responsibility, and the campaigns of moral entrepreneurs--among causes. Changes are interconnected, because the criminal law IS a system. The result, in Canada, is a criminal law that differs in important ways from both English and American criminal law. In some elements it has a greater resemblance to Indian and West Indian criminal law--for good historical reasons.

Topics include blood feud; Romanization of European law; inquisitorial procedure and the emergence of the common law; the common law trial before the lawyers got into it; 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, with discussion. 20% of the grade is for participation such as submitting questions on the readings, and one or two group presentations to the class. 20% is for a test., and 60% for a 7,000 to 8,000 word research paper. (Or, after the test, you can opt for an 80% paper.) The paper has deadlines for proposal and working bibliography, an advanced draft, and the final version; it qualifies for the upper year writing requirement.

## ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

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.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 2013-2014 Colloquium, these themes will be pursued through a combination of (a) scene-setting readings on transnational law and legal process and (b) readings project on the theme of 'transnational legal accountability versus foreign intervention in failing states' with respect to three case studies that the instructor has been researching at the intersection of transnational human rights, crime and security, namely: the events of 2013 in Syria, and the rule-of-law situation; drone killings by US security agencies and the subsequent issues of law arising therefrom; and various human rights, crime and security dimensions of France's intervention in Mali.

Evaluation: 1. *Attendance* (5%)

2. *Participation* (25%): **20% of the mark is allotted to short reviews submitted by individual students in the course of the seminar.** 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* (70%) of 8000 to 8500 words excluding footnotes and bibliography, and also excluding any primary-document appendices.

**Immigration**

(4270.04) *Course*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

A consideration of global, demographic, historical, constitutional and policy considerations in the development of Canadian immigration law will set the stage for an examination of the Immigration and Refugee Protection Act 2001 (which entered into force in 2002), as amended; the Immigration and Refugee Protection Regulations; as well as the emergent Immigration regime. The overarching questions that the course will address include: who may be allowed to enter Canada? Under what conditions? Who can be excluded from Canada, and under what conditions? Who makes these vital decisions? How are these decisions made? What are the problems with the present legal regime relating to immigration? To what extent have social, political and economic forces and attitudes affected the character and interpretation of Canadian immigration law? Following an examination of the family class, the point system is examined as part a consideration of the skilled worker and business immigrant categories. Inland processing, temporary resident statuses, detention, and the inadmissibility determination and enforcement processes are canvassed, as is the role of compassionate or humanitarian considerations. Grounds for inadmissibility and removal, and appeals/judicial reviews will also be addressed. Charter implications are considered throughout the course. So are the ways in which international human rights norms and international trade agreements frame and shape Canadian Immigration Law.

Evaluation: One Take Home Group Assignment (20%), Open-book examination (80%)

## **Indigenous Peoples & the Law**

(3390.03) *Seminar*

Instructor(s): Professor S. Imai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, Discussion, Problem solving, videos. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The seminar, also called "Protests, Occupations and Blockades", will be based on studies of conflicts related to the extractive industries and indigenous and campesino communities in Canada and Latin America. Students taking this course should be comfortable with the perspective that protests, blockades and occupations are legitimate forms of free expression, and, sometimes, the only form of effective expression open to these communities. We will look at the use of law and media to address human rights abuses, including assertion of rights in Canadian courts, the use of international fora, the use of corporate social responsibility standards and the use of corporate law instruments. The role of the lawyer will be analyzed using a community lawyering model.

On Friday January 17, 2014 we will try to organize an all day field trip to the Six Nations reserve for those who can attend. We will learn about their land claims and the protest at Caledonia.

This course has been approved for the practicum requirement.

It is open to up to six upper year students and 14 first year students.

Evaluation: For the upper year students, the evaluation will be based on class participation (10%); a bibliography and outline (15%) a research paper of at least 7000 words excluding notes, bibliography and appendices (75%). For first year students, the research paper will be 6 000 words.

The research paper will be a case study of an ongoing conflict that the student will choose in the first weeks of class.

## **Individual Employment Relationship**

(2550.04) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 employee-employer relationship. Main topics addressed in the course include: the fundamentals of forming an employment contract, express and implied employment contract terms, minimum workplace standards, employee and employer rights and obligations, wrongful dismissal, constructive dismissal, and restrictive covenants.

Evaluation: (1) 100% open-book final exam; or, (2) an additional form of evaluation such as a research paper or course comment, as approved by the instructor, worth 25% of the final course mark, in which case the open-book final exam is worth 75% of the final course mark.

## **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: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Are personal injury lawyers ambulance chasers? Are insurance companies only interested in denying claims and generating profits for their shareholders? There are many misconceptions about the insurance industry despite the important role that insurance law plays in regulating so many areas of our lives. Through this course, students will achieve a better understanding of the role that an insurance law lawyer plays in advancing and defending claims arising out of a motor vehicle collision, a slip and fall accident, or a long term disability claim. Through a case study approach, student simulations and by attending litigation events involving real litigants, students will experience first-hand the application of insurance law and procedure. This will also involve an analysis of the *Rules of Civil Procedure*, 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.

Students are required to participate in at least two of the following insurance litigation events throughout the term: an examination for discovery, a mediation session, a pre-arbitration hearing, a pre-trial hearing and a day of trial. The course instructor will facilitate this process. Students will be required to prepare a paper of 5 pages at the end of their first real world litigation experience before embarking on their second event.

Evaluation: Participation (10%), Reflective Paper (20%) and final examination (70%).

## **Intellectual Property**

(2970.03) *Course*

Instructor(s): B. Sookman, S. Mason, D. Glover; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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.

## **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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 Business Transactions**

(2890.03) *Course*

Instructor(s): M. Martyn; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 30

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 also 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 the theory of Corporate Social Responsibility exemplified in the mining industry.

The course 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: 7,000 word research paper (qualifies for Upper Year Research and Writing Requirement) – 60% of final grade; presentation of research paper to seminar - 20% of final grade; and class participation - 20% of final grade.

### **International Courts & Tribunals**

(2442.04) *Course*

Instructor(s): Professor Obiora Okafor

Fall: 4 credits; 4 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The last several decades have witnessed a near explosion in the number and spread of international courts and tribunals in the world. What role can and do these courts/tribunals play in our current global (dis)order? How do these bodies contribute to or detract from the effort to promote and protect international criminal, human rights and humanitarian law? This course will examine a number of related topics including the socio-legal context in which international courts and tribunals operate; the nature and limits of their mandates and jurisdiction; the nature of their composition; their workings and operations; their relationships with national courts and other domestic bodies; relationships to other international bodies; the implementation and enforcement of their decisions and judgments; any politics, biases or blind spots that afflict their work; and any patterns in their decision-making and operations.

Evaluation: Take Home Group Assignment 20% + Open Book Final Exam 80%

## **International Criminal Law**

(2440.04) *Course*

Instructor(s): K. Davis; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

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,

Upper Year Research & Writing Requirement: No

Practicum: No

The focus of this advanced seminar is two-fold:

- a. To pick a three-person team to represent Osgoode, at an all-expense paid moot in New York City and in the International Criminal Court at The Hague, and
- b. To give participating students an in-depth view of international criminal law and how it is practiced in selected international courts and tribunals. This will be done in conjunction with the study of various international resolutions, treaties and conventions that act as the foundation for these courts' legitimacy and authority.

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 March and April of 2014. 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 six years in which Osgoode has participated in the ICC Moot, we have excelled in the Competition, which brings together schools from around the world, either winning or placing in the top three for five of those six years, 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: In-term written assignments including a draft factum.

**International Dispute Resolution: International Commercial Arbitration**

(3007D.03) *Seminar*

Instructor(s): Professor J. Walker

Fall: 3 credits; 6 hours; max. enrollment: 20

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussions, demonstrations, workshop exercises. Seminar will be taught intensively on Fridays from September 6th to October 11th.

Upper Year Research & Writing Requirement: No

Practicum: No

This semi-intensive seminar, taught in the first six weeks of the Fall term, takes a workshop approach to the law and practice of international commercial arbitration. Through a series of mini-lectures, demonstrations and exercises based on a mock case, students develop a comprehensive hands-on appreciation of the arbitral process from drafting the arbitration clause, through to commencing the arbitration, constituting the tribunal, seeking interim relief, participating in pre-hearing and evidentiary hearing procedures, and challenging and enforcing arbitral awards.

Special emphasis is placed on the role of arbitration in international transactions, the challenges faced when participants from different legal systems and cultures work together to resolve disputes, the responsibilities of counsel and arbitrators, and the many ethical issues that arise as the arbitration community develops practices and policies to ensure the effectiveness of international commercial dispute resolution in support of the needs of business.

This seminar is an excellent complement to the seminar on International Dispute Resolution: Vis Moot, which takes a topical approach to issues arising in the arbitration of international sales transactions under the CISG and the UNCITRAL Model Law.

Evaluation: Short written assignments, final exercise outlines, class participation.

**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 presentations and discussions.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar focuses on the arbitration of international commercial disputes under the United Nations Convention on the International Sale of Goods (CISG). Following three introductory sessions 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.

Through the introduction this year of additional workshops on oral and written advocacy, this seminar will provide an active learning experience for every participant by integrating legal research with written and oral advocacy in a topical approach to international commercial law and arbitration. Three members of the Osgoode Team for the Vis Moot will be selected in November based on the quality of the written and oral presentations throughout the term.

This seminar complements the seminar on International Arbitration, which is taught semi-intensively in the Winter term, and which provides a comprehensive introduction to the subject.

Evaluation: Evaluation in the seminar is based on in-term written assignments including portions of a draft factum.

### **International Environmental Law**

(4880.03) *Course*

Instructor(s): Professor D. Scott

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, student presentations, films

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will introduce students to the foundations and guiding principles of the evolving field of international environmental law. It explores the dynamics of the international legal system with a focus on the key actors, interests and ideas. Selected environmental issues will be examined in close detail in seminars incorporating student research and "reaction papers". Students are expected to contribute actively to the critical analysis of sources and mechanisms of international environmental law and to discussion of new approaches to global environmental problems. By the end of the course, the students should be familiar with the major issues in international environmental protection, the central legal responses to them, and a range of theoretical perspectives and frameworks through which to understand these problems and to evaluate the effectiveness of various international environmental law instruments.

Evaluation: **Option 1**) Research Paper (75%) and Class Participation (25%); or **Option 2**) 3 Reaction Papers (25% each) and Class Participation (25%).

### **International Human Rights Law**

(3440.04 A) *Seminar*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussions with active student participation.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar offers a broad study of human rights as a pervasive legal and socio-political phenomenon in contemporary world affairs. It pursues one central goal by focusing on three interrelated axes. The central objective is to furnish participants with foundational knowledge and critical investigative tools about the origin and nature, evolution, structure of doctrine and institutions, place and influence, and implementation and enforcement of norms that protect individual and collective rights at all times – through peace and war. To that end, our focal axes are: (1) historical and conceptual tools to understand the universality of human rights versus various particularities in the world; (2) unequal distribution of resources and identity-based inequality in the world; and (3) the politics of human rights activism and its actual consequences for the welfare of individuals and peoples.

Evaluation: Participation (20%); final research paper of at least 8,000 words (80%).

## **International Human Rights Law**

(3440.04 P) *Seminar*

Instructor(s): Professor O. Okafor

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.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In this seminar, we will attempt to understand the ever increasing, but constantly contested, 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, a world that was recently referred to as "our global neighbourhood" by the Commission on Global Governance. The seminar will proceed in three broad movements.

In the first segment, 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 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: 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? How (and to what extent) is "law" relevant to the international protection of human rights - why do we not just resort to politics? A broad-based set of literature will be examined 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), 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.

In the third and last segment, we analyze the lessons for both international human rights theory and practice that are decipherable from our examination of the literature and seminar discussions. In this context, we will focus on the practice of international human rights activism by states, groups, and individuals. We will also focus on the question of the possibility of the enthronement of a cosmopolitan international human rights ethos, of a "multicultural universality".

Evaluation: Attendance (10%); participation (10%); outline of final paper (pass/fail), final paper (80%).

**International Investment Law**

(3100.03) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 Law of South-North Relations**

(5940.03) *Seminar*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: None

Preferred Courses: Public International Law

Presentation: Discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Inspired in part by the pioneering work of scholars from both the South (for e.g. Baxi, Weeramantry and Shivji) and the North (for e.g. Head, Falk and Mansel), the objective of this seminar is to explore in enhanced ways, and with new analytical tools, the range of increasingly complex issues that link, and separate, the developing countries of the South with, and from, the Industrialised countries of the North. International legal regimes that reflect these important and highly consequential historical, social, political, economic and military relationships (linkages and divisions) are examined in depth, as are weaknesses in the international legal machinery currently in place. Each such regime will be analysed from a South-North perspective, and in the light of one or more of the existing and emerging conceptual frameworks developed and applied by various new schools of international law such as the TWAIL, LATCRIT, POSTCOLONIAL, FEMINIST, and NAIL/CLS perspectives. South-North linkages and divisions relating to issues such as state-formation and statehood; intellectual property; the exploitation of the deep sea bed; economic interventions by the IMF/World Bank; access to pharmaceuticals and healthcare; the governance of the United Nations and the veto; military interventions; the regulation of multinational corporations; the fairness of the world trading system; governance, democratization and human rights; the environment; global migratory movements; and nuclear disarmament; may be examined.

Evaluation: Attendance (12%); Participation (18%); outline of final paper (pass/fail); final research paper (70%).

## **International Taxation**

(4150.04) *Course*

Instructor(s): Professor J. Li

Winter: 4 credits; 4 hours; max. enrollment: 40

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Discussion, lecture, problems, case studies, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: Yes

The overall objective of the course is to help students learn some 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 learning and ethical issues in international tax planning. These skills are fundamental to lawyers whether or not they specialize in tax practice.

The subject area is important for lawyers working in a small and open country such as Canada. The globalization of trade and investment flows is 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.

The course exposes students to various theoretical and practical issues confronting lawyers in international tax practice. It requires students to reflect on what they learn in class through a critical and ethical lens. It offers students opportunities to engage in activities that starting tax associates are normally required to do, such as analyzing and presenting recent court decisions, drafting factums, writing research memos, or providing a tax analysis of simulated transactions. 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.

Practitioners, such as John Tobin, will play a key role in leading the discussions in some classes.

Evaluation: - 15% for class participation (including presentations, in-class simulation exercises, and reporting);

- 15% (on a credit/no credit basis) for two reflective journals: one is to be completed by each student, another longer one by a group of 3 or 4 (further details will be discussed in class);

- 70% for a take-home exam during the Exam Period.

**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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 three 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%.

**Judgment & Decision Making**

(5650.03) *Seminar*

Instructor(s): R. Corbin; Adjunct Professor

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

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Seminar/discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This upper year seminar on "Judgment and Decision-Making" explores the principles of human perception, judgment and decision-making that underpin the legal system. Students will learn about the heuristics and shortcuts that people use to arrive at judgments and decisions, and the possible biasing effects on lawyer, juries, and witnesses. The course challenges students to discover best approaches to advocacy, when voluminous information must be presented to triers of fact. It highlights creative opportunities for evidence, in any matter of law that depends on what members of the relevant population think, believe, or intend to do.

Evaluation: 7,000 word research paper (75%); case analysis (10%); class participation and exercises (15%).

**Jurisprudence**

(2720.03) *Course*

Instructor(s): J. Nadler; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This year this course will introduce students to the influential and controversial legal philosophy of Ronald Dworkin. We will study selected works by both Dworkin and his critics and will focus on their debates about the connection between law and morality, the relationship between truth and legal interpretation, and the meaning of rights.

Evaluation: Weekly participation, including regular discussion notes (20%); final examination (80%).

**Labour Arbitration**

(5070.03) *Seminar*

Instructor(s): J. Kearsey & J. Parmar; Adjunct Professors

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

Prerequisite Courses: Pre or co-requisite courses: Labour & Employment Law. Students with relevant experience in labour relations or human resources may enrol with permission of instructors.

Preferred Courses: Collective Bargaining Law

Presentation: Tutorial discussion, simulation, visitors

Upper Year Research & Writing Requirement: No

Practicum: No

Labour arbitration processes were designed to provide expeditious and binding resolution of work place disputes during the life of a collective agreement. This seminar will begin by an overview of fundamental concepts in grievance arbitration, including the relevant regulatory framework and jurisdiction of labour arbitrators. Key concepts in discipline and discharge grievance arbitration will also be canvassed. Once students understand these fundamental concepts, the seminar will be taught as an advocacy course to encourage students to apply these concepts to persuasive and coherent oral and written argument. These skills will be valuable for students intending to practice in all forms of litigation.

Evaluation: Seminar participation and contribution (10%); mock arbitration presentation (40%) and written assignment 50%).

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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 and employment law is created and operates.

Evaluation: All students must write the final examination. 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 between the instructor and student and will be based on the length and complexity of the project. The additional form of evaluation could meet the Upper Year Research and Writing Requirement, provided that it counts for at least 60% of the final grade and is at least 8,000 words in length. For students not undertaking an additional form of evaluation, the exam counts for 100% of the final grade.

## **Labour & Employment Law and Policy Colloquium**

(5550.03) *Seminar*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: One of Labour and Employment Law; Collective Bargaining Law, or Individual Contract of Employment.

Preferred Courses: None

Presentation: Class discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

The Canadian labour market has been rapidly evolving in the past thirty years. From a world in which the standard employment relationship was based on the ideal of full-time, full-year, continuous employment, we are moving toward a regime in which employers are less willing to make long-term commitments and in which part-time and temporary work are becoming more common. This change poses a challenge for labour and employment law, which was developed on the model of the standard employment relation. As a result, not only is labour and employment law in a state of flux, but it is arguably the case that the law has not adequately responded to the challenges posed by this changing reality.

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. This will include focusing on identifying and assessing the underlying goals of labour and employment law, evaluating whether the existing law meets these objectives, and considering alternatives for reform. Attention will be given to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant workers), changes in production, 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 students' research interests.

Evaluation: Major research paper (70%), paper presentation (20%), commentary on a set of readings or specified topic (10%).

### **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

Upper Year Research & Writing Requirement: No

Practicum: No

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.

### **Law & Film**

(3200.03) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Law is an important arena of inquiry for filmmakers, and popular film in particular has become a key site through which public understandings about law and the legal system are produced and debated. Concurrently, film has also become an important vehicle of inquiry for legal scholars who understand law broadly as a cultural and meaning-making institution.

This course will use the interdisciplinary encounter between law and film as a lens through which to examine key legal/cultural concepts such as justice, judgment, retribution, memory, and desire. In this workshop, we will develop critical skills to assess, analyze and better understand the cultural mechanisms through which the meanings and institutions of law are understood, interpreted and constantly re-negotiated in Canada and in the world. We will study legal power by examining the ways in which questions of justice are represented by a variety of filmmakers, and will consider whether insights gained from the study of film might help to engender a more responsive and inclusive legal order.

Evaluation: Class Participation: = 10%, Weekly Commentaries = 20%, Final Paper (at least 8000 words excluding notes and bibliography) = 70% (Annotated Bibliography = 10% & Paper = 60%).

**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

Upper Year Research & Writing Requirement: No

Practicum: No

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", Ontario Review Board dispositions, and mental health courts. The civil law portion of the course reviews issues arising from state institutional detention, mandatory community treatment, as well as the law of treatment capacity and substitute decision-making. Additional topics include: financial capacity and powers of attorney, guardianship, capacity to instruct counsel, ethical responsibilities of counsel when representing clients with mental health issues, criminalization of persons with mental illness, use of seclusion and restraint, sexual expression within institutional settings, and the use of psychiatric expert evidence in legal proceedings (risk assessments).

Typical seminars will cover substantive law and statutory provisions, as well as policy issues and professional responsibility concerns. 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%). The major paper cannot be used to satisfy the Upper Year Writing Requirement.

**Law & Rights**

(3450.03) *Seminar*

Instructor(s): Professor Brian Slattery

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar explores the historical evolution of the doctrine of universal human rights. It focuses on three major events that played a seminal role in this process: (1) the early European encounter with the Americas and the ensuing debate over the rights of Indigenous American peoples; (2) the French Revolution and the drafting of the Declaration of Rights of Man and Citizen, 1789; and (3) the abolition of slavery and the slave trade in Great Britain in the 19th century.

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

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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, the Philippines, India, Kosovo, Sierra Leone and South Africa.

The weekly fall seminar focuses on writing a term paper incorporating research, findings and reflections based on student summer 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: Critical Race Theory**

(2750X.03) *Course*

Instructor(s): N. Simms; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

What steps should be taken to establish a more equitable society? In addition, what are the assumptions, beliefs, and practices that undermine fair treatment in a society and marginalize particular groups?

Critical race theories (**CRTs**) provide a framework for identifying, articulating, and proposing solutions to inequity within a society. Two of the defining features of CRTs are as follows:

- a. Group identities—e.g., gender, race, and sexual orientation—are historical constructs.
- b. Social systems—e.g., education, law, and the media—are the mechanisms for conferring advantages to the majority group and obscuring discriminatory views and actions.

The origin of critical race theories (**CRTs**) can be traced to the works of Derrick Bell, Alan Freeman, and Richard Delgado. More specifically, Bell, Freeman, and Delgado took an interdisciplinary approach to building upon the American civil rights movement. This introduction to CRTs will focus on the applicability of said theories to the Canadian legal context and the examination of the interplay between group identities and legal practices.

Evaluation: Minimum 7,000 word research paper (75% of final grade). Weekly reflections (15% of final grade) In-class participation (10% of final grade).

**Law & Social Change: Education Law**

(2750Y.03) *Course*

Instructor(s): P. Lauwers; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, guest speakers, class discussion and student participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Constitutional, human rights, administrative, and labour relations law converge with regulatory design and public policy in the field of education law. The system of public, elementary and secondary education reflects some of the most fundamental public policy choices made in a liberal democracy, including the proper role of the state in education, school choice, the rights of parents and students, the rights of teachers and educational workers, and the respective regulatory roles of school boards and the Ministry of Education. Current issues include labour relations with teachers, bullying, student discipline, and coping with the demographic decline in school-age children.

Students will develop familiarity with substantive law in the education area and the conceptual tools for analyzing public policy issues, and insight into the competing principles and tensions.

Evaluation: 60% for 7000 word paper on an assigned question or an approved question designed by the student, 20% class participation, and 20% for a short 3-5 page assignment based on class and reading materials.

**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 21, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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, law enforcement, 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, recruitment, discretion, and police culture. 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 7,000- 8,000 word research paper (this percentage will be divided into smaller research tasks that culminate in the final paper— 10% for a detailed outline, 20% annotated bibliography, 50% for the final submitted research paper); 20% participation including a brief class presentation.

**Law & Social Change: Restorative Justice**

(2750F.03) *Course*

Instructor(s): E. Marszewski; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar will introduce students to the emerging field of Restorative Justice, its legal theory and practise. They will examine the underlying philosophy and principles of restorative practice and place it within the context of recent theories of interest-based conflict management and consensus-based decision-making. Various processes used to implement Restorative Practices will be examined within the criminal and civil justice systems, with a particular exploration of the role of those who have caused harm, those who have suffered harm, the broader context of other interested stakeholders, the families and broader communities of interest impacted by the events in question. The question of the extent to which fact-finding is incorporated into a restorative justice process will be examined along with the communication strategies employed. Different restorative process models will be examined and compared, with a particular emphasis upon conferencing and circles, and students will participate in role plays based on real fact scenarios and cases. Restorative practises are increasingly used by law enforcement and within the courts and related justice-serving agencies. Students will examine the extent to which restorative practises have been integrated into existing justice systems and structures. Students will also consider the incorporation of restorative practises in conflict and crime prevention, intervention, crisis response, community development and development of public policy.

Evaluation: 75% (15% for the outline, 5% for the bibliography and list of sources, 25% for the mid-term draft and 30% for the final paper); Class Participation: 5% ; Presentation: 15% & Team work: 5%

## **Lawyer as Negotiator**

(3960.04) *Seminar*

Instructor(s): Professor F. Zemans & M. Simmons; Adjunct Professor

Fall: 4 credits; 3 hours; max. enrollment: 84

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.

Upper Year Research & Writing Requirement: No

Practicum: Yes

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 weekly lectures and seminar discussions and simulations, that will introduce and critique theory and practice of representative negotiation. Students are expected to prepare plans for their weekly negotiations as well as in two graded negotiations held at the end of the semester. . Students will be coached and receive critiques from experienced negotiators and are encouraged to reflect on and discuss their weekly negotiations in a small working group of either 14 or 16.

The first half of the course will introduce students to distributive and integrative bargaining as well as to the importance of developing a negotiation strategy and a detailed plan and strategy for each negotiation. The latter part of the course will focus on the importance of communication, integrity, power, gender, and culture in 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: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style discussion/debate guided by set questions/topics. The seminar will be taught over 11 classes in an eleven-week period, beginning January 23, 2014. Each session will vary between 2 and 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

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. There will be specific time set aside to pursue issues identified by students as of interest to the class not otherwise in the syllabus.

We will discuss 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 also be asked to Interview (and write up the interview) a person doing front line advocacy related to both gender & law (not necessarily a lawyer). Examples will be provided. Introductions can also be provided. (5%)

Students will be expected to comment on the class blog in at least 8 of the 11 weeks of the course. At least once, each student will be expected to do the first, longer post. One week, every member of the class will be required to suggest and argue in favour of readings/materials for one of the two classes left open for topics of interest to students. We will vote on these additions. (10%)

All students will be expected to participate in class discussion every week (10%). Attendance is mandatory.

Students will be asked to write a paper of between 4500 and 5500 words (exclusive of footnotes), structured around a recent (no earlier than 2011) case, or controversy, which raises in some way gender and the theoretical approaches noted in the course. A list of potentially interesting cases will be provided. Upper year students are welcome to depart from this model after discussion with the instructor. There will be three graduated assignments leading to the paper with some flexibility on some of these, each worth 5%. A topic proposal form will be required. 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. They will be graded with respect to effort and timely submission, not result.

The final paper will be due 8 am April 1, 2014. Prior to February 7<sup>th</sup>, students may request, in writing, extensions to the "standard due date" of April 14<sup>th</sup>, 2014. All such requests will be granted. These dates are intended to assist students, particularly first year students, with time management. Overall, the paper, with the graduated assignments rolled in, will be worth 75%, as in all perspective option classes.



**Law, Society & State: Animals, Law & Society**

(3520B.03) *Seminar*

Instructor(s): Z. Mia; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminars will include lectures and facilitated discussions of readings, including presentations by students. Guest speakers will provide insights and share their practical experiences on particular issues. Students will be expected to attend all classes, prepare for class participation (including completing all readings), and participate in class. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar explores the place of non-human animals within, and their relationship to, human society. We will investigate this relationship from a variety of perspectives, including social, cultural, philosophical and economic, and will attempt to understand how these perspectives have shaped the current legal framework. The ways we conceive of, talk about and use non-human animals are fundamental to understanding their treatment within different legal systems. Discussions will include the legal status of non-human animals in various systems of law, whether their status under Canadian law should be changed, potential strategies for affecting such change and the consequences thereof.

Evaluation: Students will be evaluated on the basis of: Paper (20 pages) – 85%; Class participation and Seminar Presentation - 15%.

## **Law, Society & State: Domestic Violence**

(3520E.03) *Seminar*

Instructor(s): Professor J. Mosher

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The seminar will proceed primarily by way of discussion of topics and readings. While the topics for the first several weeks will be determined in advance, we will collectively select the topics to focus on later in the course. The idea is that these topics will be driven by student interest; perhaps by questions and issues prompted through earlier discussions and/or by research undertaken for individual papers. In the latter weeks of the course the discussion of topics will be facilitated by students working collaboratively in groups of three or four. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will focus on 'violence' (itself a contested term) in the context of intimate relationships. This phenomenon is variously named -- 'domestic violence', 'inter-personal violence' ('IVP'), 'woman abuse,' etc. -- terms which do not simply mirror an existing reality, but rather construct our understandings and shape our responses. The first part of the course will focus on these contestations over meaning, paying particular attention to the roles of gender, race, sexual orientation, (dis)ability, colonization and class in the production of violence against women. We will then shift our attention to questions about the role of law. We will consider the various arguments (and empirical data) about the potential of criminal law in relation to general and specific deterrence, and claims regarding its educative effect. We will consider debates surrounding mandatory charging and non-drop prosecutorial policies and practices, and the development of the law of self-defence. But we will also consider other areas of law, and the paradoxical role law plays in condemning violence on the one hand, yet creating conditions that shore up the power of abusive men and enable their "coercive control" on the other. Among these areas of law will be immigration (the implications of, for example, the new two-year conditional permanent resident status for spouses), family (decision making regarding custody and access), child welfare (the implications of witnessing violence), and social assistance (access to adequate benefits, the definition of spouses and the role of welfare fraud). We will draw upon feminist and critical theory to interrogate larger questions regarding the conceptualization of 'public' and 'private,' and the role of the state. We will also explore a range of questions about our role as lawyers, including ethical questions about the manner and content of our representation.

Evaluation: Paper: 75% - 6000 words excluding footnotes (an ungraded outline or "story board" will be required). Participation: 10% based on attendance and contributions (including active listening).

Collaborative Group Presentation: 15%

## **Legal Drafting**

(2140.03) *Course*

Instructor(s): S. Benda; Adjunct Professor

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

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Upper Year Research & Writing Requirement: No

Practicum: No

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 exam, or 50% final exam and 50% essay (20 pages).

## **Legal Philosophy Between State and Transnationalism Workshop**

(5670.03) *Seminar*

Instructor(s): Professor François Tanguay-Renaud & Professor Michael Giudice

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

Prerequisite Courses: None

Preferred Courses: Jurisprudence or other background in moral or political philosophy an asset, but not required

Presentation: Seminar, discussion. This seminar is taught over both fall and winter terms, every other Friday.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This year-long course is designed around the Nathanson Centre's annual seminar series on "Legal Philosophy between State and Transnationalism". Over the course of the year, students will be expected to attend and participate in the eight seminars of the series, in which distinguished international theorists will come and present some of their work in progress. Students will also be expected to attend and participate in a further eight preparatory classes (one for each guest seminar). Thus, the class will meet 16 times during the year, for a period of two hours each time, on Friday afternoons (specific dates will be communicated at our first meeting, on the first Friday of the academic year).

The course seeks to analyze, from a philosophical perspective, emerging issues at the intersection of transnationalism, law, and philosophy, with a focus on: (1) The impact of social diversity and transnationalism on justice, law, and social organization more generally; (2) The uncertainty of the rule of law, customary and moral norms in contexts of war and other public emergencies, domestic and international; (3) The erosion of state sovereignty and its impact on the general theory of state and law; (4) Possible forms of transnational wrongdoing and liability (legal, moral, political); and (5) The value and nature of human rights in national and transnational settings. The specific topics covered in any given year will be closely related to our guest speakers' presentations. Thus, the general topics listed above may be covered in overlapping ways, and not all topics will be covered in any given year.

For the list of invited seminar presenters/topics for 2013-2014, see:

<http://nathanson.osgoode.yorku.ca/programs/seminar-series/legal-philosophy-between-state-transnationalism/2013-2014-seminars/>

Evaluation: 65% Final Paper; 15% Short Written Commentaries; 20% Class Participation

**Legal Profession**

(2120.03) *Course*

Instructor(s): Professor P. Girard

Fall: 3 credits; 3 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None

Presentation: Classes will be presented by lecture, discussion, student presentations and guest presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The course will use historical and law and society perspectives to examine the development of the Canadian legal profession and its contemporary challenges. Specific topics to be considered will include the composition, ethos, and regulation of the legal profession; stratification of the profession; access to the profession; access to legal services; the lawyer-client relationship; and professional conduct and accountability.

Evaluation: Research paper (80%); class participation (10%); presentation of paper topic (10%).

## **Legal Values: Commercializing IP**

(3591M.03) *Seminar*

Instructor(s): L. Grimaldi & E. Fan; Adjunct Professors

Winter: 3 credits; 2 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Legal issues are crucial to the commercialization of new technologies. This course will focus on issues related to the creation, development, protection and exploitation of intellectual property rights as a business asset for both high-growth start-ups and established businesses. We will examine the entire process of creating, capturing, protecting, leveraging and transferring technology and ideas, including internal strategies designed to incent scientists and engineers engaged in innovation and idea generation; deciding whether, what, where, and how to obtain IP registrations and the related economics; the development of a commercialization strategy (selecting the target market and application for the idea) and business model; drafting and negotiation of technology transfer/licensing agreements; offensive and defensive IP strategies; assessing competitive IP; negotiating and interpreting IP sensitive contracts including licenses, confidentiality agreements and non competition agreements; transactional IP protection, with discussion on China, India and other emerging markets; and key technology specific legal issues relating to software, digital communications and data processing, mobile devices and social media, financial services and life sciences.

The course will also address the financing options available to the high-growth start-up, including crowd-sourcing and other modern financing techniques.

Media coverage of current developments will be introduced to enrich class discussions. This course will leverage the experiences and challenges from leading experts in the field and employ a variety of case-studies, including one of Ontario's largest angel-funded start-up organizations, PharmaTrust (now MedAvail), a rapid-growth start-up in the pharmacy automation business.

While students with some background in substantive areas are welcome, no prior experience in these areas is required. Of course it goes without saying that a keen enthusiasm to learn about IP issues and participation in the course are encouraged by the instructors. All IP Osgoode Innovation Clinic students are required to enrol in this course.

Evaluation: (a) 20% class participation + 500 word blog on a topic of your choice that may be published on the IPilogue (Innovation Clinic students will be evaluated in this category for their clinic work);

(b) 10% short oral presentation; and

(c) 70% research paper on a topic subject to the instructor's approval.

Students are encouraged to submit their research paper to Canada's Writing Challenge, deadline July 1 2014 as well as their blogs to the Gowlings Best Blog in IP prize by April 2014 (please see IP Osgoode site for details).

**Legal Values: Copyright in the Digital Age**

(3590K.03) *Seminar*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: Copyright Law

Preferred Courses: none

Presentation: Discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

The development of new technologies—from the printing press to the phonograph, and from the blank cassette to the VCR—has always posed both new opportunities and new challenges for creators, publishers and consumers of intellectual works. For the most part, copyright law has evolved to address these challenges by extending its protective reach and established principles to embrace new media. But how well do traditional copyright principles, developed in the heyday of the printing press, apply in the digital era when works can be created, shared and transformed more easily and efficiently than ever before? Can copyright law continue to adapt and expand, or do network technologies present an insurmountable challenge to its practical implementation or normative foundation?

Building on the introductory course in Copyright Law, this seminar will canvass some of the many issues that the law of copyright must confront in this information age, including the rights and responsibilities of service providers and end-users, digital sale and licensing practices, the protection of digital locks, the proliferation of user-generated content, mass digitization projects, the open access movement, and so on. This seminar aims to develop students' understanding of the practical and policy implications of technological change on our copyright system; to familiarize students with recent developments in the copyright law of Canada and internationally; to identify and critically assess "stakeholder" interests and their influence in the evolution of the law and public policy; to further students' awareness of the ongoing debate around the role and relevance of modern copyright law; and to encourage students to critically evaluate the normative bases of copyright and related legal structures.

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

**Legal Values: Governance of the International Financial System**

(3590R.03) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar aims to provide students with a solid grounding in the legal and policy issues arising from the operation of the international financial system. It will be of special interest to students interested in public international law, financial regulation, and the political economy of law. The substantive focus is on the role of relevant international institutions, especially the International Monetary Fund and associated decision-makers such as the G-20. The seminar begins with sessions on the history, economics, and politics of the international financial system, examining concepts such as money, the balance of payments, rules and discretion, soft law, and sovereignty. It then turns to the evolution of the IMF and its Articles of Agreement, its regulation of the current and capital accounts of national economies, the allocation of IMF voting power, and the IMF's relationship to other institutions including the World Trade Organization. The role of other institutions is also examined in individual seminars, including that of national governments/ central banks, private banks/ hedge funds, and the World Bank/ regional development banks.

The seminar content will probably evolve in an effort to capture current developments in the relationship between states, international institutions, and financial markets. In a previous year, for instance, we examined offshoring and tax havens, government responses to the 2008-2009 financial crisis, the causes and evolving risks of financial instability, and the unfolding power relations among states and between states and private actors. Significant time is allocated in the seminar for critiques and for discussion of pending/ possible reforms. Students are afforded opportunities to develop their analytical, presentation, and research/ writing skills, in particular.

Evaluation: Research paper (80%); participation/ class activities (20%).



**Legal Values: Great Cases & How They Shape Common Law & Society**

(3591L.03) *Seminar*

Instructor(s): Professor A. Hutchinson

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, presentation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Great cases' are those judicial decisions that are landmarks in the common law tradition that shape the law and influence the role of law in society. Taken together, great cases are one way to glimpse the workings of the common law as an untidy but stimulating exercise in human judgment and social accomplishment. By examining the consequences and fallout of these decisions, this seminar emphasizes the common law's operation as an experimental, dynamic, messy, productive, tantalizing, and bottom-up process, thereby revealing the diverse and uncoordinated attempts by the courts to adapt the law to changing conditions and shifting demands.

In this seminar, we will look at a series of great cases and attempt to place each one in their social and legal context; this will involve focusing on the ordinary people whose stories influenced and shaped the law, as well as the characters and institutions (lawyers, judges, and courts) that did much of the heavy lifting. A continuing general theme will be the effort to get a better handle on how law evolves and changes in modern society.

Evaluation: 100% paper

**Legal Values: Law & Literature**

(3590V.03) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The field of law and literature is often divided into two strands: “law in literature” and “law as literature.” The “law in literature” strand explores representations of law in poems, short stories, novels, and other literary texts. The “law as literature” strand analyses legal texts through the lens of literary theory, examining the relationship between literary criticism and legal criticism, and between literary theory and legal theory. This seminar will delve into both strands in considering the broad question of how works of literature and literary theory might enhance our understanding of law. Topics of discussion may include: representations of law and legal institutions in fiction, the role of storytelling in law, rhetoric and legal argument, theories of interpretation, and literature and legal change. Readings will be comprised of literary and legal texts as well as scholarly works on law and literature.

Evaluation: 1) A paper worth 80% of the final mark. Students will determine their own paper topics in consultation with the instructor.

2) Class participation worth 20% of the final mark. This will include short commentaries on three of the readings and an in-class presentation.

**Legal Values: Law, Ethics & Social Media**

(3590C.03) *Seminar*

Instructor(s): P. Jenkins; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 5

Prerequisite Courses: None

Preferred Courses: None

Presentation: This seminar will be based on a combination of lectures and student-led discussions of the assigned materials, which will include readings and multi-media sources. A Facebook group (with the highest available privacy settings) will be created for the students to continue the discussions between classes. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This course is designed to address some of the unique issues and challenges for law, social policy and social relations that have arisen with the emergence and ascendancy of social media (Facebook, Twitter etc.). The course has three main objectives:

- 1) To engage in a critical analysis of the ethical and legal issues arising from social media involving privacy, anonymity, narcissism in legal culture, freedom of speech, whistleblowing and human rights.
- 2) To consider some of the potential benefits to be derived from various productive uses of social media in different contexts, including educational and professional settings, such as social activism, networking and mooting.
- 3) To discuss proposals for systemic reform, as well as self-help measures, that are in response to privacy and reputational concerns associated with social media.

Evaluation: Final paper (4,000 to 5,000 words), 75%; 15 to 20 minute presentation on the assigned materials for one of the classes, 15%; overall participation in the class discussions and Facebook group, 10%.

**Legal Values: Legal Ethics**

(3590N.03) *Seminar*

Instructor(s): R. Anand; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This course is designed to provide students with the opportunity to think imaginatively and critically about issues in legal ethics and professionalism, particularly in the context of a great trial or other legal process; as well as to help students understand the basic ethical and professional context in which those issues can and do arise today. In particular, the course has two main goals.

1. The course introduces students to ethics and professional responsibility in the legal profession. Our focus, through readings, in-class problem-based discussions and exercises, will be both conceptual and practical. Students will be expected to participate extensively.

2. The course is also designed to provide students with an opportunity to focus on a particular great trial or legal process (historical or current) by researching some primary materials, identifying a particularly noteworthy ethical or professional issue and presenting the issue both in a team-based class setting and through a written assignment.

Evaluation: Class participation, worth 10% of the overall course grade. Group presentation on an ethical or professional issue, worth 20% of the overall course grade. An independent research paper, worth 70% of the overall course grade. A late submission penalty of 10% per day or partial day of late submission will apply. Students will have wide latitude with respect to choosing a topic for the paper. However, the paper:

- must relate generally to the course;
- can relate to the great trial or legal process presented by the student's group;
- in any event must raise an ethical or professional issue that is relevant to the presentation and/or the course more generally;
- is limited to 20 double-spaced, type-written pages (including footnotes) using 12-point font and approximately 1" (regular) margins (marks will be deducted for papers that exceed the page limit and will typically be deducted for papers that fall significantly short of the page limit);
- must include a bibliography;
- must use proper citation format; and
- must comply with all academic integrity and related requirements.

**Legal Values: Legal Ethics**

(3590N.03) *Seminar*

Instructor(s): M. Freiman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This course is designed to provide students with the opportunity to think imaginatively and critically about issues in legal ethics and professionalism, particularly in the context of a great trial or other legal process; as well as to help students understand the basic ethical and professional context in which those issues can and do arise today. In particular, the course has two main goals.

1. The course introduces students to ethics and professional responsibility in the legal profession. Our focus, through readings, in-class problem-based discussions and exercises, will be both conceptual and practical. Students will be expected to participate extensively.

2. The course is also designed to provide students with an opportunity to focus on a particular great trial or legal process (historical or current) by researching some primary materials, identifying a particularly noteworthy ethical or professional issue and presenting the issue both in a team-based class setting and through a written assignment.

Evaluation: Class participation, worth 10% of the overall course grade. Group presentation on an ethical or professional issue, worth 20% of the overall course grade. An independent research paper, worth 70% of the overall course grade. A late submission penalty of 10% per day or partial day of late submission will apply. Students will have wide latitude with respect to choosing a topic for the paper. However, the paper:

- must relate generally to the course;
- can relate to the great trial or legal process presented by the student's group;
- in any event must raise an ethical or professional issue that is relevant to the presentation and/or the course more generally;
- is limited to 20 double-spaced, type-written pages (including footnotes) using 12-point font and approximately 1" (regular) margins (marks will be deducted for papers that exceed the page limit and will typically be deducted for papers that fall significantly short of the page limit);
- must include a bibliography;
- must use proper citation format; and
- must comply with all academic integrity and related requirements.

**Legal Values: Real Estate Finance**

(3591N.03) *Seminar*

Instructor(s): C. Carter; Adjunct Professor

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

Prerequisite Courses: or co – requisite Courses: Real Estate Transactions

Preferred Courses: None

Presentation: Discussion, Lectures

Upper Year Research & Writing Requirement: Yes

Practicum: No

Real estate is a significant source of wealth in Canada. The acquisition and development of real estate, and the operation of Canadian businesses requires financing backstopped by mortgages on real estate. Mortgage law and financing legal issues are complex. Mortgage law was developed hundreds of years ago and continues to rely on historical underpinnings. This course will examine some of the leading edge legal issues in financing and mortgage law. It will examine the kinds of documentation typically used in real estate financings including commitment letters, mortgages, guarantees, general security agreements, loan agreements, non-disturbance and attornment agreements, pledges and assignments of contracts and leases. The course will review the kinds of security required for different kinds of real estate such as shopping centres, office buildings and development lands. The course will review mortgage remedies such as powers of sale, foreclosures, judicial sales, receiverships, forbearance agreements and the strategies required of both borrowers and lenders in a default scenario. We will also look at leasehold financings, mortgage fraud, *Interest Act* issues and financings involving trusts, partnerships and co-ownerships. This seminar will be invaluable to students hoping to practice banking law, real estate, real estate development, or real estate litigation. The intention is to combine practical document review with the review of significant caselaw.

Evaluation: Participation (20%) and 8000 word research paper (80%)

## **Legal Values: The U.N, Governance & State Building**

(3591E.03) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 22, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In the aftermath of World War II, various States saw the compelling necessity of collective action “to save succeeding generations from the scourge of war,” which in the words of the preamble to the United Nations Charter “twice in our lifetime has brought untold sorrow to mankind” The establishment of the UN is principally, to quote Article 1 of the UN Charter designed to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Notwithstanding this grand objective, violent conflicts including civil wars, wars for democracy, and liberation struggles, amongst many others, have ravaged global peace. The Security Council of the UN is often paralyzed by political gridlock. In addition, the collective action envisioned by the founders of the UN has often yielded to geopolitical and sectional forces. The result is that the UN seems to struggle with maintaining international peace and security. This course interrogates the structure and processes by which the UN grapples with the task of maintaining international peace and security, especially, in the age of state failure and state-building. In 2013-2014, the course will use the case of Liberian civil war as a template for studying the mechanics, politics, legality, and normativity of UN roles in peace maintenance, good governance, and state-building.

Evaluation: 1. Attendance is 20%

2. Class presentation is 20%

3. Long essay of no more than 7500 words is 60%

## **Litigation Dispute Resolution and the Administration of Justice Colloquium**

(5007.03) *Seminar*

Instructor(s): Professor P. Emond

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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.

Evaluation: The evaluation in the course is a major research paper, class presentations and oral and written commentary on another paper. Full attendance and participation is also considered as part of the evaluation scheme.



## **Municipal Law**

(2305.03) Course

Instructor(s): J. Mascarin; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

This course will seek to provide students with an understanding of the legal powers and duties of municipalities and the rights available to citizens, residents and taxpayers when dealing with local government. The course will examine the history of municipalities in Canada and their legal and policy frameworks, including the lack of constitutional status for local government. The course will trace the evolution of municipalities and their powers from the "Baldwin Act" in 1849 to the "modern" municipal legislative model that has been adopted in virtually every jurisdiction in Canada, with specific reference to the *Municipal Act, 2001* and the *City of Toronto Act, 2006*.

Topics will include a review of the form and structure of municipal government; municipal powers and jurisdiction as well as duties and liabilities; the role of municipal council and the head of council; the role of statutory officers and municipal administration; by-laws and resolutions as municipal legislation; the doctrine of *ultra vires*; the open meeting rule; the inapplicability of the indoor management rule; the enforcement of municipal by-laws and challenges to municipal actions; the discretionary enforcement principle and the unique self-help remedy available to taxpayers in Ontario. The course will also canvas municipal elections, conflict of interest legislation, the municipal financing framework and municipal freedom of information and protection of privacy laws.

Evaluation: Midterm examination (30%); final examination (60%); and class participation (10%).

## **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: Canadian Constitutional Law and Criminal Law

Preferred Courses: Administrative Law, human rights courses

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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, 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, espionage 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 7000 words (excluding footnotes or endnotes, bibliography and appendices) on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). This will satisfy the Upper Year Research and Writing Requirement(UYRWR). Papers must be submitted by the date specified by the law school for all fall seminars (usually the beginning of the exam period). Papers will be evaluated as 75% of a student's final mark. The remaining 25% will be assigned by the instructor based on class presentation(10%) and participation(15%).

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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 50% of final grade. Short paper worth 50% 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.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Upper Year Research & Writing Requirement: No

Practicum: No

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%). Attendance (20%).

In the alternative, a student may write a paper (no more than 9000 words, excluding notes and bibliography) on a topic in Patent Law to be arranged with the class instructor. The paper carries a total of 80 marks and is eligible for the Upper Year Research and Writing Requirement.

## **Philosophical Foundations of Criminal Law**

(5690.03) *Seminar*

Instructor(s): Professor F. Tanguay-Renaud

Winter: 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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 will also be considered and may be developed further by students in their papers. Theoretical and analytic philosophical texts will be our primary materials.

Evaluation: 70% Paper, 30% Presentations/Class Participation.

**Public International Law**

(2340.04) *Course*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introductory survey of public international law as a discipline and a political tool through the lens of the function of international legal system, its norms, processes, institutions, actors and participants. We will tackle legal doctrinal questions ranging from sources of international law to regulation of the use of force, international criminal machinery, humanitarianism and intervention, and development and trade, with an eye on the shrinking lines between the domestic and the international and another on the changing notion of the 'international'. Throughout, our doctrinal investigation will take aid from both theoretical literature and concrete political discourse in order to weigh both the possibilities and limitations of international law in world affairs.

Evaluation: Evaluation: Participation (10%); three-hour open-book examination (90%).

**Real Estate Transactions**

(2070.03 P) *Course*

Instructor(s): P. M. Perell; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 90

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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): C. Carter; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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.

**Real Estate Transactions**

(2070.04 B) *Course*

Instructor(s): R. Rosenblatt; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 65

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 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.

## **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

Upper Year Research & Writing Requirement: No

Practicum: No

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%); 2,000 - 2,500 word written assignment (30%); participation (10%).

## **Regulation Of Competition**

(2350.03) *Course*

Instructor(s): D. Rosner; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Competition law has become a common feature of the business press as the Competition Bureau and foreign competition regulators prohibit or impose conditions on important M&A transactions and impose fines into the tens of millions of dollars on cartelists. This course provides a background into the role and importance of competition law through a survey of Canada's Competition Act, with comparative analysis of the US and EU competition regimes and the economic and policy considerations that underpin competition laws. A basic knowledge of competition law is useful to anyone whose practice will have commercial aspects, whether advising a local gas station about price setting procedures or multinationals about their ability to merge.

Evaluation: Open-book examination; optional 20 page paper for 30%



## **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: Lectures, discussion, guest speakers.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar introduces students to natural resources law from a public interest perspective. Each week's seminar will focus on a specific component of this area of the law with an emphasis on new and emerging issues. Topics for discussion include forests, water, energy and minerals management as well as resource consumption issues. We also examine matters related to sustainability, environmental assessment and approvals, Aboriginal law, climate change impacts, and compliance and enforcement.

Evaluation: The course evaluation has two components: research paper (8,000 words) 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: 80

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Upper Year Research & Writing Requirement: No

Practicum: No

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, principal concepts in the Securities Act (Ontario), registration requirements for persons trading in securities, prospectus requirements 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 50 percent 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: 85

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 as well. 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 offerings; private placement exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; capital pool companies; continuous and timely disclosure; takeover bid legislation; mergers and acquisitions; primary and secondary market civil liability; and regulatory enforcement issues.

Evaluation: 100% open book examination.

## **Statutory Interpretation**

(2930.03) *Course*

Instructor(s): B. Kettles & G. Jenner; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will: (a) introduce students to legislative language; and (b) give students the opportunity to develop practical skills in the interpretation and application of statutory provisions. Various topics will be discussed, including:

1. Judicial approaches to statutory interpretation;
2. Interpretive Theory;
3. The nature of "legislative intent";
4. Maxims and Rules of Interpretation, both common law and statutory;
5. Interpretive Presumptions;
6. Judicial notice;
7. Practical considerations in legislative drafting;
7. Evidence of legislative intent, and
8. Indeterminacy and Critical Legal Studies

The overall emphasis is on the language of the law and the practical application of statutory language.

Evaluation: 50% Assignment/Paper (3,000-3,500 words)

30% Case Comment (2,000-2,500 words)

20% Class Participation

## **Tax Law and Policy Colloquium**

(5330.03) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: Tax I and an advanced tax course

Preferred Courses: none

Presentation: The winter 2014 colloquium will be in a directed reading format.

Upper Year Research & Writing Requirement:

Practicum: No

This tax policy seminar is open to all students. It also serves as the capstone course for the Tax Law Program. Its purposes are to help students bring together the knowledge and skills they have developed in the tax and related courses they have taken, to further develop their critical thinking and writing abilities, and to engage them actively in the production of new knowledge in the tax field. Although the precise content of the course will vary from year to year, basically the seminar will involve an examination of current research in tax law and policy.

The objective of the seminar is to foster a high level of scholarly and professional sophistication among graduates of the Tax Program and other students interested in tax and expose them to the most current tax research being conducted in a variety of professional settings. For students who may be interested in graduate work or careers in research the course will provide an opportunity to clarify their research interests and to learn from experienced tax researchers. At the end of the seminar students should have the ability to read the most sophisticated tax articles - whether theoretical or practical - critically and with understanding and to write publishable tax commentaries.

Evaluation: Students will be evaluated on the basis of their written critiques of the scholarship assessed during the colloquium and on the basis of a research project undertaken by them.

## **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; individual or team presentations

Upper Year Research & Writing Requirement: No

Practicum: No

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.

Evaluation: 1 assignment and presentation. Class attendance and participation. For the assignment, students will be required to prepare a factum (maximum 20 pages, 6,000-7,000 words) and present oral arguments in teams of two.

### **Tax Lawyering**

(3370.03) *Seminar*

Instructor(s):

Winter: 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

Upper Year Research & Writing Requirement: No

Practicum: No

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.

Evaluation: 1 assignment and presentation. Class attendance and participation. For the assignment, students will be required to prepare a factum (maximum 20 pages, 6,000-7,000 words) and present oral arguments in teams of two.

### **Taxation Law**

(2080.04 A) *Course*

Instructor(s): Professor T. Edgar

Fall: 4 credits; 4 hours; max. enrollment: 90

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture; problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 (5,000 words) due on the first day of examinations.

## **Taxation Law**

(2080.04 B) *Course*

Instructor(s): Professor J. Li

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Taxation Law is the foundational course in the tax area, and one of the highly recommended courses for students at Osgoode. It is designed not only for students who find tax issues intriguing, but also for those who are more interested in the relevant non-tax substantive areas, which are myriad. For example, corporate lawyers working on mergers and acquisitions need to understand the tax consequences of such transactions, which are often structured in response to the tax law. Lawyers specializing in international business transactions need to understand domestic and international tax law because they profoundly affect these transactions. Family lawyers need to understand the tax consequences of marriage, divorce, and the transfer of property. Less obviously, students interested in poverty law and social justice should be familiar with tax law as the Income Tax Act (the Act) is used as a major policy instrument in regulating non-profit entities and in redistributing social income.

Taxation Law focuses on the federal Income Tax Act and the policy considerations that inform the design of the tax. The Act is perhaps the most pervasive federal statute on the books, and has become an important governmental tool for influencing many aspects of modern Canadian life. Therefore, the course examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers.

A principal goal of the course is to teach students 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. Problems will be used to illustrate how the law is supposedly to work in real life.

Students are expected to be active learners: read the materials before class, think about the issues before, during and after the class, and participate in class discussions.

Evaluation: 100 % examination (3-hour open book) during the Examination period. Alternatively, 50% examination (the same exam for all students), 50% paper due on the first day of examinations. If examination grade is higher, it will count for 100%.



**Taxation Law**

(2080.04 P) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 85

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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; the taxation of capital gains; and tax avoidance.

While the course is about technical tax law, heavy emphasis is placed upon developing skills in dealing with statutory materials and tax policy. The distributive effects of tax law is a recurrent theme in the course.

Evaluation: 100% open book examination. Additional evaluation: Optional 50% paper.

**Taxation of Business Enterprises**

(4100.04) *Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: Tax I

Preferred Courses: None

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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) worth 100% or 50% open-book examination and 50% paper 5,000 words.

## **Taxation of Wealth Transfers**

(4080.03) *Course*

Instructor(s): S. Mexis; Adjunct Professor

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

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussion, problems

Upper Year Research & Writing Requirement: No

Practicum: No

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).

## **Theory and Practice of Mediation**

(5960.04) *Seminar*

Instructor(s): Professor F. Zemans & M. Simmons; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: ADR Perspective Option and Lawyer as Negotiator

Presentation: Seminars, mediation practice

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The mediation seminar offers students an opportunity to develop an understanding of the utility and impact of mediation within the context of contemporary civil dispute resolution in Canada. Students will gain an understanding of mediation through the weekly seminars, simulations, reflections and three or four co-mediations at the Toronto Small Claims Court at 45 Sheppard Avenue East, Toronto.

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 disputes, particularly in the Small Claims Court context.

The seminar includes i) an Intensive Mediation Workshop during September, including mediation training and introduction to court-annexed mediation and mediation advocacy; ii) weekly seminars and discussions and critiques of the course readings; iii) four supervised co-mediations at North York Small Claims Court; and iv) a research paper on issue(s) discussed in the seminar and confronted in students' mediations. Students may opt to satisfy the Upper Year Research & Writing Requirement by submitting a paper of 8,000 words.

Evaluation: Class Participation including two class presentations **20%**; Two Small Claims Court Mediations (**20%**); two Mediation Reflections (one graded) **10%**; and a Research Paper **50%**. (Students may write a Major Research Paper (8,000 words) for **60%** and will not be graded on their Mediation Reflection(s).

## **Trademarks**

(2170.04) *Course*

Instructor(s): K. Gill; Adjunct Professor

Winter: 4 credits; 4` hours; max. enrollment: 90

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The course will examine all facets of trademark law, commencing with a review of the underlying policy rationales for the recognition and protection of trademarks. The common law action for passing off will then be explored, followed by an historical overview of Canada's statutory regimes for the protection and enforcement of trade-marks. An in-depth review of Canada's current *Trade-marks Act* will occupy a significant portion of the course, focusing upon the application, opposition and registration requirements, procedures and practices, the various available actions for the protection and enforcement of registered marks, and the different grounds to invalidate registrations. International developments in the law of trademarks will also be canvassed in so far as their impact and potential impact on Canada.

Evaluation: 100% final open-book examination (100%); or alternatively, examination (50%) and paper (50%) on approved topic due on first day of examinations.

## **Trial Advocacy**

(5270.04) *Seminar*

Instructor(s): J. Rosenthal & R. Grinberg; Adjunct Professors

Fall: 4 credits; 3 hours; max. enrollment: 90

Prerequisite Courses: No Prerequisite, but Evidence is a corequisite.

Preferred Courses: None

Presentation: Lectures, readings, Student performances plus critique, demonstrations

Upper Year Research & Writing Requirement: No

Practicum: Yes

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pre-trial preparation and case analysis, opening and closing statements, examination and cross-examination of witnesses, evidence issues, expert evidence, 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 including video review. Students conduct 2 day jury trials at the Court House at 361 University Avenue, with two-student counsel acting on each side of the case. Trials are presided by Judges of either the Ontario Court of Justice or the Superior Court of Justice.

Evaluation: Class presentations, mini trials, final trials, attendance and a 5 page reflective essay. Grade is on a credit/no credit basis.

## **Trusts**

(2090.04 A) *Course*

Instructor(s): E. Esposto; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 90

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

The objective of this course is to introduce students to the most important contribution of equity, the trust. Trusts are used for such a wide range of purposes that a thorough understanding of the law in this area will be advantageous regardless of the professional specialization one might ultimately pursue. The course starts with an historical introduction and includes considerations of the principal purposes for which trusts are currently used. Practical as well as academic aspects will be discussed. The topics to be covered include: History and Development of Equity and the Trust; Definitions and Terminology associated with Trusts; Classification of Trusts; Nature of the Beneficiary's Interest; Trusts and Other Legal Relationships; Creation of the trust: certainties and Legal Requirements; Constitution of Trusts; Formalities of Trusts; Duties and Standard of Care of Trustees; Powers and Rights of Trustees; Judicial interference with trustees' discretion; Breach of Trust; Revocation and Termination; Variation of Trusts; Resulting Trusts; Constructive Trusts; Charitable Trusts; Non Charitable Purpose Trusts; Appointment and Removal of Trustees; Practical Uses of Trusts.

There will be an assigned textbook as well as occasional supplementary materials provided. It is an express expectation that students do the readings, attend class and come prepared to participate. The course will be run with an emphasis on classroom discussion and constructive debate in a forum where there is a positive and healthy interaction of ideas. A sense of humour is a useful (although not mandatory) prerequisite.

Evaluation: 100% open-book examination.

## **Trusts**

(2090.04 P) *Course*

Instructor(s): Professor R. Haigh

Winter: 4 credits; 4 hours; max. enrollment: 90

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The objective of this course is to introduce students to the most important contribution of equity, the trust. The course starts with an historical introduction and a consideration of the principal purposes for which trusts are currently used. The topics to be covered include: the nature of the trust and its distinctive characteristics as a legal institution; substantive and formal principles governing the creation and administration of express private trusts; the concept of a fiduciary relationship and its contemporary importance in areas such as Crown/aboriginal relations; resulting and constructive trusts; variation and termination of trusts; the rights of a beneficiary of a trust; duties and powers of trustees; personal and proprietary remedies for breach of trust; and the use and development of trusts in non-traditional areas such as the environment and commerce.

Evaluation: Open-book examination.

## **U.S. Securities Regulation in Comparative Perspective**

(5620.03) *Seminar*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation (can be taken simultaneously)

Presentation: Lecture, discussion, problem-solving

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will provide an overview of U.S. securities regulation, with the goal of developing students' understanding of the regulation of the U.S. capital markets from both a doctrinal and policy perspective, and understanding differences and similarities with Canadian market regulation. Particular emphasis will be put on current regulatory issues, such as regulatory initiatives introduced in light of the credit crisis in 2007-2008; the effects of the Sarbanes-Oxley reforms of 2002, and concerns about the continuing global competitiveness of the U.S. securities markets. Topics to be covered include the regulation of the public offering process, exemptions from public offering requirements; primary and secondary distributions; regulation of the trading markets; on-going disclosure requirements; debates over securities class actions under Section 10(b) and Rule 10b-5 of the '34 Act; and insider trading. Reading materials will combine theory (law review articles, reports of blue-ribbon commissions) with practice (statutory materials applied to problems distributed in advance).

Evaluation: Research paper: 90%, class participation: 10%.

**Western Legal Histories**

(6601.03 M) *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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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, etc) 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 7,000 to 8,000 words: 70%.