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OSGOODE SYLLABUS OF COURSES AND SEMINARS

**2014-2015
Fall / Winter**

Note:

This Syllabus and the Timetable provide information available as of June 2014 to enable upper-year students to complete a Study Plan for the 2014-2015 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of printing. However, Osgoode Hall Law School of York University reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

Prepared by the Student Services Office, Osgoode Hall Law School. June 2014.

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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. Additionally, subject-area concentrations are set for those interested in this guidance in order to better structure your program of study.

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 Office of Admissions & Student Services.

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 universal 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 Office of Admissions & Student Services.

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: 2014-2015

2014 Fall Term	
Thursday, August 28	Orientation for 1 st year students begins
Monday, September 1	Labour Day – no classes, University closed
Tuesday, September 2	1 st year classes begin for both Ethical Lawyering and Legal Process. 2 nd and 3 rd year classes begin
Tuesday, September 2 Monday, September 15	Course change period
Monday, October 13	Thanksgiving – no classes, University closed
Thursday, October 16	Deemed Monday – Thursday day and evening classes are cancelled. Monday classes will be held.
Monday, November 3- Friday, November 7	Reading Week for Upper Year students
Friday, December 5	Classes end
Monday, December 8	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 8 to Friday, December 19	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.
Wednesday, December 24 to Thursday, January 1	Christmas/Winter break. University closed.
2015 Winter Term	
Friday, January 2	University re-opens
Monday, January 5	Classes begin
Monday, January 5	Last day to submit Fall Term examination petitions
Monday, January 5 Friday, January 16	Course change period
Monday, February 16	Family Day – no classes, University closed
Monday, February 16 to Friday, February 20	Reading Week
Friday, April 3	Good Friday. University closed.
Friday, April 10	Classes end
Monday, April 13	Seminar & Directed Research Papers due by 3:30 p.m. – papers must be submitted electronically through the online drop box (unless an earlier date is established by the course instructor).
Monday, April 13 to Friday, April 24	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 1	Last day to submit Winter Term examination petitions

3. ACADEMIC REQUIREMENTS

Please read this section carefully before planning your year of study.

Students admitted into 1st year prior to Fall 2012

- 1) Successfully complete a minimum of 60 credit hours over second and third years;
- 2) In either 2nd or 3rd 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 admitted into 1st year prior to Fall 2012 must complete an upper year research and writing requirement pursuant to Rule A.3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. During the academic year 3rd year students are required to submit the requirement at the online declaration site on MyOsgoode. Students will be advised of the dates to declare (or amend) a declaration during the fall term.

Upper Year Research & Writing Requirement (Academic Rule A.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 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;
"designated course" means a course or Intensive Programme designated by the Assistant Dean, Students or the Associate Dean;
 - ii. 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;
 - iii. 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 www.osgoode.yorku.ca/opir

STUDENTS GRADUATING CLASS OF 2015 (or later) and students admitted into 1st 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 2nd and 3rd 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. Complete the Principles of Administrative Law requirement (see 3.5A for details);
 7. Enrol in between 13 and 17 credit hours each term;
 8. 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 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 (new) Rule A 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. In each of their 2nd and 3rd 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 (new Academic Rule A.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 www.osgoode.yorku.ca/opir

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 A.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 Programs & Records Office 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 Federation of Law Societies of 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 A.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"

3.5A Principles of Administrative Law (Class of 2015 or later)

In order to satisfy the accreditation requirements of the Federation of Law Societies of Canada, each student must demonstrate an understanding of the principles of public law in Canada, including the principles of Canadian administrative law. These principles are not necessarily covered in the mandatory first year curriculum. Accordingly, each student must

complete either Administrative Law or the not-for-credit module "Principles of Administrative Law Lecture". Students are required to declare completion of this requirement.

Principles of Administrative Law (Academic Rule A.3.9)

As a condition of graduation, each student shall successfully complete Administrative Law (Law 2010) or take the not-for-credit "Principles of Administrative Law Lecture" in class or online.

For both Class of 2015 and Class of 2016 - 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 Programs & Records 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 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 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. Students may 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 2014-2015 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 open on June 16th 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 24th. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. The Programs & Records Office 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 the Programs & Records Office.

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 **beginning on September 2nd. 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 REM from Monday, July 21st until Monday, September 15th to amend

their course enrolments. REM 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 15th, and then reopens on January 5, 2015 until January 16, 2015.

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 available on the Financial Services website.

5. PROPOSAL AND PERMISSION FORMS

Proposal and Permission Forms can be downloaded from and submitted to MyJD. More information on MyJD will be sent in July. Note that some forms require the approval of the Assistant Dean, Students and/or faculty.

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.

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 Programs & Records Office. 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 Programs & Records 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.

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, Students 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 are found on the MyJD site and should be scanned and uploaded into MyJD. **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 following competitions:

- 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:

- 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 6022.02) 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 mootings.

Students do not enrol in mootings credits via the Law Select system. Students who are selected for mootings teams will be instructed on how to enrol in mootings credits. The Appellate Advocacy Workshop is scheduled in the timetable and mootings 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 mootings and who also participate in the Appellate Advocacy Workshop.

6.3 Osgoode Hall Law Journal *LW 8010.04 or 8010.02 (fall & winter)* Professor S. Wood, Editor-in-Chief

Academic Rule A. 4.1 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 Journal of Law and Social Policy *LW 8010B.04* Professor J. Mosher, Editor-in-Chief

Newly housed at Osgoode and located on Osgoode's Digital Commons, the Journal of Law and Social Policy encourages debate and dialogue on important issues at the intersection of law and society, particularly as they impact low income individuals and disadvantaged communities. The Journal publishes both scholarly works (in traditional and non-traditional forms) and shorter "voices and perspectives" contributions. It seeks to encourage submissions from a broad range of contributors participating in, and impacted by, struggles for social justice. Junior editors assist with the production process in a variety of ways. Upon completing two semesters as a junior editor, students are eligible to become senior editors and earn up to 4 credits per year. To be eligible for credit, senior editors are required to participate in a number of activities: the review of submissions; the editing of articles and shorter submissions accepted for publication; correspondence with authors; and the administration of the journal. Senior editors are also required to prepare a short written submission for the JLSP.

6.5 Transnational Law Journal *LW 8010C.02 (fall), LW 8010C .02 (winter)* 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

Transnational Legal Theory, now in its 5th volume 2014, is one of the world's most highly regarded legal periodicals in international, comparative and transnational law and jurisprudence. The Journal publishes four times a year, following a rigorous, anonymous peer-review process. Being a highly innovative, transnational publishing initiative, student editors are working with authors, both world renowned and emerging, from around the world on formal and substantive aspects of the submissions received by the Journal. Following the external peer-review by established scholars, articles accepted for publication undergo extensive editing by student editors. Selected

articles are reviewed within the student board. 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.

Note: 2014-2015 will be the last year TLT is edited at Osgoode. The Journal is open for credits only to continuing student editors, who have served on the TLT board in 2013-2014. First-time editors on the Journal in 2014-2015 would not be eligible for credit.

6.6 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.

6.7 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 level.

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 complete the *Extra-Disciplinary Course Approval Form* found

on MyJD and have the form approved by both Faculties concerned. The completed form should then be scanned and uploaded through MyJD link.

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. These courses are considered seminars for enrolment purposes and the grade will be reported as Credit or No credit.

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

Students will not be permitted a leave of absence in the first year of their JD studies except in exceptional circumstances.

After completion of the first year of JD studies, a student may request and receive, on a *pro forma* basis, one leave of absence of not 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, Students. 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: 2014-2015 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 2014/2015 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.

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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 2014/2015 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:

First Nations and the Law
International Human Rights Law
Native Rights
Resources Management

Level Three:

Intensive Program in Aboriginal
Lands, Resources and Government

2. BUSINESS LAW

Level One:

Banking, Payments and Negotiable Instruments
Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Debtor-Creditor
Family Law I
Immigration
Intellectual Property Law
International Business Transactions
Real Estate Transactions

Level Two:

Advanced Securities
Advanced Securities: Enforcement and Resolving Disputes
Advanced Torts
Art of the Deal
Corporate Finance
Corporate Governance
International Trade Regulation
Investor Protection Seminar
Real Estate Finance
Regulation of Competition
Securities Regulation
The Business of Law
U.S. Securities Regulation

Level Three:

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:

Comparative Law: Comparative Constitutionalism
Constitutional Litigation
Disability and the Law
Discrimination and the Law
Law and Social Change: Education Law
Law, Society and State: The City
National Security Law in Canada
Native Rights

U.S. Constitutional Law

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
Banking, Payments and Negotiable Instruments
Business Associations
Commercial Law
Contracts II
Debtor- Creditor
International Business Transactions
Law and Economics
Legal Drafting
Restitution
Statutory Interpretation

Level Three:

Administration of Civil Justice:
Issues in Assessment of Litigation & Regulatory Risk
Art of the Deal
Advanced Torts
Case Studies in Business Enterprises
Contract Remedies
Copyright Law
Entertainment and Sports Law
Insurance Law
Legal Values: Current Issues in Reproduction
Legal Values: E-Commerce and the Law
Patents
Trademarks

Level Four:

Osgoode Business Clinic

5. CRIMINAL LAW

Level One:

Criminal Law

Level Two:

Criminal Procedure
 Directed Reading: Informants and Whistle-blowers
 Evidence
 International Criminal Law

Level Three:

Administration of Criminal Justice: Regulatory Offences
 Administration of Criminal Justice: Sentencing
 Administration of Criminal Justice: Wrongful Conviction
 Administration of Criminal Law: Justice 360
 Comparative Law: Crime, Politics and International Law
 Comparative Law: The Rule of Law and Terrorism
 Criminal Law II: Advocacy and the Criminal Trial
 Criminal Law II: Ethical Issues
 Criminal Law II: Sexual Offences
 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
 Trial Advocacy

Level Four:

Criminal Law Intensive
 Innocence Project

6. DISPUTE RESOLUTION**Level One:**

Legal Process

Level Two:

Advanced Securities: Enforcement and Resolving Disputes
 Civil Procedure II
 Dispute Settlement
 International Dispute Resolution: Advocacy in the International Criminal Court
 Lawyer as Negotiator
 Theory and Practice of Mediation
 Trial Advocacy

Level Three:

Administration of Civil Justice: Class Actions
 Administration of Civil Justice: Estate Litigation
 Constitutional Litigation
 Directed Reading: Advanced Negotiation
 Labour Arbitration

Level Four:

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

7. ENVIRONMENTAL LAW**Level One:**

Environmental Law

Level Two:

Climate Change
 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
 Supervised Research Project:
 Environmental Justice and Sustainability

8. FAMILY LAW**Level One:**

Contracts
 Criminal Law
 Law, Gender & Equality
 Property Law

Level Two:

Business Associations
 Conflict of Laws
 Dispute Settlement
 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: Child
Protection
Children and the Law: Child
Protection Externship
Family Law II: Family Law Policy
Legal Values: Current Issues in
Reproduction

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
Legal Governance of Health Law
Patents

Level Two:

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

Level Three:

Disability Intensive Program

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
Comparative Law: The Rule of Law
and Terrorism
Constitutional Litigation
Disability and the Law
Law and Poverty
Law and Psychiatry
Law and Religion
Law and Social Change: Critical
Race Theory
Law and Social Change: Education
Law
Law and Social Change: Trade,
Human Rights and Development
Law of War

Level Three:

Anti-Discrimination Intensive
Program
CLASP Intensive
Criminal Law Intensive
Directed Reading: International
Human Rights at the Hague
Disability Intensive Program
Innocence Project
Intensive Program in Aboriginal
Lands, Resources and Government
Intensive Program in Immigration
and Refugee Law
Intensive Program in Poverty Law

11. INTELLECTUAL PROPERTY LAW

Level One:

Copyright
Intellectual Property
Patents
Trademarks

Level Two:

Comparative Law: Approaches to
Intellectual Property
Comparative Law: Privacy and
Access to Information
Entertainment and Sports Law
Legal Values: Commercializing
Intellectual Property
Legal Values: E-Commerce and the
Law
Legal Values: Reforming Copyright
and Design Law

Legal Values: Reforming Patent and Trade-mark Law

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
Directed Reading: Law, Arts and Culture
Disability and the Law
Judgment and Decision Making
Law and Film
Law and Social Change: Policing
Law and Social Change: Restorative Justice
Legal Values: Great Cases
Legal Values: Law and Literature
Legal Values: Law, Ethics and Social Media
Legal Values: Legal Ethics
Practice Management: Critical Perspectives
Western Legal Histories

14. NATURAL RESOURCES AND THE LAW

Level One:

Environmental Law
Native Rights

Level Two:

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
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
Comparative Law: Privacy and Access to Information
Conflict of Laws
Corporate Governance
Environmental Law
Health Law
Immigration
Insurance Law
Intensive Legal Research and Writing

Land Use Planning (alternate years
FES and Osgoode)
Law and Film
Law, Society and State: The City
Legal Drafting
Legal Information Technology
Legal Values: E-Commerce and the
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:

Criminal Law II: Youth Justice
Directed Reading: Informants and
Whistle-blowers
Discrimination and the Law
Law, Gender and Equality
Law and Social Change: Community
Action across Borders (ILP students
only)
Legal Values: Current Issues in
Reproduction

Legal Values: Right to Housing
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
Tax as Instrument
Tax Lawyering
Taxation of Business Enterprises

Level Three:

Advanced Corporate Tax
Tax Colloquium

19. TRANSNATIONAL LAW

Level One:

Comparative Law: Crime, Politics
and International Law
Ethical Lawyering in a Global
Community
Globalization and the Law

Level Two:

Conflict of Laws
Immigration
International Courts and Tribunals
Legal Values: UN, Governance and
State Building
Law and International Development
Public International Law
Refugee Law

Level Three:

Exchange Programs with Foreign
Universities
International Business Transactions

International Criminal Law
 International Human Rights Law
 International Taxation
 International Trade Regulation
 Law and Social Change: Community
 Action across Borders (ILP students
 only)
 Law and Social Change: Trade,
 Human Rights and Development
 Law of War
 National Security Law in Canada
 Summer Abroad Programs

Level Four:

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

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
- 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 curricular 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, Students 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”)

2014-2015 Convenor – 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 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.

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.

Collaborative Research Teams (CRTs): ICT Program students may 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 Intensive programs like 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 Legal Process course, 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 credits);
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

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 Convenor has 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 2014. ABLW II - Mergers & Acquisitions will be offered in January 2015.

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 2014. ABLW II - Mergers & Acquisitions will be offered in January 2015.

ABLW II satisfies the Praxicum requirement.

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 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, take the lead in conducting a mediation themselves, 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 seven times per semester on 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 Centre Coordinator and the student's lawyer mentor. 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 Praxicum requirement and qualifies for the Upper Year Research and Writing Requirement.

10.4 Business Law Intensive

LW 7700.03, 7710.03, 7720.09

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.

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. Depending upon their placement, students will be exposed to corporate income tax, banking, securities, competition, intellectual property, pension, real estate, commercial negotiation and general corporate/commercial law mixtures. Some of these topics will also be covered in the seminar modules, along with business ethics and corporate social responsibility. The placements, which will be with business enterprises or large public corporations, provide students with a contextualized learning experience.

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 eight 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.
- 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 most 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 that matches 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: two worth three credit hours each, and one worth nine credit hours.

- 1) Essay (3 Credit Hours) - minimum 8,000 words, excluding footnotes and bibliography - on an approved business law topic related to the student's placement is due during 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 (9 Credit Hours) - Following your placement, the supervising counsel will make a written evaluation of your work during the placement. The Program Director will then write an evaluation letter that provides an assessment of your work and accomplishments within the program. This evaluation letter will be permanently attached to your transcript.
- 3) Seminar Presentations, Participation and Attendance (3 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.

10.5 Case Studies in Business Enterprises *LW 5630.03*

Instructor: B. Ross, 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 roleplay; legal drafting assignment; class presentation; research and writing.

Case Studies in Business Enterprises explores substantive legal and business issues commonly encountered in the creation and operation of emerging business enterprises.

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 practically deal with legal issues of common application to business enterprises of different sizes and 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; regulatory issues; and advising the failing business. We will also deal with business-related topics such as financial statements and accounting; tax and financing; regulatory constraints; and governance. Focus will also be provided to the lawyer in the private practice environment and the considerations involved in developing and growing a sustainable business law practice. The difference between this class and other business law courses is that this course works through 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, 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: Students in the seminar will receive a letter grade for a combination of a written assignment (10%), group presentation (10%), participation (20%) and research paper (60%).

Case Studies, taken in conjunction with the Osgoode Business Clinic, satisfies the Practicum 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 2014/2015

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 & 8004.04 (fall), 8001.03 & 8005.05 (winter)

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

The Community and Legal Aid Services Programme (CLASP) is a clinical intensive program that provides a combination of individual advocacy, community development (with an emphasis on the Jane-Finch community), law reform to low income individuals and families. Law students 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 Co-Directors 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 Praxicum 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 G. D'Agostino

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

Program Outline

The IP Intensive provides students with training in intellectual property law (patents, 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: An internship reflective journal, an internship reflective blog, 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 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 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

Academic Director: Adjunct Professor S. Baglay

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 combination of a clinical placement, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of Canadian and international immigration/refugee law. 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, application and development of immigration and refugee law.

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

The Program begins with one week of seminars 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. Students also benefit from exposure to various guest speakers (practitioners and academics) who discuss selected issues of law and practice.

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, Barbara Jackman & Associates, Lorne Waldman & Associates and others.

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

Requirements:

This 15-credit program is available to up to 20 students. A letter grade is given for the major research paper and each module (except for the placement, which is assessed on a pass/fail basis). 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. Students 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 or project (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 community engagement work within their assigned divisions.

Grading and Evaluation

Graded (Winter term) 4 credits: Class participation (20%); Major Research Paper or Project (30%); Mediation assessment (20%); and Community engagement work (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, Professor S. Ben-Ishai

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 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 OBC Director; 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.

Test Case Litigation Project

LW 7070.03 (Fall), LW 7071.03 (Winter), 7072.03 (Winter)

Academic Director, D. Sheppard, Adjunct Professor

The Test Case Litigation Project provides an opportunity for Osgoode students to learn the theory and practice of test case litigation, while

also gaining hands-on experience assisting practitioners engaged in law-reform efforts through litigation.

This full-year, 9-credit program is divided into three major components: a 1-semester seminar; a placement with a firm, organization or practitioner involved in test case litigation; and a paper requirement. Each component of the program is worth three credits.

The seminar, which takes place during the fall term, is designed to expose students to both the theory behind using litigation as a tool of law reform, as well as introduce them to the major practical considerations involved in conducting a test case. Topics to be covered include the lawyer-as-activist; justiciability; jurisdiction; choice of procedure; remedies; funding litigation; expert evidence; and appellate procedures. Students will read relevant case-law, be exposed to court records from actual test-cases, and benefit from guest speakers.

During the winter semester, students will be placed with lawyers currently engaged in test case litigation before courts and tribunals. Students are expected to contribute approximately 5 hours per week of time to these placements. Depending on the need of the placement partner, student work may involve legal research, interviewing witnesses, drafting pleadings or affidavits, or assisting in the preparation of factums.

Students are also required to write a 7,000 word paper which engages with the theoretical and practical issues dealt with in the seminar. Topics are to be set in consultation with the course director, but may address any aspect of test case litigation. The paper is due at the conclusion of the Winter semester, and students are encouraged to integrate the experiences they have gained from their placements into their work.

Both the seminar and the research paper are graded, while credit for the placement will be given on a pass/fail basis.

The Test Case Litigation Program satisfies the Praxicum requirement and qualifies for the Upper Year Research and Writing 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 Program 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 Programs & Records Office. Students should be prepared to submit a complete alternative timetable to the Programs & Records 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 three Joint Programs, in which students can complete 2 degrees in a condensed time period: 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.

3 Year Option

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 Research and Writing requirement
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)
- successful completion of the Praxicum requirement
- successful completion of the FRCC and Principles of Administrative Law Requirement

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)

- completion of the Praxicum Requirement

- 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 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 (MES Admissions) and www.osgoode.yorku.ca/JD/applying.html (JD admissions).

The Academic Program

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

Students in the MES program progress through three stages:

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

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

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

The MES Major Research Paper or Project focuses on integration of environmental studies and law. Osgoode professors are available to supervise Joint Program students' research. The Major Research Paper also qualifies for Osgoode's Research & 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 and http://www.yorku.ca/fes/programs/mes/mes_law.asp.

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

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

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

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

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)
- Queen Mary University (England)
- University of Copenhagen (Denmark)
- University of Amsterdam
- Vrije University (Holland)
- Maastricht University (Netherlands)
- Trinity College Dublin (Ireland)
- 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)
- Tsinghua University (China)
- Jindal University (India)
- National Law University (Delhi, India)
- Bar Ilan University (Israel)
- Hebrew University (Israel)
- Waseda University (Japan)
- Sao Paulo Law School of Fundacao Getulio Vargas (FGV) Brazil
- University of Montreal
- Queen Mary University
- Universidad de Chile
- Universidad de Concepcion (Chile)

Details of international and exchange programs and linkages to other Web sites can be found on the Osgoode Hall Law School homepage (www.yorku.ca/osgoode/international). For more information and assistance, you may contact Karen Willoughby, International & Academic Programs Coordinator at kwilloughby@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 MyJD 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 website. 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 in Ontario 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 the necessary reference materials to study for the examinations. Candidates 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. Beginning in 2014, as part of the Pathways to the Profession Pilot Project, the Law Society has enhanced the Articling Program to support an overall evaluation of the experiential training component of the Lawyer Licensing Process. The new evaluative measures mirror those in the Law Practice Program and over the course of the pilot project the Law Society will study the effectiveness of both programs in preparing candidates for entry to the profession. Learning in both programs is based on the experiential training competencies for candidates, which are the skills, tasks and knowledge necessary for entry-level practice. Articling placements are required to support fulfillment of these skills competencies.

Candidates are required to demonstrate their skill level in five areas of competency by completing specific tasks during the placement. These tasks include:

- interviewing a client;
- drafting a legal opinion;

- representing a client in an appearance or through some form of alternative dispute resolution/settlement process;
- conducting a professional responsibility assessment; and
- managing files through the use of law firm/legal practice management system.

An articling term includes up to two (2) weeks of vacation. It is the candidate's responsibility to ensure that s/he 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 consists of a four-month training course and a four-month work placement. The first LPP will be held in the fall of 2014. The program is currently scheduled to be held once a year. The Law Practice Program will be provided by Ryerson University in English and the University of Ottawa in French.

2014 English LPP at Ryerson University

The Law Practice Program at Ryerson University will be held from August 25, 2014 to December 18, 2014. The LPP at Ryerson will replicate the experience of working in a law firm using interactive web-based modules and digital simulation tools. The training course component of the LPP at Ryerson will be offered largely online. However, candidates will be required to attend in person in Toronto on the following dates:

Monday, August 25th to Thursday, August 28th, 2014 inclusive
 Tuesday, October 14th to Friday, October 17th, 2014 inclusive
 Monday, December 15th to Thursday, December 18th, 2014 inclusive

Future candidates are encouraged to consult Ryerson University's Law Practice Program for further information at <http://www.ryerson.ca/lpp/>.

2014 French LPP - University of Ottawa

The Law Practice Program at the University of Ottawa will be held from September 2 to December 19, 2014. The program will provide intensive, hands-on training in a smaller group format. Candidates will be required to attend in person in Ottawa for the duration of the four-month training course.

The University of Ottawa requires that candidates enrolled in the LPP be fluent in French in order to maximize success in the interactions, skills activities and assessments. Candidates who have not previously studied law in French will be required to successfully complete a language proficiency examination before being accepted into the French LPP. The proficiency examination will be administered by the University of Ottawa. Please contact anne.levesque@uottawa.ca for further details. Future candidates are encouraged to check the University of Ottawa's Law Practice Program website in English or French at <http://www.commonlaw.uottawa.ca/lawpractice>.

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.

5. FACULTY ON SABBATICAL/LEAVE

Professor M. Condon – Fall and Winter terms
Professor A. Dhir – Fall and Winter terms
Professor S. Imai – Fall term
Professor K. McNeil – Fall and Winter terms
Professor L. Philipps – Fall and Winter terms
Professor P. Puri – Fall term
Professor S. Rehaag - Fall and Winter terms
Professor L. Salter – Fall term
Professor C. Scott – Fall and Winter terms
Professor F. Tanguay-Renaud – Fall term
Professor D. Vaver – Winter term
Professor P. Zumbansen - Fall and Winter terms

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 2014 - 2105 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

2014 Fall Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	F13	136	95	93
Administrative Law	Clark	B	4	2010	4	N/A	N/A	95	N/A
Business Associations	Waitzer/ Fransen	A	4	2020	4	F13	113	95	Full
Business Associations	C. Williams	B	4	2020	4	F13	46	95	62
Commercial Law	Geva	A	4	2030	4	F12	50	95	56
Comparative Law	Drummond	A	4	2004	4	W13	19	50	19
Conflict of Laws	Peari	A	4	2040	4	N/A	N/A	95	N/A
Criminal Law II: Ethical Issues	Brown/ Di Luca	A	3	2240B	3	F12	17	30	19
Criminal Law II: Sexual Offences	Crosbie/ Chapman	A	3	2240E	3	F12	16	30	16
Criminal Procedure	Greene/ Grill	A	4	2690	4	F13	25	95	28
Debtor/Creditor	Hartman	A	3	2250	3	N/A	N/A	95	N/A
Environmental Law	Wood	A	4	2880	4	F13	27	95	28
Estates	Black	A	4	2050	4	W14	75	65	FULL
Evidence	Berger	A	4	2490	4	W13	117	95	FULL
Evidence	Bethell/ McKechney/ Hamilton	B	4	2490	4	N/A	N/A	95	N/A
Family Law I	Mossman	B	4	2060	4	F13	66	80	69
Family Law I	Kierstead	A	4	2060	4	F13	58	80	68
History of Criminal Law & its Administration	Hay	A	3	2047	3	F13	5	20	7
Immigration Law	Okafor	A	4	4270	4	W14	49	90	86
Individual Employment Relationship	Slinn	A	4	2550	4	W14	47	95	70
Insurance Law	Campisi	A	4	2280	4	F13	25	40	29
International Business Transactions	Martyn	A	3	2890	3	F13	20	30	15
Labour & Employment Law	Tucker	A	4	2315	4	F13	69	95	94
Law & Social Change: Community Action Across Borders	Bhabha	A	3	2750M	3	F13	19	20	18
Law & Social Change: Education Law	Lauwers	A	3	2750Y	3	W14	5	20	FULL
Law & Social Change: Trade, Human Rights & Development	Buchanan	A	3	2750Z	3	New	N/A	20	N/A
Legal Drafting	Benda	A	3	2140	3	W14	50	40	FULL
Native Rights	Boisselle	A	4	2110	4	N/A	N/A	65	N/A
Patents	Mgbeoji	A		2330	4	F13	30	95	31
Public International Law	Saberi	A	4	2340	4	F13	30	95	30
Real Estate Transactions	Carter	A	4	2070	4	F13	48	60	49
Real Estate Transactions	Rosenblatt	B	4	2070	4	F13	51	60	55
Refugee Law	Waldman/ Kostadinov	A	3	2470	3	N/A	N/A	95	N/A
Restitution	McCamus	A	4	2360	4	F13	23	80	18
Securities Regulation	Lastman	A	3	2620	3	F13	82	95	84
Statutory Interpretation	Jenner/ Kettles	A	3	2930	3	W14	17	65	21
Taxation Law	Li	B	4	2080	4	F13	68	95	82
Taxation Law	Hwong	A	4	2080	4	N/A	N/A	95	N/A
Trusts	Esposito	A	4	2090	4	F13	31	90	30

2014 Fall Seminars

Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Walker	A	2	3010A	3	F13	13	20	17
Administration of Criminal Justice: Mental Illness	Barrett/ Shandler	A	2	5010G	3	F13	17	20	17
Administration of Criminal Justice: Regulatory Offences	Libman	A	2	5010F	3	F13	6	20	11
Administration of Criminal Justice: Wrongful Conviction	Young	A	2	5010D	3	F13	10	20	7
Advanced Securities: Enforcement and Resolving Disputes	Ritchie	A	2	5280	3	W14	9	20	8
Case Studies in Business Enterprises	Ross	A	2	5630	3	N/A	N/A	20	FULL
Children And The Law	Kierstead/ Mang	A	2	5230	3	F11	15	20	18
Comparative Law: Comparative Constitutionalism	Bhabha/ Sen	A	2	3040Q	3	N/A	N/A	20	N/A
Comparative Law: The Rule of Law & Terrorism	E. Gross	A	2	3040K	3	F07	22	20	17
Constitutional Litigation	Lokan/ Fenrick	A	2	3630	3	F13	11	20	12
Directed Reading: Informants and Whistleblowers	Frid	A	2	6000X	3	New	N/A	20	N/A
Directed Reading: International Justice & Human Rights Clinic	Barrett/ Saibil	A	2	6000Y	3	New	N/A	10	N/A
Directed Reading: Law Art Culture	Buchanan	A	2	6000V	3	New	N/A	10	N/A
Discrimination & the Law	Faraday	A	2	3300	3	F13	17	20	12
Dispute Settlement	A. Cohen	A	3	3980	3	N/A	N/A	20	N/A
Entertainment & Sports Law	Duarte	A	2	3840	3	F13	27	20	17
Estate Planning	Berry/ Rochweg	A	2	5110	3	W12	8	20	13
Family Law II - Family Law Policy	Mossman	A	2	5120	3	F13	13	20	10
First Nations and the Law	Fancy	A	2	3880A	3	N/A	N/A	20	N/A
Great Cases & How They Shape Common Law & Society	Hutchinson	A	2	3591L	3	F13	14	20	14
Health Law	Hardcastle	A	2	3004	3	N/A	N/A	20	N/A
Intensive Legal Research & Writing	J. Davis	A	2	3920	3	F13	19	20	10
International Dispute Resolution: Advocacy in the International Criminal Court	Adler	A	2	3007C	3	F12	11	20	7
International Human Rights Law	Okafor	A	3	3440	4	W14	7	20	11
Labour Arbitration	Slinn	A	2	5070	3	N/A	N/A	20	N/A
Law of War	Mgbeoji	A	2	3730	3	N/A	N/A	20	20
Law & International Development	A. Cohen	A	3	3001	3	N/A	N/A	20	N/A
Lawyer as Negotiator	Zemans/ Simmons	A	3	3960	4	F13	93	84	FULL
Legal Values: Current Issues in Reproduction & the Law	S. Cohen	A	2	3591R	3	New	N/A	20	N/A
Legal Values: E-Commerce & the Law	Ammar	A	2	3591P	3	New	N/A	20	N/A
Legal Values: Legal Ethics	Freiman	A	2	3590N	3	W14	7	20	11
Legal Values: Real Estate Finance	Carter	A	2	3591N	3	F13	10	20	12
Legal Values: The Right to Housing	Heffernan	A	2	3591Q	3	New	N/A	20	N/A
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey	A	2	3008	3	F13	12	20	8
Occupational Health & Safety	Tucker	A	2	3260	3	F13	6	20	6
Reforming Copyright & Design Law	Vaver	A	2	3591G	3	F12	9	20	11
Reforming Patent & Trade-mark Law	Vaver	A	2	3591F	3	F12	6	20	6
The Business of Law	Gastle	A	2	3870	3	New	N/A	20	N/A
Theory and Practice of Mediation	Zemans/ Simmons	A	3	5960	4	F13	10	16	13
Trial Advocacy	Rosenthal/ Grinberg	A	3	5270	4	F13	119	90	FULL
Western Legal Histories	Hay	A	2	6601	3	W14	N/A	20	N/A

2015 Winter Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Braden/ Van Niejenhuis/ Gonsalves	P	4	2010	4	F13	29	95	58
Advanced Torts	Priel	M	3	2480	3	N/A	N/A	95	N/A
Banking, Payments & Negotiable Instruments	Geva	M	4	2420	4	W13	9	95	11
Bankruptcy & Insolvency Law	Ben-Ishai	M	4	2430	4	F12	48	95	38
Business Associations	C. Williams	Q	4	2020	4	W14	107	95	89
Business Associations	D'Andrea/ Stewart	P	4	2020	4	W14	18	95	58
Civil Procedure II	Watson	M	3	2230	3	W14	36	95	36
Collective Bargaining Law	Curran	M	4	2515	4	W14	41	95	54
Commercial Law	Kraag/ Hong/ Zverina	P	4	2030	4	W14	64	80	54
Contracts II	Swan	M	3	2460	3	W14	32	80	10
Copyright	Tarantino	P	3	2870	3	N/A	N/A	90	N/A
Corporate Finance	Tardif	M	3	4000A	3	W14	21	45	20
Criminal Law II: Advocacy & the Criminal Trial	Greene/ Trehearne	M	3	2240J	3	W14	10	20	14
Criminal Law II: Youth Justice	Bessner	M	3	2240K	3	W14	10	20	13
Criminal Procedure	Libman	P	4	2690	4	W14	45	95	52
Disability & the Law	Mykitiuk	M	3	4905	3	W13	11	30/ 15 JD, 15 CDS	11
Estates	Drummond	Q	4	2050	4	N/A	N/A	55	N/A
Estates	Black	P	4	2050	4	W14	118	65	Full
Evidence	Klukach/ Flumerfelt	P	4	2490	4	F13	31	80	43
Family Law I	Drummond	P	4	2060	4	W13	41	80	81
Globalization & the Law	Bhatia	P	3	2008	3	N/A	N/A	20/ 5 upper	N/A
Intellectual Property	Glover/ Sookman/ Mason	M	3	2970	3	W14	49	95	28
International Courts & Tribunals	Okafor	M	4	2442	4	F13	6	40	13
International Criminal Law	K. Davis	M	4	2440	4	N/A	N/A	95	N/A
International Taxation	Li/Tobin	M	4	4150	4	W14	16	25	15
International Trade Regulation	Wai	M	4	2290	4	F12	25	95	24
Jurisprudence	Priel	M	3	2720	3	N/A	N/A	20	N/A
Land Use Planning	Mascarin/ Hare	M	3	2320	3	F12	24	75	16
Law and Economics	Daum Shanks	M	2	2560	3	N/A	N/A	20/5 upper	N/A
Law & Social Change: Critical Race Theory	Simms	M	3	2750X	3	W14	5	20/5 upper	11
Law & Social Change: Policing	Beare	M	3	2750B	3	W14	2	20/5 upper	10
Law & Social Change: Restorative Justice	Marszewski	M	3	2750F	3	W14	4	20	9
Legal Drafting	Roman	M	3	2140	3	N/A	N/A	40	N/A
Legal Governance of Health Care	Gilmour	M	4	2404	4	W14	33	50	52
Legal Information Technology	Goyal/ Williams/ Thompson	M	3	2860	3	New	N/A	25	N/A
Real Estate Transactions	Carter	P	3	2070	3	F13	48	60	49
Regulation Of Competition	Rosner/ Krane	M	3	2350	3	W14	15	65	15
Securities Regulation	Cattanach/ Wiens	P	4	2620	4	W14	36	85	38
Taxation Law	Frankovic	P	4	2080	4	W14	128	90	80
Taxation of Business Enterprises	Edgar	M	4	4100	4	F13	16	95	19
Trademarks	Craig	M	4	2170	4	W13	61	95	24
Trusts	Haigh	P	4	2090	4	W14	66	95	87
U.S. Constitutional Law	Cameron	M	4	2520	4	W13	23	95	53

2015 Winter Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Estate Litigation	Black	M	2	3010B	3	W14	13	20	19
Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	Podolny	M	2	3010D	3	W14	9	20	12
Administration of Criminal Justice: Justice 360	Chaffe/ Wright	M	2	5010H	3	New	N/A	20	N/A
Administration of Criminal Justice: Sentencing	Crosbie	M	2	5010C	3	F13	12	20	13
Advanced Corporate Tax	Li	M	2	5210	3	W14	4	20	4
Advanced Securities	D'Souza/ Sorell/ Litwack	M	2	5280	3	W14	9	20	7
Chinese Law	Bi	M	2	3130	3	N/A	N/A	20	N/A
Climate Change Law	Mason-Case	M	2	3830	3	N/A	N/A	20	N/A
Comparative Law: Approaches to Intellectual Property	Ammar	P	2	3041B	3	New	N/A	20	N/A
Comparative Law: Islamic Law	Kutty	M	3	3040H	3	W14	1	20/5 upper	1
Comparative Law: Privacy & Access to Information	J. Williams/Power	M	3	3040X	3	W14	2	20/5 upper	5
Constitutional Litigation	Charney	P	2	3630	3	W14	23	20	16
Contract Remedies	Burr/ Tzoulas	M	3	3050	4	W14	29	20	FULL
Corporate Governance	Wolburgh Jenah/ Nadler/ Griggs	M	2	5170	3	N/A	N/A	20	N/A
Directed Reading: Advanced Negotiation	Zemans/ Simmons	M		6000U	3	W14	7	8	6
Entertainment & Sports Law	Selznick	P	2	3840	3	W14	20	20	13
Evidence and Proof: Theory and Practice	Stribopoulos	M	3	5440	4	W14	41	15	FULL
Forensic Science & the Law	Rondinelli/ Federico	M	2	3690	3	W14	12	10	6
Fundamental Justice and the Charter	Cameron/ Chan	M	2	3060	3	N/A	N/A	20	N/A
ICT Colloquium	Mgbeoji	M		5810	3	W13	5	20	3
Indigenous Peoples & the Law	Imai	M	3	3390	3	W14	4	20/4 upper	FULL
International Human Rights Law	Saibil, Rowen	P	3	3440	4	N/A	N/A	20	N/A
Investor Protection	Waitzer/ McNish	M	3	5410	4	W13	8	20	13
Joint JD/MBA Seminar	Johnson	M	2	3820	3	W14	20	20	FULL
Judgment & Decision Making	Corbin	M	2	5650	3	W14	7	20	9
Labour & Employment Law and Policy Colloquium	Slinn	M	2	5550	3	W14	9	20	13
Land Development & Commercial Real Estate Problems	M. Gross	M	2	5160	3	W14	12	20	11
Law & Film	Buchanan	M	2	3200	3	W14	14	20	16
Law & Psychiatry	Perez/ Bryan	M	2	3240	3	W14	14	20	10
Law & Religion in Legal, Social, and Political Perspective	Berger	M	3	3160	3	W13	13	15	12
Law, Gender, Equality	Birenbaum	M	2	3039	3	N/A	N/A	20/5 upper	N/A
Law, Society & State: Animals, Law & Society	Mia	M	3	3520B	3	W14	2	20/5 upper	N/A
Law, Society & State: Domestic Violence	Mosher	M	3	3520E	3	W14	5	20/5 upper	FULL
Law, Society & State: The City	Flynn	M	2	3520G	3	W12	2	20/5 upper	12
Legal Values: Commercializing IP	Grimaldi/Fan	M	2	3591M	3	W14	7	20/5 upper	18
Legal Values: Law & Literature	Sutherland	M	2	3590V	3	W14	15	20	16
Legal Values: Law, Ethics & Social Media	Jenkins	M	2	3590C	3	W14	5	20/5 upper	14
Legal Values: Legal Ethics	Faraday	M	2	3590N	3	N/A	N/A	20	N/A
Legal Values: The U.N, Governance & State Building	Mgbeoji	M		3591E	3	W14	2	20/5 upper	15
Legal Values: Theory & Practice of Human Rights	Zysset	P	2	3591S	3	New	N/A	20/5 upper	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Emond	M	2	5007	3	N/A	N/A	20	N/A
Practice Management: A Critical Exploration	Bhabha	M	2	3550	3	New	N/A	20	N/A
Resources Management	Koehl/ Sahni	M	2	3490	3	W14	12	20	16
Supervised Research Project: Environmental Justice & Sustainability	Wood/ Estrin	M	2	6000W	3	New	N/A	6	N/A

Tax As Instrument Of Soc & Econ Policy	Edgar	P	3	3006	3	W13	3	20/5 upper	20
Tax Law and Policy Colloquium	Li	M	2	5330	3	W11	5	20	5
Tax Lawyering	Kutyán	M	2	3370	3	W14	9	20	10
The Art of the Deal	Waitzer/M. Cohen	M	3	5100	4	W13	26	10	FULL
U.S. Securities Regulation in Comparative Perspective	C. Williams	M	2	5620	3	W14	7	20	8

Administration of Civil Justice: Class Actions

(3010A.03 A) *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.

As in previous years, the seminar will benefit from a range of excellent guest presenters, who will join the class to offer a variety of perspectives on recent developments and the policies shaping the law and practice of class actions.

Evaluation: 7000-word paper, student presentations and class participation.

Administration of Civil Justice: Estate Litigation

(3010B.03 M) *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 (7,000 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 M) *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. Students will learn to assess the litigation and regulatory risks faced by businesses and the economic value of these risks. The seminar will provide students with practical tools to advise business leaders on investment decisions, class action risk and strategic initiatives.

Participants will review a number of case studies based on recent corporate transactions and court cases. 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.

The risks examined will 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 class action legislation. The seminar will survey the various analytical tools available to counsel for assessing specific kinds of legal, political and regulatory risk.

Evaluation: Research paper of at least 7,000 words - 65%, 25% presentation, 10% participation.

Administration of Criminal Justice: Justice 360

(5010H.03 M) *Seminar*

Instructor(s): J. Chaffe and K. Wright; Adjunct Professors

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

Prerequisite Courses: Criminal Procedure

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: No

Practicum: No

This course is designed to provide students with: a unique, holistic survey of the criminal justice system from all perspectives; an appreciation that all parts of the system are interrelated; and some assessment of how effectively our system contributes to a just society. The course will consist of extensive reading covering the constellation of theory, law and policy that surrounds each stakeholder and presentations by actual justice participants, from the complainant to corrections, regarding their perspective on their role and ability to see that justice is done. Each panel of speakers will provide the class with a clear idea of the theoretical role that they play in the system, how that role actually plays out 'on the ground' and what is needed in order to close the gap between theory and reality.

Evaluation: Discussion and Class Participation – 40%. A 15 page directed research paper – 60%

Administration of Criminal Justice: Mental Illness

(5010G.03 A) *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

For the student wishing to practice criminal law, it is inevitable that they will encounter an individual with mental health issues in the criminal justice system. Studies consistently show that 1 in 5 of all Canadians will be affected by a mental illness, either personally or through a close family member. The percentage of individuals affected with mental illness becomes much higher when you look at prison populations. Accused persons with mental health issues raise difficult and complex issues for the criminal law practitioner, whether you are a prosecutor, defence attorney or a judge.

This seminar will develop students' knowledge of forensic mental health issues throughout the criminal justice system. That objective will be achieved by enhancing students' understanding of the nature and extent of mental disorder in our society and the various legal issues that arise when a mentally disordered individual comes into contact with the criminal justice system. Students will become familiar with Part XX.1 of the Criminal Code and related sections and enhance their understanding of how those provisions affect individuals through field trips to the specialized Mental Health Court and the Ontario Review Board. The seminar will also afford students an opportunity to reflect critically on the various social, legal and ethical issues that arise as an individual with mental health issues goes through the criminal justice system.

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 A) *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 M) *Seminar*

Instructor(s): K. Crosbie, Adjunct Professor

Winter: 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 A) *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, 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 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 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 students 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 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 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): E. Clark, 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

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%).

Administrative Law

(2010.04 P) *Course*

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

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 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.

Advanced Corporate Tax

(5210.03 M) *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, group work, case studies or mootings

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar is co-taught with two 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, group work, and present case studies or argue in a "tax moot" setting. Case studies or mootings problems will be distributed in advance.

This seminar is designated as a "practicum".

Evaluation: Students will be assessed for class participation (including presentations and mootings) and a short research paper (about 4000-6000 words) on a topic to be approved by the Instructor.

Advanced Securities

(5280.03 M) *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. 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. The mock hearing will fulfill the practicum requirement.

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

Advanced Securities: Enforcement and Resolving Disputes

(5280.03 A) *Seminar*

Instructor(s): L. Ritchie; Adjunct Professor

Fall: 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%).

Advanced Torts

(2480.03 M) *Course*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, large and small group discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

Tort law can trace its origins to earliest legal records available, and it remains a staple of basic legal education—one of the few courses that every law student, no matter where they study, takes in order to acquire basic legal concepts. Yet in this age of widespread government regulation, is there still a need for this ancient area of law? The main aim of this course is to explore the advantages and limits of using tort law today. We will do that by exploring first various theoretical approaches to tort law in terms of their compatibility with the world in which tort law has to operate today. We will then examine the various novel ways in which lawyers and scholars have in recent years put tort law to use. In this way students will both get a deeper understanding of this area of law and learn to see the ways in which law changes to address a rapidly changing world.

Evaluation: Students will be given a choice. They can opt to write a three-hour open book examination for 100% of their final grade. Or, in the alternative, they can write a combination of a short essay and a two-hour open-book examination, each worth 50% of their final grade.

Banking, Payments & Negotiable Instruments

(2420.04 M) *Course*

Instructor(s): Professor B. Geva

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

Against a brief overview of the Canadian financial system, the course covers the law applicable to payment and credit instruments for consumer, business, financial payments, whether they are domestic or international.

Historically, such instruments were predominantly negotiable instruments (bills of exchange, promissory notes and cheques) governed by the Bills of Exchange Act as well as letters of credit. In recent decades, particularly with the advent of electronic banking, they were supplanted and yet not superseded, by diverse instruments, covered by new statutes, common law principles, codes of conduct, such as credit, debit and prepaid cards; wire transfers; pre-authorized debits and credits; and mobile payments. In electronic-based securities transfer systems payments may be made in depository bills and notes.

Payment methods covered by the course are widely used in connection with common transactions such as sales, guarantees and loans as well as most sophisticated money and financial market contracts. Some of their aspects are closely linked to the banker-customer relationship and must be studied in conjunction with fundamentals underlying banking and the financial industry. Hence, the course deals with the law applicable to negotiable instruments and payment mechanisms in the context of "banking" and further provides an overview of the financial system.

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

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

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

Bankruptcy & Insolvency Law

(2430.04 M) *Course*

Instructor(s): Professor S. Ben-Ishai

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 bankruptcy and insolvency in Canada.

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

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

Evaluation: 100% Final Exam with option to write a Paper for 30%.

Business Associations

(2020.04 A) *Course*

Instructor(s): Professor E. Waitzer & A. Fransen; Adjunct Professor

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% closed-book examination, with relevant statutes provided for the examination or (b) 50% research paper (on a topic pre-approved by the instructor) and 50% closed-book examination, with relevant statutes provided for the examination.

Business Associations

(2020.04 P) *Course*

Instructor(s): T. D'Andrea and B. Stewart; 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 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% closed-book examination, with relevant statutes provided for the examination or (b) 50% research paper (on a topic pre-approved by the instructor) and 50% closed-book examination, with relevant statutes provided for the examination.

Case Studies in Business Enterprises

(5630.03 A) *Seminar*

Instructor(s): Professor B. Ross

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

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 roleplay; legal drafting assignment; class presentation; research and writing.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Case Studies in Business Enterprises explores substantive legal and business issues commonly encountered in the creation and operation of emerging business enterprises.

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 practically deal with legal issues of common application to business enterprises of different sizes and 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; regulatory issues; and advising the failing business. We will also deal with business-related topics such as financial statements and accounting; tax and financing; regulatory constraints; and governance. Focus will also be provided to the lawyer in the private practice environment and the considerations involved in developing and growing a sustainable business law practice. The difference between this class and other business law courses is that this course works through 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, 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: Students in the seminar will receive a letter grade for a combination of a written assignment (10%), group presentation (10%), participation (20%) and research paper (60%). Case Studies, taken in conjunction with the Osgoode Business Clinic, satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

Children And The Law

(5230.03 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This seminar will examine both theoretical and practical aspects of child protection law. The theoretical component will include an analysis 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. We will explore Charter implications of various aspects of child protection law throughout the seminar, as well as the inter-disciplinary nature of child protection work.

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 seminar.

Note: Students who complete the Child Protection seminar will be eligible to participate in a 4 credit externship during the Winter 2015 term. The externship will be structured as a Reading Group under Professor Kierstead and Mr. Mang's supervision. Students will spend Friday of each week during the Winter 2015 term at various child-protection related placements, which will be organized by Legal Aid Ontario and the Office of the Children's Lawyer.

Evaluation: Evaluation - Final Research Paper (60%); class presentations/role plays/case preparation (40%)

Chinese Law

(3130.03 M) *Seminar*

Instructor(s): H. Bi; Visiting Professor

Winter: 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 words); and class participation and presentation (20%).

Civil Procedure II

(2230.03 M) *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: 2.5-hour open-book examination.

Climate Change Law

(3830.03 M) *Seminar*

Instructor(s): S. Mason-Case; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: TBA

Practicum: No

Climate change is attributable to modes of production and consumption that support our daily life. Food, shelter, entertainment and transportation all contribute to the problem, demanding significant changes that challenge our extant social, economic and political systems. Climate change also raises dilemmas about justice, development and the need for social cooperation. However, the international community has acknowledged that there is an “ambition gap” in global efforts to address it.

This seminar explores legal and policy issues related to efforts to control the causes and manage the effects of climate change. It approaches the topic from an interdisciplinary perspective that considers science, ethics, law and politics. It will take a snapshot of the overall “architecture” of how climate change is regulated at multiple sites of global governance – at the United Nations Framework Convention on Climate Change (UNFCCC) and through diverse state, private and hybrid initiatives.

Students can expect to learn about topics including climate science and its interface with law; developments at the UNFCCC with the Kyoto Protocol, Nationally Appropriate Mitigation Actions (NAMAs) and the post-2020 regime; regional efforts in the European Union, Canada and the United States; sectoral approaches relating to energy regulation and forests (REDD+); the state of carbon markets; private sector initiatives, such certification schemes and corporate reporting (e.g., ISO); and frameworks to address the socio-economic consequences of inaction for vulnerable populations. Particular focus will be awarded to the legal aspects of these issues.

Evaluation: Research paper and/or combination of shorter assignments (80%) and class participation (20%).

Collective Bargaining Law

(2515.04 M) *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 B. Geva

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

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

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

Commercial Law

(2030.04 P) *Course*

Instructor(s): S. Kraag, J. Hong & T. Zverina; 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.

Comparative Law

(2004.04 A) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, films, small group work

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Comparative Law: Approaches to Intellectual Property

(3041B.03 P) *Seminar*

Instructor(s): J. Ammar; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and students' presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

To what extent, if at all, does the protection of IP overshoot the mark and represent a deadweight social loss? Are there gaps between the legal rationales for IP protection and the economic consequences of this protection in practice? Why do these gaps exist? It is against this backdrop that this course aims to tease out the different legal strands concerning the protection of patents and trade marks, seeking both to analyse the current state of the law and to provide a reference point for potential problems and solutions as they arise. This course will explore these and related questions, from national, European and international level. As such, the student will be introduced to the Chicago Economic School (or what we might call law and economic movement), in particular the tension between incentives and access that preoccupies the conventional economic analysis of intellectual property; Game Theory; the exacerbated strain between the use of emerging technology and patent law, particularly, in the fields of nanotechnology; biotechnology and computer programs; the ever increasing role of non-trade mark subject matters in shaping the scope of trade mark protection and the use of a trade mark in virtual worlds. On completion of this module, students will be able to build on their knowledge of substantive IP law by gaining an awareness of the perceptions and implications of IP protection in the real world.

Evaluation: One Essay, up to 7000 words, 70%; Participation: 30%

Comparative Law: Comparative Constitutionalism

(3040Q.03 A) *Seminar*

Instructor(s): Professor F. Bhabha and Visiting Professor S. Sen

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

The seminar will initiate students into what comparative constitutional law as a field of study looks like; explore methodologies for comparison; identify constitutional borrowings, transplants and migrations; consider critical perspectives; examine relationships between constitutionalism and democracy; compare defining structures such as separation of powers and federalism across jurisdictions; study specific constitutional rights across jurisdictions with reference to their formal status at law, judicial definitions and the scope of government regulation; consider the structure and functions of constitutional courts, modes of judicial interpretation and the legitimacy of the function of judicial review; and track contemporary or emerging trends in the field. The seminar refers to constitutions and cases from numerous established constitutional democracies like Canada, India, the United States and Germany; it also examines evolving concepts, norms and doctrines in Third World constitutionalism.

Evaluation: This seminar will be assessed by means of a major essay of at least 7,000 words; in class presentations; and critical engagement with the material and with each other. Paper topics will be agreed upon with the instructors in advance.

Comparative Law: Islamic Law

(3040H.03 M) *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 19, 2015. 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 M) *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 21, 2015. 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: The Rule of Law & Terrorism

(3040K.03 A) *Seminar*

Instructor(s): E. Gross, Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The 21st Century poses different risks and challenges to democratic societies from terrorists and countries which provide safe haven to these organizations. This seminar is aimed to provide students with a unique knowledge and understanding about the legal implications and ramifications of dealing with and fighting terrorism.

The material for the seminar is based on lengthy legal research as well as the experience of some western countries, such as Israel, England, Canada and USA, in dealing with the problems of terrorism while at the same time preserving and defending the basic values of human rights which are the cornerstones for democracies. This seminar will underscore the right of people under occupation to resist their occupiers, and their status under international law as freedom fighters and legal combatants.

The seminar shall raise questions and encourage discussion on topics such as:

- A. The distinction between a "freedom fighter" and a "terrorist".
- B. May a democratic state deviate from its normal criminal rules of procedure and evidence when dealing with the investigation of terror suspects?
- C. May a democratic state hold terrorists as bargaining chips?
- D. May a democratic state put to death persons suspected of terrorist action as a preemptive measure? How can such acts be balanced against basic human rights such as the right to be tried by a competent court and the right of due process of law?
- E. What law is applicable to states which give patronage to terrorist organizations?
- F. Does this patronage provide a pretext for war or warlike acts?
- G. Was America justified when she considered the September 11, 2001 attack against her as a declaration of war?
- H. Does international law regulate a declaration of war by a terrorist organization against a state?
- I. What law applies to states, which give patronage to terrorist organizations? Can this conduct from the point of the laws of war be regarded as *Casus Belli*?
- J. Can a state abrogate the citizenship of a person who is involved with terrorism against his own country?
- K. Do we have any legal ramifications to deal with the phenomenon of suicide bomber?
- L. Is democracy a panacea against the acts of terrorism?
- M. How we should balance the constitutional right of privacy with the security needs?
- N. The new phenomenon of cyber terrorism and the legal implications.

Evaluation: A short research paper, based on the materials of the course – 80%; class participation – 20%

Conflict of Laws

(2040.04 A) *Course*

Instructor(s): S. Peari; 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

Scholars and practitioners tend to address the subject of Conflict of Laws (also known as Private International Law) as dealing with private interaction involving *at least* one foreign jurisdiction element. We may think about a contract between an English corporation and a French corporation with respect to delivery of goods in Brazil or a tort committed by an Ontario resident against another Ontario resident in Florida. In other words, we have the well-known private law categories of: tort law, contract law, the law of property, the law of restitution, and family law. And these categories are in some way and to some degree linked to a foreign system. With the advent of technological progress and the increased mobility of people, the number of private law litigation cases involving foreign elements is high. Furthermore, in federal systems, such as Canada and the US, issues of Conflict of Laws have inherently arisen on a daily basis. This is where the practical significance of the subject lies.

There is an internal sub-division within Conflict of Laws. It consists of three questions: (1) the question of jurisdiction, which deals with the authority of a given court over a particular dispute; (2) the choice-of-law question, which deals with the question of the identity of the law to be applied to determine the parties' rights and duties; and (3) the "recognition" question, which deals with the status of judicial decisions of a foreign court. So, in the case of a contract between an English corporation and a Ontario corporation with respect to delivery of goods in Alberta, the Ontario court should ask first whether it has the authority to adjudicate the case, then secondly which contract law to apply to this case: Ontario, Alberta, English or even some other. Finally, there is also the question of how the Ontario court will treat a final judicial decision of an English court that is requested to be recognized in Ontario.

While the course follows the three-fold division of Conflict of Laws, its main focus will be on what appears to be the most substantive part of the field - the question of choice-of-law. Starting with the most common question: Why should domestic courts apply foreign substantive law at all? We will continue with a careful and detailed exploration of the traditional and contemporary choice-of-law rules in torts, contracts, property, family law and restitution.

Evaluation: Option 1: 95% open-book examination, 5% class participation. Option 2: 50% open-book examination, 45% research paper (5000 words, excluding bibliography), 5% class participation.

Constitutional Litigation

(3630.03 A) *Seminar*

Instructor(s): A. Lokan & M. Fenrick; 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: TBA

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 M) *Seminar*

Instructor(s): C. Burr & N. 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 M) *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

(2870.03 P) *Course*

Instructor(s): B. Tarantino, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Over the past decade, copyright law reform was one of the most contentious issues in Canadian policy discourse, and it promises to be an area of constant development for the foreseeable future. This course examines the nature and contours of the rights granted under the *Copyright Act* (Canada), with the goal of equipping students with the ability to speak knowledgeably about the substance of copyright law and to think critically about its implementation. The threshold requirements for protection will be reviewed along with an examination of the types of “works” protected, before moving on to discuss matters of infringement and enforcement. Close attention will be paid to the scope of rights granted to authors, owners, licensees and users, with the aim of developing an understanding and capacity for critical examination of an area of law which increasingly impacts almost every aspect of our lives. The impact of digital technology will be canvassed, with particular emphasis on the changes arising from the *Copyright Modernization Act* (enacted in 2012). Through analysis of the Act and jurisprudence, critical concepts such as the idea/expression dichotomy, the public domain, fair dealing, “substantial part”, authorship and originality will be explored. The course will offer a comprehensive introduction to the subject-matter, including discussion of the underlying justifications and public policy objectives which motivate the law and its application.

Evaluation: Open-book examination (100%)

Corporate Finance

(4000A.03 M) *Course*

Instructor(s): P. Tardif; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 45

Prerequisite Courses: Business Associations, Securities Regulation

Preferred Courses: Taxation Law

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 measures

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 M) *Seminar*

Instructor(s): S. Wolburgh Jenah, B. Nadler, S. Griggs, Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses at an advanced level on current issues in corporate governance of public companies. In the context of recent North American and international developments, the course considers how these developments relate to theories of corporate governance and to the history of corporate governance laws and best practices in Canada and internationally.

Among the subjects considered are: (1) the need for corporate governance rules and practices due to the separation of corporate control by management of widely held corporations from ownership; (2) the governance related duties and responsibilities of corporate directors, officers and shareholders; (3) the growing role of institutional investors (including activist investors, hedge funds and others seeking improved governance as a way to increase share values); (4) "shareholder democracy", including majority voting and say on pay; (5) the role on other stakeholders (environment, labour, consumers, etc.); (6) the role of the corporate lawyer (who is the "client" - the board, management or shareholders?); (7) the interactions between corporate law and securities law and ante various regulators; and (8) comparative corporate governance (Canada, US, Europe, Japan).

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

Criminal Law II: Advocacy & the Criminal Trial

(2240J.03 M) *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 A) *Course*

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

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

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: Sexual Offences

(2240E.03 A) *Course*

Instructor(s): S Chapman and K. Crosbie; Adjunct Professors

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

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This advanced criminal law class examines legal issues that commonly arise in relation to criminal sexual offences. Topics will include: consent and mistaken belief in consent; failure to disclose HIV+ status; access to the complainant's counselling records; admissibility of evidence of the complainant's prior sexual history; prior complaint and recent fabrication; admissibility of similar fact evidence; child pornography and obscenity; sex offender registry/ community notification provisions; and forensic psychiatric evidence.

Evaluation: One - 20 page essay (80% of final grade) and class attendance and participation (20% of final grade)

Criminal Law II: Youth Justice

(2240K.03 M) *Course*

Instructor(s): R. Bessner; Adjunct 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, reintegration, and other 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, police questioning and arrest, as well as protections on privacy and on 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 professor.

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%.

Debtor/Creditor

(2250.03 A) *Course*

Instructor(s): M. Hartman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture format

Upper Year Research & Writing Requirement: No

Practicum: No

As a creditor's lawyer, how do you collect each and every penny owed? As a debtor's lawyer, how do you effectively reduce your client's exposure? This course investigates the traditional methods and techniques available to both secured and unsecured creditors to obtain and enforce money judgments. It will examine pre-judgment remedies, voidable transactions, fraudulent conveyances, construction liens and the impact of insolvency legislation on the debtor/creditor relationship. The course will also canvass issues from the debtor's perspective including common defences available to debtors being pursued for unpaid debt, exemptions from enforcement and "judgment proofing". This course will be of fundamental importance to students considering a career in commercial litigation.

Evaluation: 100% open book examination, or alternatively a 75% open book examination and 25% research paper with the research paper option election to be made on or before October 17, 2014 on an approved topic.

Directed Reading: Advanced Negotiation

(6000U.03 M) *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: Yes

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 7000 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 (7,000 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: Informants and Whistleblowers

(6000X.03 A) *Seminar*

Instructor(s): C. Frid; Adjunct Professor & Artist in Residence

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

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: TBA

Practicum: No

As Osgoode Hall Law School's Fall 2014 Artist in Residence, Catherine Frid will be researching and creating a stage play inspired by Canadian informants and whistleblowers.

Informants and whistleblowers are fascinating both dramatically and legally. Are they heroes or traitors, altruists or publicity-hounds, martyrs or revenge-seekers? It's these contradictions that make an informant or whistleblower wonderful material for a stage play. Theatre is a powerful medium for exploring the complexities of what it means to be human. The challenges of informants and whistleblowers and their conflicts are an important contemporary theme. There are also significant societal issues raised by this topic, including the question of why informants and whistleblowers are needed in order for us to be informed and safe.

To develop this project, Catherine will collaborate with students on exploring both legal and theatrical issues created by informants and whistleblowers in the Canadian context. Students enrolled in the course will work with Catherine on the following:

- researching and presenting case studies on informants and whistleblowers
- examining protections that are in place for Canadian informants and whistleblowers, compared to other jurisdictions
- presentations from guest speakers with direct experience and unique perspectives
- creating composite character profiles for different types of informants and whistleblowers
- improvising scenarios and role-playing with actors cast as informants; the law students will act as handlers, interrogators, legal counsel and judges

Throughout the residency, Catherine will be writing and presenting draft scenes for a new play, which will provide an understanding of the process behind the art of playwriting and of how research and improvisations are woven into theatrical stories.

Evaluation: Students 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 Fall term and to carry out and complete their assigned tasks in a conscientious and timely manner, making sure to meet all specified deadlines.

Each student will be responsible for research on one topic relevant to the subject of this residency; each student will present his or her research to the group. All students will take part in the improvisations and role-playing scenarios, and their evaluation. The instructor will provide feedback on the final "Grade" in written form.

Directed Reading: International Justice & Human Rights Clinic

(6000Y.03 A) *Seminar*

Instructor(s): N. Barrett and D. Saibil; Adjunct Professors

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

Prerequisite Courses: Students must sign up for the full-year clinic and may not drop the course after the first class meeting in the fall term. While there are no obligatory course prerequisites, prior coursework or experience in international human rights, international criminal law or international humanitarian law is recommended.

To apply, students should submit their C.V., grade transcript and the one page clinic application form to both barrett@law.ubc.ca and nicolebarrett@globaljusticeassociates.com by Wednesday, June 25, 2014. (Please use subject heading "Clinic Application"). Depending on application volume, selected student applicants may be contacted for an interview to be held on June 27 or 30, 2014. Those accepted into the clinic will be notified by July 6, 2014. There is space for eight to ten students, four or five at each institution.

Preferred Courses: none

Presentation: This program is scheduled for both fall and winter terms; 3 credits in the fall term and 6 credits in the winter term. Once acceptance into the program is confirmed, students will then be enrolled in the 6 credit seminar in the winter term.

Upper Year Research & Writing Requirement: TBA

Practicum: No

The International Justice and Human Rights Clinic gives students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. The year-long clinic is for second and third year students at UBC Law and Osgoode Hall Law Schools. The clinic is based at UBC, with Osgoode Hall students participating by video link. The clinic will include a 3-unit seminar in the Fall semester, followed by a 6 unit practicum in the Spring semester.

In the Fall seminar, students will study international human rights, international humanitarian and international criminal law and apply these fields to cutting-edge issues of human rights and global justice. The seminar will provide students with the substantive legal foundation necessary to undertake the spring practicum work with competence and professionalism. Evaluation will be based on class participation and a final paper.

In the Spring practicum, students gain experience applying international law by working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, non-governmental organizations. Student work may involve contributing to litigation in international criminal courts and tribunals; drafting human rights reports; drafting legal memos and briefs and conducting and presenting legal research that aims to influence public policy. There is also the possibility to provide legal assistance to individual victims of human trafficking living in Canada.

Students will work in teams under close supervision of the Clinic Director, Nicole Barrett, with final case submissions due at the end of the Spring term. The Director will hold intensive student meetings at Osgoode Hall at least three times during the two semesters.

Evaluation: The practicum will be graded on a honors/pass/fail basis based on clinical work, a weekly journal, and a 1,500 word reflective paper.

Directed Reading: Law Art Culture

(6000V.03 A) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion. This seminar is scheduled for both the fall and winter terms. Classes are held every other week.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Law Art Culture, the directed reading course, is an opportunity for students to engage directly with the rapidly emerging interdisciplinary field of research in law and the humanities. Law is much more than a system of rules or mechanisms for adjudicating disputes, but a culture in which ways of thinking and expectations for action are constructed and maintained. The readings in this course will explore how law is related to and illuminated by fields like literature, film, aesthetics, philosophy, and history. This course, in contrast with other interdisciplinary approaches that engage with law from the perspective of the social sciences, will engage with law as a cultural form through which communities and citizens contest the ways in which the law mediates and implements basic concepts like justice, equality, and social inclusion.

The directed study course will be directly connected with the Law.Art.Culture seminar series. During the academic year, students will be expected to attend lectures given by five or six visiting speakers (usually to be scheduled on Wednesdays 12:30-2) and to participate in pre-seminars during the scheduled class time the week prior to each lecture. A detailed schedule of dates for the lectures and pre-seminars will be available prior to the commencement of classes in September.

Evaluation: Term Paper 75%; Class Exercise/Presentation 10%, Participation 15%

Disability & the Law

(4905.03 M) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: interactive discussions, student presentations,

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: family, reproduction, death and dying, health, human rights, social assistance and economic supports to understand how disability is defined and regulated by law. This 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: 10%, Research Paper: 65%, Class Presentation: 25%. OR Class Participation: 10%, three 8-10 page reflection papers: 65%, Class Presentation: 25%.

Discrimination & the Law

(3300.03 A) *Seminar*

Instructor(s): Professor F. Faraday

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 and the Ontario Human Rights Code. Drawing on both theoretical/conceptual and practical approaches, the course aims to critically engage with what remains a remarkably unsettled, highly contested and continuously changing area of law. The goals are to examine fundamental principles in equality/anti-discrimination law; examine the differences/similarities between approaches to equality under the Charter and the Code; examine how the legal concepts operate in practice; and develop the capacity to apply foundational concepts both to collaborative in-class problem-solving (including topics identified by student interest) and to in-depth independent research.

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, 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 largely absent from current s.15 case law. In its recent rulings in *Kapp* (2008), *Withler* (2011), *Quebec v A* (2012), the Supreme Court of Canada re-affirmed its promise, issued first in *Andrews v. Law Society of British Columbia* (1989), 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. At the same time, though, the statutory human rights tribunal system has been overhauled to provide direct access to rights enforcement and following *Tranchemontagne* (2006), a broader range of administrative tribunals have the power to interpret and apply the Human Rights Code. What promise does this present for advancing equality rights?

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): Visiting Professor A. Cohen

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion. The seminar will be taught over 9 classes from September 5 to October 31, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is an introduction to the theory and practice of dispute resolution models designed as alternatives to traditional forms of adjudication. Our focus will include negotiation, mediation, and other less institutionalized/common models (such as problem solving courts, family group conferences, and case studies of extralegal dispute resolution in other contexts/cultures). We will study the history and development of alternatives—especially mediation—in North America, the legal debates and criticisms surrounding their emergence, and their foundational characteristics and principles. We will complement this analytical work with some introductory skills training in negotiation and mediation through exercises and participation in role-plays. Many classes, however, will be conducted in a seminar format; hence issues for debate and discussion will arise from detailed consideration of the readings. Students will be expected to have read the assignments carefully in order to discuss them during class time (sometimes as a “discussion leader” for a particular article or case). Students will also be expected to participate actively in all exercises and to develop a high-quality research project and present a summary of that project to the rest of the class.

Evaluation: Research paper: 70%, Participation (including in exercises): 30%.

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%), assignment 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 A) *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 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 A) *Seminar*

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

Fall: 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: 65

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: 65

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 Q) *Course*

Instructor(s): Professor S. Drummond

Winter: 4 credits; 4 hours; max. enrollment: 55

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce students to the fundamental principles and law relating to wills and estates. The course will begin with the existential background to estate planning and law and review available alternative dispute resolution. This will be followed by an examination of the foundational elements of estates law, including intestate succession, wills, capacity to make a will formal validity of will, testamentary gifts, doctrines and limits on the power of testation, status of beneficiaries, principles of interpretation, revocation and alteration of wills, substituted decisions, administration of an estate, support of dependants, and estate solicitors' duties and responsibilities. The course will also touch on family law considerations relevant to estate law.

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): Professor B.L. Berger

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

Evidence

(2490.04 B) *Course*

Instructor(s): B. Bethell, R. McKechney, G. Hamilton; Adjunct Professors

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 examine the basic rules and principles of evidence law in Canada, and the impact of constitutional principles and constraints. The course will also examine some of the philosophical underpinnings on which judges and legislators rely when they develop and apply rules of evidence. Students will learn how to reason about evidence, and will be encouraged to reflect critically on the modern law of criminal evidence.

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

Evidence

(2490.04 P) *Course*

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

Winter: 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 and Proof: Theory and Practice

(5440.04 M) *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 (500 to 750 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: 80

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 will incorporate an experiential learning component.

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: Participation in experiential learning exercises (25%); Open-book examination (75%)

Family Law I

(2060.04 B) *Course*

Instructor(s): Professor M.J. Mossman

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

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 (approx 2500 words, and focused on cases related to but outside the course syllabus, designated by the Instructor) may be submitted on specified dates during the semester

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): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

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

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

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

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

Family Law II - Family Law Policy

(5120.03 A) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Discussion of articles and cases, guest presenters, and student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses on current family law policies and areas ripe for 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 policies and family dispute resolution. The seminar assumes that students have completed a basic course in family law, so that they are prepared to assess policy issues from an advanced perspective, including the use of comparative and interdisciplinary materials. The seminar focuses on critical reflections on family law and family law policies, using controversial cases, critical family law articles, expert visitors, and policy papers to explore family law principles and fundamental policy perspectives.

The goal of the seminar is to stimulate fresh ideas and approaches on a broad range of family law topics. For most sessions, the basic readings will be quite limited and clearly focused, with a view to ensuring that students have ample time during the semester to choose a topic for their research essays and to search widely for relevant literature, cases, comparative materials, and policy options.

Essay topics are to be selected by students, but the Instructor is available for initial and subsequent consultations, on request, about student research during the semester. Students must also submit a one-page basic outline of the research essay, along with the "basic bibliography" prior to Reading Week, for review and feedback by the Instructor. Internet research may be used, but must not comprise a substantial portion of the material used for the research essay. Research essays are due on the first day of the Fall term examinations 2014.

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 of the assigned discussion topics during the seminar, as well as a brief presentation of their own essay topic near the end of the 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 for weeks 2-5 of the semester (to be reviewed by the Instructor immediately with feedback and assistance with 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 different kinds of policy options for reforming the issue, and provides a critical assessment in relation to family law reform. Where appropriate, the research essay should link seminar materials and discussion to the research essay topic, and the essay 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, and it will be graded for organization and clarity of writing, as well as substantive critical content.

The essay must be 7000 words in length (7000 words are required to meet the Upper Year Writing Requirement), not counting footnotes/endnotes, bibliography and (if included) Appendices. Although the primary evaluation for the seminar is the research essay (80% of the overall grade), attendance, participation in discussion, and in-class presentations (20%) will also be taken into account in determining the final grade for the seminar.

First Nations and the Law

(3880A.03 A) *Seminar*

Instructor(s): M. Fancy; 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 address selected issues involving the rights of the Aboriginal peoples of Canada, who include the Indian, Inuit and Métis. Emphasis will be on the evolving relationships between Aboriginal communities and the federal and provincial governments, including the role of courts, lawyers and private parties in this process. In addition, this course will explore issues raised and challenges faced in the resolution of claims brought by Aboriginal communities, including land and resource claims.

As this is an advanced seminar, some knowledge of Aboriginal rights in Canada will be assumed. In particular, it will be helpful for students to have an understanding of the bases for Aboriginal rights in Canadian law, the constitutional protection accorded to those rights and the ways in which those rights have been dealt with historically by treaty.

Evaluation: Students will be required to write a research paper on a topic of their choice involving some aspect of Aboriginal law. The paper will be worth 70% of the final grade. The other 30% will be based on class participation and exercises.

Forensic Science & the Law

(3690.03 M) *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: No

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%.

Fundamental Justice and the Charter

(3060.03 M) *Seminar*

Instructor(s): Professor J. Cameron & G. Chan, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: : Discussion

Upper Year Research & Writing Requirement: TBA

Practicum: No

Section 7 may be the Charter's most important and challenging guarantee. This seminar provides the opportunity to examine s.7 from key perspectives that are chronological, doctrinal, and jurisprudential in nature. The course will trace the development of s.7's entitlements clause (life, liberty and security of the person) and principles of fundamental justice (PFJ) clause. The inquiry will cut across procedural and substantive questions of fundamental justice, and will actively engage s.7's interface with the criminal justice system, as well as with claims that seek to advance social justice under the Charter. The seminar will consider the origins of the s.7 jurisprudence and the link to debate about the legitimacy of judicial review. It will also explore the cutting edge of s.7 today – including recent cases such as *Bedford* and *Carter* and the key concepts of arbitrariness, overbreadth and gross disproportionality – and debate s.7's direction going forward. Particular issues covered will include administrative fairness ("Charter values" methodology); "substantive justice" (principles of criminal responsibility; the harm principle); and fundamental justice in the criminal justice system (fair trial; full answer and defense; right to remain silent; Part XX.1's NCR framework). The seminar is being offered for the first time in several years, by Professor Cameron and Mr. Gerald Chan (Ruby Shiller Chan Hasan), who has a criminal defence, Charter and public law practice.

Evaluation: One research paper (75%) and one class presentation (25%). Please note that the 25% allocated to the in-class presentation will also take into account attendance and participation.

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): Professor A. Bhatia

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 20, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will examine the 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: 25% (attending class, doing the readings and watching the films, participating in discussions & activities, leading selected discussions, very short presentation of paper topic to class, and drafting paper proposal with outline & initial bibliography).

Research Paper: 75% (6,000 word (1st years) or 7,000 word (upper years) paper on an approved topic (word count excludes bibliography). Paper topic is approved based on revised draft of paper proposal with outline and initial bibliography).

Great Cases & How They Shape Common Law & Society

(3591L.03 A) *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

Health Law

(3004.03 A) *Seminar*

Instructor(s): L. Hardcastle; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The goal of this course is to expose students to a wide range of legal issues arising in health care settings. Traditionally, the physician-patient relationship has been the focus of health law. This course will cover legal issues arising from that relationship such as consent, professional negligence, and the discipline of health professionals. However, relationships and issues at the broader systems level are the subject of increasing legal regulation and health law scholarship. Thus we will also address such topics as the regulation of pharmaceuticals, the regulation of health research, and health system organization. In this course, we will discuss how legal instruments can aid policy-makers in the achievement of health policy goals such as enhanced access to services, cost containment, and improved quality of care. Similarly, we will discuss the limits of the law as a tool for reform and situations in which the law acts as an impediment to the achievement of these health policy goals.

Evaluation: 20% participation, 40% assignment 1 and 40% assignment 2

History of Criminal Law & its Administration

(2047.03 A) *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 other causes. Such 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 and emergence of the full adversary trial; 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; appointment vs 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; 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 2014-2015 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. Participation (20%). This portion of grade 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.

2. Single Research Essay (80%) of 7000 to 7500 words excluding footnotes and bibliography, and also excluding any primary-document appendices.

Immigration Law

(4270.04 A) *Course*

Instructor(s): Professor O. Okafor

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

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 M) *Seminar*

Instructor(s): Professor S. Imai

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

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 19, 2015. 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. This is NOT an introductory survey course on Aboriginal rights. Rather, each student will identify a current conflict in Canada or Latin America and provide a course of action for the indigenous community. 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. Students will learn how to do basic research on a publicly traded corporation including how to search on SEDAR and analyze basic financial information.

On a Friday in January, 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.

Evaluation: The evaluation will be based on class participation (10%); a bibliography and outline (15%) a research paper. for upper year students, the paper will be 7000 words excluding notes, bibliography and appendices (75%). For first year students, the research paper will be 6000 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 A) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest visitors

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 case 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 A) *Course*

Instructor(s): J. Campisi, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

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 M) *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 A) *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 A) *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 M) *Course*

Instructor(s): Professor O. Okafor

Winter: 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 M) *Course*

Instructor(s): K. Davis; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, simulations, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

This course will explore the evolution of international criminal law, and the challenges and complexities inherent to this emerging field. In addition to surveying the developing body of applicable law, including war crimes, crimes against humanity, genocide, and crimes of aggression, this course will explore the broader legal, political, and moral dimensions of this complex and dynamic discipline by situating it within the broader landscape of public international law and international relations. By exploring both the external and internal dynamics and tensions at play, students will develop a nuanced understanding of the goals, realities, and challenges inherent to international criminal justice, and identify opportunities for reform and refinement. Students will also be encouraged to analyze the contributions that Canada has made to the development of this evolving field, and to reflect on what role it should play in the future.

Evaluation: Option 1 : 80% open-book examination, 20% participation grade;

Option 2 : 40% open-book examination, 40% research paper, and 20% participation grade.

Research papers are due on the day of examination in the course.

International Dispute Resolution: Advocacy in the International Criminal Court

(3007C.03 A) *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 Human Rights Law

(3440.04 A) *Seminar*

Instructor(s): Professor O. Okafor

Fall: 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 Human Rights Law

(3440.04 P) *Seminar*

Instructor(s): D. Saibil, Visiting Professor and J. Rowen, Adjunct Professor

Winter: 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 course will provide an introduction to international human rights law and practice. It will examine the evolution and concept of human rights. The course will explore the United Nations human rights system including the UN Charter, the International Bill of Human Rights, the Universal Declaration of Human Rights, the international covenant on civil and political rights as well as the international covenant on economic, social and cultural rights. The course will provide a foundational understanding of the political and cultural origins of human rights and the competing ideas that were debated as the Declaration was drafted. The course will address additional seminal UN Human Rights Treaties including the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

We will explore the promotion and protection of internationally recognized human rights norms in global and regional human rights mechanisms (the UN, the European System for the Protection of Human Rights; the Inter-American human rights system; the OECD, and the African System of Human and People's Rights) intended to address and remedy human rights violations. We will examine issues related to international humanitarian law, and in particular the principle of the responsibility to protect, as well as international criminal tribunals and the international criminal court. The rights, treatment and treaties regarding vulnerable groups such as women, people living with disabilities and Indigenous communities will be examined. This part of the course will focus on how advocacy organizations utilize human rights' treaties and discourse to pursue policy related goals. We will study Canada and its respect for the promotion of human rights norms in its domestic courts, particularly the War Crimes Program and refugee law. The course will explore the issue of business and human rights and the private sector's role in protecting and promoting human rights. Finally, we will examine current international law issues including the annexation of Crimea by Russia, the civil war in Syria, and the balancing of rights in the context of counter-terrorism.

Evaluation: Course requirements will include class attendance/participation, which will make up 20% of the final grade, 10% of the final grade will be based on the paper outline paper, and the remaining 70% will be based on the student's final paper. The paper should be at least 7000 words in length.

International Taxation

(4150.04 M) *Course*

Instructor(s): Professor J. Li & J. Tobin; Adjunct Professor

Winter: 4 credits; 4 hours; max. enrollment: 25

Prerequisite Courses: Taxation Law

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course is designated as a “practicum”. It is co-taught with Mr. John Tobin, senior tax partner of Torys.

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. The focus is on combining theories, policies and technical rules and practical problems and insights. The course is taught in a manner to encourage students to participate in the learning process and to reflect and communicate what they learn during the course.

Part of the Course has a “screen-ban” policy: laptops and other mobile devices are banned so that the class time is totally devoted to understanding the statutory provisions and applying them to problems. Handouts will be provided in advance.

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 are normally expected of starting tax associates, 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.

Evaluation: GENERAL METHOD

- a) 10%: class participation (including attendance, presentations and participation);
- b) 10%: “The Envelope” exercise which simulates a “memo” assignment for articling students or junior associates in a law firm.
- c) 15%: A position paper on a topic to be assigned. This exercise asks students to take a position on the issue and advocate that position from a specific perspective.
- d) 65%: 48-hour take-home exam during the Exam Period.

PAPER OPTION

- 10%: class participation (including attendance, presentations and participation);
- 10%: “The Envelope” exercise which simulates a “memo” assignment for articling students or junior associates in a law firm.
- 80% research paper (including a presentation): The research paper is on a topic to be approved by the instructor. This paper can be written in satisfaction of the second and third year writing requirement. The writing style for this option can be a paper for journal publication or extended position paper. A research proposal with a tentative topic, outline, and major research sources must be submitted for approval before the Reading Week. The paper is due on the last day of the Exam Period.] If the paper is not written in satisfaction of the writing requirement, it can be 6000 words in length. The student is expected give a 3-minute presentation in a class before Reading Week about his/her research topic and a 15-minute presentation about the paper in the last week of the teaching term.

International Trade Regulation

(2290.04 M) *Course*

Instructor(s): Professor R. Wai

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 surveys the laws of international trade regulation from a Canadian perspective. The course focuses on public international law regimes and some domestic public law affecting the conduct of international trade to and from Canada, with a particular focus on the multilateral World Trade Organization and the General Agreement on Tariffs and Trade. The course also introduces students to basic policy aspects of international trade law from economic theory, international relations theory, globalization studies and international legal theory. Particular subjects for discussion will include: WTO/GATT treaties and institutions; dispute settlement; trade in goods; non-discrimination principles; trade law and non-trade objectives such as environmental protection; subsidies and countervailing duties; anti-dumping measures; trade in services; trade and intellectual property; trade and investment; and regional free trade areas and preferential trade agreements such as the NAFTA.

Evaluation: Mid-term assignment (25%); open-book final examination (75%).

Investor Protection

(5410.04 M) *Seminar*

Instructor(s): Professor E. Waitzer & J. McNish; Adjunct Professor

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

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: None

Presentation: Seminar, discussion, presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

It is recognized that a country's level of investor protection has a substantial effect on the value of firms, the development of markets and economic growth. Law (both in its administration and in the development of public policy) and the media each play key and co-dependent roles in advancing investor protection, the attainment of which often presents challenging public policy choices and political trade-offs.

This advanced seminar, engaging both senior year law students and financial journalists, is intended to provide an opportunity to:

- (i) actively explore this intersection of law, business and public policy and
- (ii) interact with each other and develop mutual knowledge of the law and practice relating to investor rights and remedies.

This seminar provides an opportunity for students and financial journalists to interact together and engage in active learning through collaborative exercises and a case study/workshop presentation approach.

Evaluation: 1) class participation and collaboration: 15%;
2) class presentation: 25% and
3) paper: 60%.

Joint JD/MBA Seminar

(3820.03 M) *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.

Topics explored in this seminar may include investment strategies and policies, valuation methodologies, capital markets and structured financing, traditional regulation of the financial services sector, innovative financing techniques, rating agencies, executive compensation schemes, venture capital, private placements and strategic planning. We will also explore current issues in 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 their last year of the Joint JD/MBA program.

Evaluation: Research paper - 80%; Class participation - 20%.

Judgment & Decision Making

(5650.03 M) *Seminar*

Instructor(s): Dr. R. Corbin; Adjunct Professor

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

Prerequisite Courses: Evidence

Preferred Courses: undergraduate social science course

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 lawyers, juries, eye-witnesses, and judges. 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. The required research paper permits students to apply the course content to an area of law which holds special interest for them. Class size is kept to a maximum of 20 in order to maintain high quality of in-class discussion and analysis. Interested students are encouraged to register early.

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

Jurisprudence

(2720.03 M) *Course*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Law school, inevitably, focuses on compartmentalized knowledge: the law “of contract,” “of tort,” the regulation “of financial institutions,” or “of health care.” Such courses rely mostly on the microscope, probing each area of law in detail; the present course uses a telescope. It aims to understand what law is by examining what law does, and how it does it. Particular focus is placed on the kinds of problems laws are put in place to solve and the different methods available (legal and non-legal) for addressing them. Though the course is “theoretical,” relying on interdisciplinary reading materials, its ultimate aim is practical. It seeks to provide tools for thinking about law as a tool. It thus offers a different approach from the one found in many similarly-named courses to understanding the question of the “nature” of law: not as a question of pure a priori philosophy, but rather as a more empirically-grounded approach that relies on ideas from several different disciplines (economics, sociology, as well as political philosophy).

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

Labour Arbitration

(5070.03 A) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: Collective Bargaining Law

Presentation: Lecture/seminar, class discussion, in-class exercises, guest speakers and mock arbitration.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar is intended to provide an overview of the labour arbitration process applicable to unionized workplaces. The seminar primarily addresses grievance arbitration although it may also introduce interest arbitration, and mediation and med-arb as alternative dispute resolution mechanisms. The seminar will examine both procedural and substantive issues, including the regulatory framework, arbitral jurisdiction, pre-arbitration and arbitration processes and select issues in arbitration such as collective agreement interpretation, discipline and discharge, discrimination and accommodation, and privacy. This seminar will be taught partly as an advocacy course, encouraging students to apply these concepts to persuasive and coherent oral and written arguments.

Evaluation: Mock arbitration presentation (40%), written assignment (40%), and seminar participation (20%).

Labour & Employment Law

(2315.04 A) *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: Yes

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 (including human rights law), and collective bargaining law. 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, and takes into account how people's experience of the law is shaped by their social location.

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 7,000 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 M) *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 Employment Relationship.

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: Research paper (7,000 words excluding footnotes, bibliography and appendices) (70%), presentation of draft research paper (15%), seminar participation (15%).

Land Development & Commercial Real Estate Problems

(5160.03 M) *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: TBA

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.

Land Use Planning

(2320.03 M) *Course*

Instructor(s): J. Mascarin & K. Hare; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, formal student presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This course examines the law governing land use planning and development in the Province of Ontario, with some inter-jurisdictional comparison. Topics include key legislation, the jurisdiction of various levels of government (federal, provincial and municipal), the role of public-sector entities, land use planning instruments, and the development process. The rights of landowners and developers, citizens, public sector entities and non-governmental organizations in the planning and development process are also examined. The course is taught by two land use planning and municipal lawyers.

The goal of this course is to provide students with a working knowledge of the Planning Act, and an understanding of other vital legislation in the land use planning and development regime, such as the Ontario Heritage Act, Building Code Act, 1992 and Development Charges Act, 1997.

Key planning instruments available to municipalities such as official plans, subdivision and site plan control, zoning by-laws, and development charges are considered in detail. Legal constraints on urban growth imposed through inter-regional plans such as the Greenbelt Plan, the Oak Ridges Moraine Plan and the Growth Plan for the Greater Golden Horseshoe are examined. The involvements of public sector entities (e.g. province, municipalities, conservation authorities, school boards) in land use planning is also examined. The powers and jurisdiction of the Ontario Municipal Board as a quasi-judicial tribunal responsible for adjudicating land use appeals will be fully considered. The course also seeks to provide students with an understanding of the powers and rights available to citizens, stakeholders, landowners, governments, non-governmental organizations, and public sector agencies in shaping land use planning.

Students will be asked to consider the multi-faceted purposes and functions of land use planning and how the current and very public regulatory framework functions in practice.

Evaluation: 1. Open book Mid-Term Examination – 30% of final grade

2. Open book Final Examination - 60% of the final grade

3. Class Participation - 10% of final grade

Law and Economics

(2560.03 M) *Course*

Instructor(s): Professor S. Daum Shanks

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: TBA

Practicum: No

This course is an examination of various concepts and arguments considered part of the subfield known as the "law and economics". Each week, we meet to discuss these components and debate their implications upon all levels of legal argumentation in both Canadian and international jurisdictions. Topics include but are not limited to Rational Choice Theory, Game Theory, Neuroeconomics, Public Choice Modulations, Nudges, Political Economy, Behavioural Law and Economics, Public Administration, Rent Seeking, and Risk Analysis.

This course is constructed so that no previous background in economics is required.

Evaluation: The first two meetings will be lecture presentations by the professor. After those sessions, meetings will run similarly to a seminar, with the professor leading a general discussion about the assigned readings for that specific meeting. Students will write a synopsis of one article from the class readings (worth 15%), a short summary of a concept that is part of Law and Economics subfield (worth 15%), and a final paper worth 70%.

Law of War

(3730.03 A) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Was NATO's military intervention in Libya legal? What about Afghanistan? Or the imprisonment of America's detainees in Guantánamo Bay, Cuba? What is the legal status of killing by drones? What happens to people who commit war crimes? What are the remedies for an illegal war? This seminar examines the international law governing war, including both questions of when war is legal (so-called 'jus ad bellum') and how even legal wars must be conducted (so-called 'jus in bello' or the laws and customs of war) and the relationship between the two types of law. It also examines the various judicial institutions that have jurisdiction over these issues, from the World Court, to the ad hoc tribunals (Yugoslavia, Rwanda, Sierra Leone), to national courts exercising 'universal jurisdiction' (Belgium, Canada), to the new International Criminal Court.

Case studies on the armed conflicts over Kosovo, in Afghanistan, Iraq and Libya, and between Israel and the Palestinians, provide the settings for concrete legal analysis and also for critical evaluation of the role of law in war.

Evaluation: Evaluation is by term paper (75%) and student participation (25%), including one brief class presentation (15%).

Law & Film

(3200.03 M) *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, and memory. In this seminar, 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.

Students will be expected to review and comment on weekly film and reading assignments, as well as to develop an independent essay project in consultation with the professor. The primary form of evaluation will be a 7000 word research paper.

Evaluation: Class Participation: = 10%, Weekly Commentaries = 20%, Final Paper (at least 7000 words excluding notes and bibliography) = 70%

Law & International Development

(3001.03 A) *Seminar*

Instructor(s): Visiting Professor A. Cohen

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion. The seminar will be taught over 9 classes from September 3 to October 29, 2014. Each session will be 3 hours.

Upper Year Research & Writing Requirement: TBA

Practicum: No

This seminar examines debates over the role of law in international economic development. We will explore the interplay between ideas about economic, political, and social development, on the one hand, and ideas about law, on the other hand. Throughout this course, we will ask the following two overarching questions: What is development and how does it help or harm social well-being? How can law advance or constrain the project of building international, transnational, and domestic institutions that facilitate social well-being? To that end, the seminar combines a historical approach to understanding law and development with illustrative case studies (several of which emphasize food, agriculture, and land). Because the course is conducted in a seminar format, issues for debate and discussion will arise from detailed consideration of the readings. Students will be expected to have read the assignments carefully in order to discuss them during class time (sometimes as a “discussion leader” for a particular article or case). Students will also be expected to participate actively in a few in-class exercises/debates and to develop a high-quality research project and present a summary of that project to the rest of the class.

Evaluation: Research paper: 70%, Participation (including in exercises and case studies): 30%.

Law & Psychiatry

(3240.03 M) *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 or capacity 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 & Religion in Legal, Social, and Political Perspective

(3160.03 M) *Seminar*

Instructor(s): Professor B.L. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Short Lecture, Student Participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

Students enrolled in this seminar will engage in a close and critical examination of the complex historical and contemporary interactions between law and religion, two social forces whose relationship has shaped – and continues to shape – our modern world. This seminar will call upon students to use the study of the interaction of law and religion as a vehicle for gaining (a) a keener appreciation of the challenges of deep cultural diversity, (b) a deeper understanding of the nature of law, and (c) unique perspectives on the politics of modern secular (and non-secular) states. Students will examine certain influential theories in the study of religion and learn about the place of religion in the historical foundations of the common law. They will trace issues of religious difference through Canadian constitutional history, consider questions of law and religion in international and comparative perspective, and examine the structure and limits of constitutional rights through the study of doctrines of religious freedom. Seminar readings and discussions will canvass issues such as: the nature of “secularism(s)”; justifications for the constitutional protection of religion; religion, gender, and sexual equality; religion and education; religion and legal pluralism; religion and public reason; and law, religion, and morality. The seminar will be overtly interdisciplinary, putting questions of history, philosophy, and religious studies alongside legal theory and analysis.

Evaluation: Primarily evaluated by a research paper (70-80%) with the remainder of the grade based on class participation, presentations and/or short written assignments.

Law & Social Change: Community Action Across Borders

(2750M.03 A) *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, Sierra Leone and Cambodia.

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 M) *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 19, 2015. 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 Theory (CRT) 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 theory (CRT) 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 CRT 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: Research paper – 7000 words (75% of final grade)

10% - One-page research proposal based on a minimum of five formal sources (i.e., journal articles and research-based texts)

20% - Twelve-page intermediate draft of paper based on a minimum of ten formal sources

10% - Ten-minute presentation of current work on paper (Week 7 & Week 8)

35% - Final paper

75% -Subtotal

Weekly reflections (15% of final grade) -15%, 200-word reflections on course readings

In-class participation and attendance (10% of final grade)

10% -Small group work

Total 100%

Law & Social Change: Education Law

(2750Y.03 A) *Course*

Instructor(s): P. Lauwers; Adjunct Professor

Fall: 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 with the conceptual tools for analyzing public policy issues, and will develop insight into the competing principles and tensions.

Evaluation: 60% for 7000-7500 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. If numbers permit, the short assignment may be replaced by an in-class presentation or short moot.

Law & Social Change: Policing

(2750B.03 M) *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 20, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course 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 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 M) *Course*

Instructor(s): E. Marszewski; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion.

Upper Year Research & Writing Requirement: TBA

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. The course materials will focus upon an 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.

Restorative practises are increasingly used within the criminal and civil justice systems, by law enforcement and within the courts and related justice-serving agencies.

Different restorative process models will be examined and compared, with a particular emphasis upon victim offender mediation, conferencing and circles. Students will participate in role plays based on real fact scenarios and cases. Students will also consider the incorporation of restorative practises in conflict and crime prevention, intervention, crisis response, community development and development of public policy.

The question of the extent to which fact-finding can be, is incorporated into a restorative justice process will be examined along with the communication strategies employed by restorative process facilitators. Students will have the opportunity to examine the extent to which restorative practises have been integrated into justice systems and structures in Canada and in foreign jurisdictions.

Evaluation: 75% for the final paper (30% for the outline, mid-term draft and draft bibliography and 45% for the final paper including final bibliography and footnotes). Class Participation: 5%. Presentation to class: 10%. Reflection re facilitation 10%.

Law & Social Change: Trade, Human Rights & Development

(2750Z.03 A) *Course*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion. Not open to students who have completed Law & Social Change: Law & Development.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Both trade and human rights are today understood as key elements of successful development policy. However, both the historical and conceptual foundations of this apparent convergence demand careful investigation. While mainstream economic thinking presumes that trade is beneficial for poor countries, critics have pointed out the terms of trade have long been weighted in favour of western, developed States. Similarly, while the emerging consensus that adherence to global human rights norms is necessary for the achievement of good development outcomes, in the past the goals of development and of human rights were often understood as at odds with one another. Utilising historical, discursive, and case study-based methodologies, this course will provide students with an opportunity to critically examine the convergence of trade and human rights with contemporary development policy and practice.

Evaluation: Term Paper 75%; Class Exercise/Presentation 10%, Participation 15%

Lawyer as Negotiator

(3960.04 A) *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 M) *Seminar*

Instructor(s): J. Birenbaum, Visiting Professor

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 19, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar will consider developments in law and social policy which engage gender equality or have gendered effects. We will look at the role played by law in women's systemized inequality and the uses and limits of law to effect social change for women. Most weeks will involve reading a case (or edited version) and one or more published articles from legal or sociolegal perspectives about the case. Topics may include *Charter* equality caselaw where the construction of women's "choices" are used to defeat equality claims, tensions or perceived tensions in reconciling freedom of religion and women's equality, the law's role in and response to violence experienced by Aboriginal women, and developments in sexual assault law, including consent, criminal prosecution of HIV non-disclosure, and the gap between equality-promoting legislative reforms and women's lived experiences.

Evaluation: 5000 word paper (inclusive of footnotes) will be required for 75% of the grade (this 75% will include required "graduated assignments towards the paper, including approval of a topic by the instructor). Commentary on selected readings will comprise a further 10% and the remaining 15% will be an assessment of class participation (which will include attendance).

Law, Society & State: Animals, Law & Society

(3520B.03 M) *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 19, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: TBA

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 M) *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, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

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', 'intimate partner violence' ('IPV'), 'woman abuse,' 'gender violence', 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, and drawing upon literature from a number of disciplines, interrogate the roles of gender, race, sexual orientation, (dis)ability, colonization, and class in the production of violence in intimate relationships. 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 in reducing violence against women. Other areas of law, and their interactions, will also be considered; while collectively the class will select these areas, among the possibilities are immigration law (the implications of, for example, the new two-year conditional permanent resident status for spouses), family law (decision making regarding custody and access, the lack of access to legal representation, the impact of claims of gender symmetry in domestic violence), child welfare (the implications for children of witnessing violence, models of intervention), and social assistance (access to adequate benefits, the definition of spouses, and the role of welfare fraud).

Thematically, we will consider 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. We will draw upon feminist and critical theory to interrogate larger questions regarding the conceptualization of 'public' and 'private,' the role of the state, and the relationship between structural violence and intimate partner violence. We will also consider a range of questions about our role as lawyers, including ethical questions about the manner and content of our representation.

Evaluation: Paper: 75% - 6000-7000 words excluding footnotes (a topic statement, ungraded outline and draft will be required). Participation: 10% based on attendance and contributions (including active listening). Collaborative Group (3-4 students) Class Facilitation: 15%

Law, Society & State: The City

(3520G.03 M) *Seminar*

Instructor(s): A. Flynn; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to a combination of lectures, guest lectures, videos and active student participation in class discussions.

Upper Year Research & Writing Requirement: TBA

Practicum: No

Municipalities oversee broad authority to regulate and operate a wide range of activities and services within their communities. Many also own substantial assets and operate large budgets. These features, together with their tremendous visibility and their exposure to critical public opinion, make municipalities a complex arena for legal analysis. The purpose of this seminar is to provide students with an introduction to the principles of Canadian municipal law and, in particular, the legislative regimes of large urban governments. The seminar first examines the constitutional basis of cities and the manner in which this authority has evolved as a result of legislative and common law developments. Second, the seminar looks to key service delivery areas to understand how cities execute their obligations (including housing and homelessness, transportation, policing, and licensing and standards). The public's role in urban governance will also be examined.

Evaluation: 1) Class Participation based on attendance, preparation and quality of contribution to class discussions: 10% of final grade;

2) Submission of three short papers (no more than 250 words) summarizing issues before City Council: 15% of final

grade; and 3) Research paper, approximately 20 to 25 pages in length: 75% of grade.

Legal Drafting

(2140.03 A) *Course*

Instructor(s): S. Benda; Adjunct Professor

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

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on the language, structure, elements, appearance 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 seminars includes commenting on the drafting of legal documents, risk management, 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 complete formal contracts or key portions of a contract or both.

Legal Drafting

(2140.03 M) *Course*

Instructor(s): A. Roman; Adjunct Professor

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

Prerequisite Courses: Contracts, Civil Procedure or similar course involving advocacy

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Lawyers are writers. They spend more time writing than any in other activity. Writing skill, a key to success in law, is all about the reader, not the writer. This course focuses on the different purposes of legal writing, and the thought processes and writing techniques required for each. These purposes may range from persuasion of a decision maker to drafting a business agreement to writing an easily understandable legal opinion to reviewing and editing a client's media release or regulatory compliance manual. Students analyze, review, prepare, present and discuss various styles of writing for different purposes. The work includes commenting on the quality of legal documents, writing and editing legal and non-legal documents and using precedents. The overall emphasis is on efficiently writing readable, clear and unambiguous original documents that achieve their purposes.

Evaluation: Two take home assignments: 50% and 50% ; the second assignment involves drafting a complete factum in an uncertain, emerging area of law.

Legal Governance of Health Care

(2404.04 M) *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, independent health facilities and out-of-hospital premises, 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 Information Technology

(2860.03 M) *Course*

Instructor(s): M. Goyal, J. Williams & D. Thompson; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures led by the instructors, as well as several exercises using Osgoode computing and video conferencing facilities. Each lecture session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: Yes

The legal markets of numerous countries are entering a period of intense change in which traditional job roles and organizational structures are at risk. In addition to market liberalization and outsourcing, some of the most profound changes involve the introduction of information technology to augment (and even disrupt) legal service delivery. While most evident in the US and UK, Canada will be no exception to these trends.

This course is inspired by the American Bar Association's recent statement that legal technology is increasingly central to effective legal practice. Our goal is to prepare students for the legal marketplace of the future, and to empower them to participate in the transformation of legal service delivery. It does NOT require a technical background.

The theoretical portion of the course covers a variety of topics, include access to justice, online dispute resolution, expert systems, and automation, and alternative service delivery methods. Students are required to come to their own conclusions regarding such issues as the potential for automation to replace lawyers or to facilitate access to justice.

The practical portion of the course provides hands-on experience with legal technologies (e.g., online dispute resolution, automated document assembly, visualization and simple data mining). We teach the basic skills of application design from a pure design (not a technical) standpoint. A major component involves instruction in how to build and deliver new forms of legal practice that provide better results for clients, improve accessibility, enhance productivity and democratize the practice of law.

The course culminates in a final project: a chance for students to utilize basic application design and project management methods through the design of their own law or justice applications. The final project is a group project that will require you to work with other classmates. Each group will be creating a design artifact for a novel legal application. In addition, each student will hand in an individual essay submission (of 2000 words).

Evaluation: 30% for hands-on assignments; 20% for critical reflection pieces; 50% for the final project.

Legal Values: Commercializing IP

(3591M.03 M) *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 22, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: TBA

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, as well as their blogs to the Gowlings Best Blog in IP prize (please see IP Osgoode site for details).

Legal Values: Current Issues in Reproduction & the Law

(3591R.03 A) *Seminar*

Instructor(s): S. Cohen; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Family Law

Presentation:

Upper Year Research & Writing Requirement: No

Practicum: No

The question of who is a parent has perhaps never been as live as it is today. Technology has drastically changed the ways in which we build families, and Canadian law has been slow to respond. The use of reproductive technologies carry with it a plethora of questions, including: who is a parent? What makes a family? Is there a legal right to be a parent? What limits are acceptable on reproductive freedoms? Do children born through the use of gamete donation have the right to identify the donor? We will also consider how reproductive technologies affect different groups in different ways. For example, reproductive technologies are particularly important to LGBT family building, and may have a more significant impact on women.

This course will explore the existing legal framework while considering the implications of where the legal framework is lacking, in addition to the ethical and policy issues inherent in the use of reproductive technologies for family building. We will spend most of our time examining issues related to third party reproduction (including surrogacy, gamete donation and embryo donation), but will also explore other topics such as posthumous reproduction, whether property rights exist in gametes or embryos, .

The first few weeks of the course will begin with a review of the relevant legislative schemes across the country, and we will analyze the various parental legislation as it differs between provinces. We will analyze the Supreme Court of Canada's *Reference re Assisted Human Reproduction Act* decision, and consider whether criminal legislation provides the appropriate context for the only legislation dealing with the legality of third party reproduction. We will also analyze the relevant caselaw dealing with legal parentage of children born through reproductive technologies, as well as jurisprudence dealing with varied issues such as whether anonymous gamete donation is constitutionally sound, and citizenship issues regarding children born abroad through the use of reproductive technologies to Canadian intended parents. We will also review some international caselaw to contrast with how Canadian courts have been dealing with these issues. We will then delve more deeply and discuss various issues relating to fertility law from a more theoretical perspective.

Evaluation: Your grade in the seminar will be calculated on the basis of:

1. seminar attendance and engagement (10%);
2. two critical reflections and presentations on readings (15%);
3. paper outline and presentation (10%);
4. paper outline feedback (5%); and
5. your term paper (60%)

Legal Values: E-Commerce & the Law

(3591P.03 A) *Seminar*

Instructor(s): J. Ammar, Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, interactive discussions and students' presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

The purpose of this course is to consider the law relating to E-Commerce, particularly Business-to-Consumer (B2C), Business-to-Business (B2B), and Consumer-to-Consumer (C2C) forms. The module introduces E-Commerce by looking at IT law, especially if students have not taken IT courses before. Then the more traditional legal issues surrounding business in an electronic format will be analysed. This includes the formal validity of electronic transactions, security and authentication, contract formation, and issues relate to the role of intermediaries such as ISPs or online market places such as eBay in facilitating the conclusion of contracts and electronic payment systems. The course then covers consumer issues, such as data protection and privacy. The module will proceed to analyse in depth litigation strategies in the shape of online dispute resolution and jurisdiction.

This course aims to develop students' understanding of the basic principles, concepts and perspectives in respect of e-commerce; to evaluate and critically assess the impact of the principles considered on individuals and businesses, from academic, practical and technological perspectives; and to finally form critical views on the law of e-commerce and its development with the issue of harmonisation is firmly in mind.

Evaluation: One Essay, 7000 words, 60%; Presentation; 25%; Participation; 15%

Legal Values: Law & Literature

(3590V.03 M) *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 75% of the final mark. Students will determine their own paper topics in consultation with the instructor.

2) A series of assignments worth 25% of the final mark. This will include short commentaries on three of the readings, a paper proposal, and an in-class presentation.

Legal Values: Law, Ethics & Social Media

(3590C.03 M) *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 22, 2015. 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 mootings.
- 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 A) *Seminar*

Instructor(s): M. Freiman; 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 M) *Seminar*

Instructor(s): Professor F. Faraday

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 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 identifying a particularly noteworthy ethical or professional issue and presenting the issue both in a team-based class setting and through a research paper.

Evaluation: There are three components to the evaluation:

1. Class participation, worth 10% of the overall course grade.
2. Group presentation on an ethical or professional issue, worth 20% of the overall course grade.
3. An independent research paper of 6000 words (including footnotes) worth 70% of the overall course grade. A late submission penalty of 10% (i.e. 10 marks out of the total 70 marks) per day or partial day of late submission will apply.

Students may choose to write the paper in this course in satisfaction of their upper year research and writing requirement in which case the independent research paper must be 7,000 words in length, excluding notes, bibliography and appendices. Students choosing this option must receive prior approval from the instructor and notify Student Services.

Legal Values: Real Estate Finance

(3591N.03 A) *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 7000 word research paper (80%)

Legal Values: The Right to Housing

(3591Q.03 A) *Seminar*

Instructor(s): T. Heffernan; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: One or more of Law and Poverty, Administrative Law, Constitutional Law, Community and Legal Aid Services Program, Parkdale Community Legal Services

Presentation: Discussion, student presentations, guest lectures, and independent research

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Could the right to housing be realized in Canada? If so, how?

This course will be taught against the backdrop of an ongoing right to housing campaign and *Canadian Charter of Rights and Freedoms* challenge against the Attorneys General of Ontario and Canada (AGs). The challenge concerns the provincial and federal governments' violations of sections 7 & 15 of the *Charter*, as well as international law, in creating the current crisis of homelessness and lack of affordable housing in Ontario.

Students will learn about the context of housing, homelessness and poverty by attending one hearing block at the Landlord and Tenant Board as well as through guest lectures, readings, presentations and discussion. Building on this, students will examine the nature of the right to housing application before the courts, the applicable rules of civil procedure, sections 1, 7 and 15 of the *Canadian Charter of Rights and Freedoms* and the importance of organizing and mobilization in campaigns of this nature.

Finally, students will analyze current case law and campaigns involving social and economic rights, including the right to housing in Scotland, India, France and South Africa.

Evaluation: 1) A 6000 word paper worth 60% of the final mark. Students will determine their paper topics in consultation with the instructor.

2) Class participation worth 40% of the final mark. This will include class discussion, short oral commentaries, and a short research paper presentation. Presentations will constitute 30% of the mark and active class participation 10% of the mark.

NB: Students may also choose to submit a 7000 word paper that qualifies for the upper year research and writing requirement. In this case the overall mark for class participation will be reduced from 40% to 30% of the overall mark and the research paper will be increased to 70%, from 60%, of the overall mark.

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

(3591E.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

Winter: 3 credits; 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, 2015. 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 2014-2015, 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. Long essay of no more than 7500 words is 80%

Legal Values: Theory & Practice of Human Rights

(3591S.03 P) *Seminar*

Instructor(s): A. Zysset; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar presentation. Combination of lectures, discussions on assigned readings and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In recent years a number of moral, political and legal theorists have drawn their attention to the concept of human rights. They disagree about almost everything: where do we locate the origin of human rights in the history of ideas? What rights should count as human rights? What are the values and/or interests protected by human rights? What are the duties they impose and upon whom? What constitutes the relevant practice of human rights? How do democracy and human rights relate? The seminar will not only familiarize students with a variety of positions on those questions but also help them think and write critically about them. Moreover, since a number of the positions examined are anchored in broader conceptions of morality, justice or the law, a third objective of the seminar is to uncover those in order to give students a range of theoretical tools that could be used to reflect on other legal and moral objects.

Evaluation: 1) Class participation based on attendance and quality of contributions – 10%

2) In-class presentation – 15%

3) Research paper (min. 5000 w. max. 7000 w.) – 75%

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03 M) *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: TBA

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.

National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context

(3008.03 A) *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, CSEC, 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, espionage, immigrant infiltration, political emergencies, natural disasters, pandemics etc.);
- (c) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Access and Privacy Acts, Canada Evidence Act, Security of Information Act etc.) considered in the context of the Canadian Charter of Rights and Freedoms, and International Conventions;
- (d) national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.)

The seminar will feature outside guests from the legal and security intelligence communities.

Two themes will be pervasive throughout: accountability and the rule of law.

Evaluation: Research paper of 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 A) *Course*

Instructor(s): Professor A. Boisselle

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

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 A) *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

In 2012, the last year for which we have national statistics, Canadian workers' compensation boards recognized that nearly 250,000 Canadian workers suffered work-related injuries and nearly 1000 were killed. While these figures under-estimate the toll that work takes on workers' lives and health, they also represent an improvement compared to previous decades. In this seminar we will explore how occupational health and safety regulation has contributed to this improvement, but also has failed to adequately protect workers.

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, including the right to know, to be consulted and to refuse unsafe work; (7) appealing inspector's order to the OLRB; (8) prosecuting and defending regulatory offences under the OHS Act; (9) the role of criminal sanctions; (10) comparative perspectives; (11) current law reform initiatives.

Evaluation: Major research paper 8-10,000 words (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 A) *Course*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes

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 (100%).

In the alternative, a student may opt to write a paper for a portion of the grade to be arranged with the class instructor. The paper should not be longer than 7500 words.

Practice Management: A Critical Exploration

(3550.03 M) *Seminar*

Instructor(s): Professor F. Bhabha

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, simulations

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar critically explores the decisions and challenges which face legal practices in the current changing context. Those interested in starting a practice as a solo practitioner or within a small firm structure face at least some significantly different challenges to those in large law firms with significant support staff and an existing management structure. While some of the challenges are the same (a changing landscape, ethical rules and LSUC as a regulator), many are profoundly different, and even those that are the same affect practices very differently depending on the size/organization of the practice.

The seminar is designed for upper year students, and will offer preferential access to third year students. The seminar encourages students to consider their place as professionals serving local communities. The seminar will include broad engagement with the legal community, including guest lectures and panel discussions. The seminar will guide students through the questions which need to be answered in setting up and running an ethical, professional small or solo legal practice, and the larger changes which are shaping the landscape in which these practices operate. Through simulations, lectures, and assignments, students will consider the steps to be taken and choices to be made in creating a legal career as a solo practitioner or within a small firm structure.

Evaluation: 20% Class participation (active participation in discussion, attendance)

15% Short in class presentation on substantive topic/reading/resource

15% Contributions to class blog reflecting on weekly readings (minimum of 6 substantive contributions)

50% Multipart "development plan" for fictional or future legal practice.

Public International Law

(2340.04 A) *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): C. Carter; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 60

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 A) *Course*

Instructor(s): C. Carter; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 60

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: 60

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.

Reforming Copyright & Design Law

(3591G.03 A) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: none

Preferred Courses: A course or seminar on copyright or intellectual property law

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar aims to provide students with a deep understanding of current copyright and designs legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated copyright and designs code that is logically structured, user friendly, and attuned to the needs of a modern economy. The seminar will first consider the justifications for this branch of the law and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming a field of copyright or designs law. They will write a preliminary memorandum on that field's shortcomings in the context of an integrated intellectual property code, and how to address them. After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Draft and final memoranda, the final memorandum being at least 7000 words excluding footnotes or endnotes, bibliography and appendices(65 %); preliminary and final draft legislation (35%).

Reforming Patent & Trade-mark Law

(3591F.03 A) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: none

Preferred Courses: A course or seminar on patents, trade-marks or intellectual property law

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar aims to provide students with a deep understanding of current patent and trade-mark legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated patent and trade-mark code that is logically structured, user friendly, and attuned to the needs of a modern economy. The seminar will first consider the justifications for this field and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming an area of patent or trade-mark law. They will write a preliminary memorandum researching that field's shortcomings in the context of an integrated intellectual property code, and how to address them. After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Draft and final memoranda, the final memorandum being at least 7000 words excluding footnotes or endnotes, bibliography and appendices (65 %); preliminary and final draft legislation (35%).

Refugee Law

(2470.03 A) *Course*

Instructor(s): L. Waldman and K. Kostadinov; Adjunct Professors

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

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.

In this course we will focus on the Canadian practice. We will examine the changes to the refugee determination procedure and analyze why these changes have been implemented and what impact they have had and will have on refugees who seek Canada's protection.

We will also examine the Canadian jurisprudence in relation to both the Refugee Convention and the Convention Against Torture and compare it with the interpretation in other jurisdictions.

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 (90%); participation (10%).

Regulation Of Competition

(2350.03 M) *Course*

Instructor(s): D. Rosner and J. Krane; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes

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: Option 1: 100% open-book examination

Option 2: 60% open-book examination AND 40% paper (4,000 to 5,000 word case comment, case to be approved in advance by the instructor)

Option 3: 100% paper (7,000 to 8,000 words, satisfying the upper year research and writing requirement, topic to be approved in advance by the instructor).

Resources Management

(3490.03 M) *Seminar*

Instructor(s): A. Koehl & N. Sahni; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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, 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 A) *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 A) *Course*

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

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

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: 60% Take-Home Examination

25% In-Class Presentation

15% Class Participation

Supervised Research Project: Environmental Justice & Sustainability

(6000W.03 M) *Seminar*

Instructor(s): Professor S. Wood and D. Estrin, Visiting Professor

Winter: 3 credits; 2 hours; max. enrollment: 6

Prerequisite Courses: None

Preferred Courses: None

Presentation: Supervised research project

Upper Year Research & Writing Requirement: TBA

Practicum: No

During the Winter 2015 term, a small number of students (likely 6-10) will work on a public interest clinical research project related to environmental justice and sustainability, under the supervision of incoming McMurtry Fellow David Estrin and Professor Stepan Wood. Mr. Estrin is among Canada's top environmental lawyers and co-founded Canada's first environmental law clinic. This opportunity is intended to be a pilot project for a more formal clinical program. Students will work with an external client organization such as a public interest environmental law clinic, environmental NGO, municipality, or private law firm on a research project that advances its interests in environmental justice and sustainability. The exact nature of the work to be done and the number of places available will depend on the number and nature of client organizations, and on their needs. The range of possible projects might involve litigation, law reform, public education and outreach, or legal services for social enterprises. Written work products may take various forms including research papers, memoranda, reports, submissions, pleadings, or educational materials. The exact nature of the required work product(s) will be settled at the start of the Winter term, and will be roughly equivalent to a 3-credit research paper. Students may be working collaboratively and in such instances their written work will be evaluated on a group basis. Students are expected to attend and participate actively in weekly 1 hour-long team meetings at the law school throughout the Winter term. The weekly meetings will take up such issues as the theory and practice of environmental justice, sustainability and public interest lawyering; clinical legal skills development; and the status and progress of students' research projects. There will be no external placements, though there may be some meetings at partner organizations' offices.

Selection process: Students will be selected for the project during the Fall 2014 course change period via an open, competitive application process, details of which will be announced in August 2014. Interest students may select the project via the Law Select process, but this does not guarantee admission. Rather, among students who qualify for selection via the competitive application process, students who have preselected the project via Law Select will be given preference over those who have not.

There are no pre- or co-requisite courses, but preference will be given to students who will have completed Environmental Law before Winter 2015.

Evaluation: 75% written work, 25% Participation and teamwork.

Tax As Instrument Of Soc & Econ Policy

(3006.03 P) *Seminar*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2015. Each session will be 3 hours.

Upper Year Research & Writing Requirement: TBA

Practicum: No

The purpose of this seminar is to provide students with an opportunity to develop skills in legal and public policy analysis that can be used in all areas of law.

Governments pursue a broad range of social and economic objectives including the relief of poverty, economic security, family security, retirement security, access to health and education, social equality, the provision of culture and recreation activities, the efficient allocation of economic resources, full employment, and a growing and productive economy, to name only a few. In pursuit of these objectives it has at its disposal the full range of governing policy instruments including the criminal law, tort and contract law, regulation, direct subsidies, and government direct ownership and production. One of the most pervasive policy instruments the government uses in achieving almost all of its objectives is tax law. There are over 100 provisions in the tax system that have nothing to do with the technical tax system, but whose sole purpose is to assist in achieving these and other broad government objectives. They are frequently referred to as tax expenditures.

This seminar is not an examination of technical tax law and students who enroll in the seminar are assumed to have no background in tax law. Instead it is an examination of tax expenditures. What government purposes are being served by these implicit spending provisions? Are they valid government purposes? What other policy instruments might the government have used in achieving these purposes? Why did it use the tax system? What are the program designs implicit in the tax provisions? Are they target-efficient? Who benefits from it? What effect do they have on the allocation of resources? And so on.

The seminar is intended to be an interdisciplinary seminar that, in the context of tax law, examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives from which issues of public policy can be examined. The seminar will view these issues from a comparative perspective.

Evaluation: Presentation, short critical memo, and analytical or policy oriented research paper.

Tax Law and Policy Colloquium

(5330.03 M) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: Tax Law and one other tax course

Preferred Courses: none

Presentation: Discussions

Upper Year Research & Writing Requirement: Yes

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 M) *Seminar*

Instructor(s): J Kutyan; Adjunct Professor

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. Hwong

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

This is the basic law school course in tax law, surveying most aspects of taxation of the individual. The topics will include the rules relating to the jurisdiction to tax; amounts that must be included in income for tax purposes; tax accounting rules; the deduction of business and personal expenses; and the taxation of capital gains. Heavy emphasis is placed upon understanding the principles and policies that underlie the law; grasping the basic structure and framework of the law; developing skills in dealing with statutory materials; applying the basic tools of tax policy analysis; and understanding the importance of issues of professional responsibility in this and all areas of legal practice. The distributive effects of tax law are a recurrent theme in the course, and when opportunities arise the deep structure of taxes will be explored from the vantage point of comparative tax law and policy.

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 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

This course is taught by using the Income Tax Act, case law, problems and case studies. Students are NOT allowed to use laptops or other mobile devices during class. The reason for such "laptop-free" policy is to encourage students to be active learners in the classroom. Handouts will be provided in advance. Students are expected to have read the prescribed readings before class. Practising tax lawyers, such as Mr. Justin Kutyan (KMPG Law) will lead some "capstone" classes or judge some mooting exercises.

A principal goal of the course is to teach students to analyze and apply a complex federal statute. It aims at helping students develop skills of statutory interpretation, active listening, presentation, and problem solving. It also aims at helping students learn some basic technical tax law and understand the underlying tax policy and principles. Problems and case studies will be used to illustrate how the law is supposedly to work in real life.

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.

This course 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 behaviour of taxpayers.

Evaluation: Main method:

- 15% for class participation, and 85% for final examination (3-hour, open book);

Alternative:

- 15% for class participation, 45% for final examination (same as above), and 40% for a research paper (maximum 4000 words) (If examination grade is higher, it will count for 85%).

Taxation Law

(2080.04 P) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

Winter: 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

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 M) *Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: Taxation Law

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.

The Art of the Deal

(5100.04 M) *Seminar*

Instructor(s): Professor E. Waitzer & M. Cohen; Adjunct Professor

Winter: 4 credits; 3 hours; max. enrollment: 10

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: none

Presentation: Seminar – foundational lectures, group projects/presentations, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is intended to provide senior Osgoode J.D. and Schulich MBA students with a unique integrative experience and the opportunity to analytically examine the planning and execution of major business transactions. The first part of the course is focused on understanding core concepts of transacting – including information problems, strategic behaviour and a range of responses. These are traditional seminar sessions, based on assigned academic readings, lectures, case examples, and discussions. The second part of the course consists of a team-based analysis of significant recent, high profile transactions. At the outset of the course, the students select 6 to 8 significant and different types of complex transactions (such as a merger/acquisition, reorganization, joint venture and innovative financing) which have occurred recently. Deal documentation (redacted as required) is supplied by the professionals (lawyers and bankers) who were involved in advising on the transaction. These professionals also participate as mentors to the student teams.

The major deliverable for each team consists of a written analysis of the transaction, which is accompanied by a formal presentation to the class. The aim of the report is to “teach” the dynamics of the transaction to the rest of the class – explaining both the business context and purposes of the transaction from the perspectives of the various parties and the particular issues that had to be resolved in order to effect the transaction. The rest of the class is expected to comment and critically reflect on the presented transaction. Subsequent to each presentation and discussion, all the students in the class are expected to complete a journal entry with their reflections and critical appraisal of the presentation, the deal and lessons learned.

Evaluation: 35% of the final grade is a team component, consisting of the transaction report and presentation. Intelligibility and insight are among the features looked to in assigning this grade. All members of the team will receive the same grade. The remaining 65% of the grade is individual. Of this, 20% is assigned to the student journal with commentary, assessment and critical reflections from each of the presentations. Students are allowed to miss at most one of these presentations and correspondingly, not include it in their journal. 25% is assigned to an individual term paper (12-15 pages). The remaining 20% is based upon class participation.

The Business of Law

(3870.03 A) *Seminar*

Instructor(s): C. Gastle, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, group projects

Upper Year Research & Writing Requirement: No

Practicum: No

This course is intended to provide students with an understanding of the financial and business aspects of the practise of law. The course will start with an assessment of factors which are stated to be transforming the practice of law, such as globalization, increasing competition and rapid technological change. The course will then turn to the ownership, financing, marketing and management of small and large firms. The various business structures and basic financial concepts will be discussed along with an explanation of how to read a financial statement.

The focus of the course will next shift to client management and business development. The billing and rainmaking obligations/targets of partners and associates will be reviewed. The marketing of law firms in a network business will be explained. The challenge of managing partners, associates and staff will be reviewed. Finally, the unique aspects of the practise of law will be highlighted including professional liability, the regulation of the legal profession and the disciplining thereof by the Law Society. It will be suggested that one of the unique aspects of the practise of law is the social responsibility that law firms have.

Evaluation: Students will be graded on the basis of individual participation (20%), group projects (30%) and a 5,000 word paper (50%) on a topic to be approved by the course instructor by November 1st, 2014.

Theory and Practice of Mediation

(5960.04 A) *Seminar*

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

Fall: 4 credits; 3 hours; max. enrollment: 16

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 7,000 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 (7,000 words) for 60% and will not be graded on their Mediation Reflection(s).

Trademarks

(2170.04 M) *Course*

Instructor(s): Professor C. Craig

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 explores the legal protection of 'trade identity' afforded by the common law and intellectual property rights over signs that indicate the source of goods or services. The course offers students the opportunity to learn about the laws that protect the logos and brands that make up such an essential feature of today's consumer culture, modern marketing practices, and the creation of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate trademark use and unfair competitive practices. This will include analysis of important pending statutory reforms. Topics to be examined include the common law action for passing off, the criteria for trademark registration, the basis for opposing an application or expunging a registration, trademark distinctiveness, use and infringement.

As well as familiarizing students with the substantive law in the area, the course seeks to assess trademark law from the point of view of its normative justifications and policy objectives. We will inquire into the basis of the rights protected and their appropriate limits, and examine the law in light of the various interests at stake, from the entrepreneur's interest in preventing 'free-riding' to the competitor's interest in free competition, and from the consumer's interest in avoiding confusion to the public's interest in full information and free expression.

Objectives: By the end of the course, students will be familiar with the fundamentals of Canadian trademark law, including the common law tort of passing off and the main provisions of the Trade-marks Act. Students will also be able to explain and critically assess the principles, policies and practicalities that shape this area of law.

As such, students successfully completing this course will be able to:

- Address any problem in Canadian trade-mark law relating to ownership, validity, rights, infringement and defences;
- Identify, understand and explain the key provisions of Canada's Trade-mark Act and judicial efforts to interpret and apply them;
- Recognize the main policy issues that underlie and animate trade-mark law and, in light of those issues, comment critically on case law and legislation;
- Understand and evaluate various justifications for the protection of trade-marks and other distinctive indicia, and recognize and describe the connection between these justifications and the evolution of the law.

Evaluation: Open-book examination (100%). Alternative evaluation: case commentary/discussion paper option worth 25% (no downside risk).

Trial Advocacy

(5270.04 A) *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 1/2 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: TBA

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: 95

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. Constitutional Law

(2520.04 M) *Course*

Instructor(s): Professor J. Cameron

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This is a survey course which focuses on four issues in the American constitutional tradition: judicial review; the separation of powers; federalism; and individual rights. Some attention will be given to textual and structural differences between the Canadian and American Constitutions; some attention, as well, will be given to the roles history and ideology have played in the evolution of doctrine. There will be more emphasis placed on the rights jurisprudence [i.e., due process, equal protection and the first amendment] than on federalism and the separation of powers. Attention to judicial review and its legitimacy is pervasive throughout the course. An American casebook will be used.

Evaluation: One final take home examination [75%] and one in course evaluation [25%] - your choice either of a mid-term written assignment (1500 words) or a class presentation (15 minutes).

U.S. Securities Regulation in Comparative Perspective

(5620.03 M) *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 A) *Seminar*

Instructor(s): Professor D. Hay

Fall: 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%.