



2008

# Osgoode Syllabus of Courses and Seminars: 2008 - 2009

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# OSGOODE SYLLABUS OF COURSES AND SEMINARS

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**2008-2009  
Fall / Winter**





**OSGOODE**

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

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# **OSGOODE SYLLABUS OF COURSES AND SEMINARS**

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## **2008-2009 Fall / Winter**

*Note:*

*This Syllabus and the Timetable provide information available as of June, 2008 to enable upper-year students to complete a Study Plan for the 2008-2009 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 Office of Student Services, Osgoode Hall Law School. June, 2008.

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## 1. INTRODUCTION

We are fortunate to offer a wide range of courses, seminars and programs in the upper year curriculum – presenting you with the challenge of defining your objectives in the study of law, considering your future goals and then implementing a program of study within the inevitable constraints of the timetable and enrolment limits.

The upper year curriculum provides opportunities for the development of comprehensive knowledge and understanding of our laws and legal system and also enables you to pursue specialized interests in considerable depth. There are opportunities 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. Since 2001-02, we have been offering “streams” of courses in three areas of the curriculum; these streams provide a structured opportunity to specialize in a particular field of law.

The choice is wide, and to make a wise selection you may need assistance. Begin by reading the Syllabus carefully. Then, you may wish to seek advice from members of faculty, read student evaluations of courses and seminars (on reserve in the library) and talk with staff in the Student Services Office.

A few words of advice. If you intend to qualify for the practice of law, you should bear in mind the requirements for admission to the bar, but not let them prevent you from exploring new areas of law or from following specialized interests. You should seek to develop a balanced program in each year. While our basic courses are offered in large classes and evaluated mainly by final examination, there are many other opportunities to work in smaller groups which provide closer contact with instructors, varied learning methods and means of evaluation, and the opportunity to develop a range of skills.

Many students attempt to cover too much and sacrifice the opportunities for specialization that our curriculum provides. I would strongly suggest that you explore in depth and master at least one important field of law. The insights gained and skills acquired will be of general value to you. Research and writing skills are of particular importance and the Faculty Council of Osgoode Hall Law School has reaffirmed this by introducing an Upper Year Research and Writing Requirement for each student.

Finally, I urge you to seek an appropriate balance of courses involving the analysis of traditional legal materials together with those which examine legal institutions and phenomena from broader perspectives. Your understanding of law from the inside will be much enhanced by a view from the outside.

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

I hope that you will be successful in organizing a stimulating program tailored to your interests and objectives.

Dean Patrick J. Monahan

**2. SESSIONAL DATES: 2008-2009**

<b>2008 Fall Term</b>	
Monday, September 1	Labour Day – no classes
Tuesday, September 2	Classes begin
Tuesday, September 2 Tuesday, September 16	Course change period
Tuesday, September 30, & Wednesday, October 1	Rosh Hashanah - No classes or exams will be held 7 - 10pm on Monday September 29; all day (evening included) on Tuesday September 30; all day (evening included) on Wednesday October 1.
Thursday, October 9	Yom Kippur - No classes or exams will be held 7 - 10pm on Wednesday October 8; all day (evening included) on Thursday October 9.
Monday, October 13	Thanksgiving – no classes, University closed
Friday, December 5	Classes end
Monday, December 8	Seminar & Directed Research Papers due by 3:30 p.m. – paper copy handed in to Osgoode Student Services (unless an earlier date is established by the course instructor).
Monday, December 8 to Thursday, December 18	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. - paper copy to Osgoode Student Services (unless an earlier date has been set by the instructor).
Tuesday, December 23 to Friday, January 2	Christmas break
<b>2009 Winter Term</b>	
Monday, January 5	Classes begin
Friday, January 9	Last day to submit Fall Term examination petitions
Monday, January 5 to Friday, January 16	Course change period
Monday, February 16	Family day – no classes, University closed
Monday, February 23 to Friday, February 27	Reading Week
Friday, April 10	Good Friday – no classes, University closed
Wednesday, April 8	Classes end
Thursday, April 9 and Friday, April 10 Wednesday, April 15 and Thursday, April 16	Passover. No exams will be held 7 - 10pm on Wednesday April 8; all day (evening included) on Thursday April 9; all day (evening included) on Friday April 10; 7 - 10pm on Tuesday April 14; all day (evening included) on Wednesday April 15; all day (evening included) on Thursday April 16.
Monday, April 13	Seminar and Directed Research Papers due by 3:30 p.m. – paper copy handed in to Osgoode Student Services (unless an earlier date is established by the course instructor).
Monday, April 13 to Monday, April 27	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., paper copy to be handed in to Osgoode Student Services, unless an earlier date has been set by the instructor.
Friday, May 8	Last day to submit Winter Term examination petitions

### 3. CONTACTS (all phone numbers are in the 416 area code)

Dean Administrative Assistant Executive Assistant Communications Manager	Patrick Monahan ( <a href="mailto:lawdean@osgoode.yorku.ca">lawdean@osgoode.yorku.ca</a> ) Cathy Malisani Mya Bulwa ( <a href="mailto:mbulwa@osgoode.yorku.ca">mbulwa@osgoode.yorku.ca</a> ) Virginia Corner ( <a href="mailto:vcorner@osgoode.yorku.ca">vcorner@osgoode.yorku.ca</a> )	736-5199 736-5199 650-8283 736-5820
Associate Dean Administrative Assistant	Robert Wai ( <a href="mailto:associatedean@osgoode.yorku.ca">associatedean@osgoode.yorku.ca</a> ) , effective July 1/08, Janet Mosher Mark Hamilton	736-5598
Associate Dean (Research and Graduate Studies)	Peer Zumbansen ( <a href="mailto:pzumbansen@osgoode.yorku.ca">pzumbansen@osgoode.yorku.ca</a> )	736-5366
Assistant Dean (Student Services) Administrative Assistant	Gina Alexandris ( <a href="mailto:galexandris@osgoode.yorku.ca">galexandris@osgoode.yorku.ca</a> ) Filomena Baldassarra ( <a href="mailto:fbaldassarra@osgoode.yorku.ca">fbaldassarra@osgoode.yorku.ca</a> )	736-5887 736-2100 ext:22366
Executive Officer Facilities & Business Manager Administrative Coordinator Administrative Officer	Richard Ooi ( <a href="mailto:rooi@yorku.ca">rooi@yorku.ca</a> ) Peter Lee ( <a href="mailto:peterlee@osgoode.yorku.ca">peterlee@osgoode.yorku.ca</a> ) Gina Ciampa ( <a href="mailto:gciampa@osgoode.yorku.ca">gciampa@osgoode.yorku.ca</a> ) Kristopher De Napoli ( <a href="mailto:kdenapoli@osgoode.yorku.ca">kdenapoli@osgoode.yorku.ca</a> )	736-5567 736-5308 736-5406 736-5032
Director, Advancement Associate Director, Advancement	Anita Herrmann ( <a href="mailto:aherrmann@osgoode.yorku.ca">aherrmann@osgoode.yorku.ca</a> ) Gillian McCullough ( <a href="mailto:gmccullough@osgoode.yorku.ca">gmccullough@osgoode.yorku.ca</a> )	736-5364 736-5961
Career Services Office Director, Career Services Manager, Career Services Recruitment Coordinator	<a href="http://www.osgoode.yorku.ca/careers">www.osgoode.yorku.ca/careers</a> Chantal Morton ( <a href="mailto:cmorton@osgoode.yorku.ca">cmorton@osgoode.yorku.ca</a> ) Jill Kirson ( <a href="mailto:jkirson@osgoode.yorku.ca">jkirson@osgoode.yorku.ca</a> ) Nadine Reid ( <a href="mailto:nreid@osgoode.yorku.ca">nreid@osgoode.yorku.ca</a> )	736-5482 736-5103 736-5617
Director, CLASP	Glenn Stuart ( <a href="mailto:gstuart@osgoode.yorku.ca">gstuart@osgoode.yorku.ca</a> )	736-5029
Director, Professional Development	Victoria Watkins ( <a href="mailto:vwatkins@osgoode.yorku.ca">vwatkins@osgoode.yorku.ca</a> )	597-9734
Student Financial Services Director, Student Financial Services Financial Services Assistant	<a href="http://www.osgoode.yorku.ca/financial_services/index.html">www.osgoode.yorku.ca/financial_services/index.html</a> Penny Spence ( <a href="mailto:pspence@osgoode.yorku.ca">pspence@osgoode.yorku.ca</a> ) Yat Long Lee	650-8178 650-8132
Chief Law Librarian	Louis Mirando ( <a href="mailto:lmirando@osgoode.yorku.ca">lmirando@osgoode.yorku.ca</a> )	736-5646
<b>Other Useful Numbers</b>		
Admissions Recruitment & Admissions Manager	Reception ( <a href="mailto:admissions@osgoode.yorku.ca">admissions@osgoode.yorku.ca</a> ) Louise Resendes ( <a href="mailto:lresendes@osgoode.yorku.ca">lresendes@osgoode.yorku.ca</a> )	736-5712 650-8177
Fax Lines	Main Reception Student Services	736-5736 736-5618
Helpdesk (IT Department)	<a href="mailto:help@osgoode.yorku.ca">help@osgoode.yorku.ca</a>	736-5401
Legal and Literary Society	J.P. Rodrigues, President	736-5027
Material Distribution Centre	Jennis Carter ( <a href="mailto:jcarter@osgoode.yorku.ca">jcarter@osgoode.yorku.ca</a> )	736-5099
Obiter Dicta	( <a href="mailto:obiter@yorku.ca">obiter@yorku.ca</a> )	Extension 77527
One-time Room Bookings	( <a href="mailto:kmoore@osgoode.yorku.ca">kmoore@osgoode.yorku.ca</a> )	736-5218
Parkdale Community Legal Services	Director, Professor Shelley Gavigan	531-2411
Student Services Manager, Programs & Records International and Academic Programs Programs & Records Coordinator	Elisa Cavaliere & Carmela Rotondo – Programs & Records Assistants Nancy Sperling ( <a href="mailto:nsperling@osgoode.yorku.ca">nsperling@osgoode.yorku.ca</a> ) Karen Willoughby ( <a href="mailto:kwilloughby@osgoode.yorku.ca">kwilloughby@osgoode.yorku.ca</a> ) Gayle Dyke ( <a href="mailto:gdyke@osgoode.yorku.ca">gdyke@osgoode.yorku.ca</a> )	736-5042 fax 736-5618 650-8182 650-8183 736-2100, ext. 33126
Switchboard		736-5030

## 4. ACADEMIC REQUIREMENTS

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

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

Note: Students in either the Joint LLB/MBA or LLB/MES should refer to page 24.

### 4.1 Notes on Course Registrations

**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.**

1. Personal research papers, courses in other faculties and courses at the University of Toronto Faculty of Law are considered as seminars for enrolment purposes.
2. Students enrolled in an intensive program (Advanced Business Law Workshops, Criminal Law, Immigration & Refugee Law, Poverty Law, Intensive Research or Lands, Resources and First Nations Government) may enrol in only four seminars over their second and third years.
3. A student may apply for approval to enrol in additional seminars by completing a *More Than Two Seminars Approval Form* and submitting it to Student Services.
4. A student may not be enrolled in more than one full term Intensive Program over second and third years;
5. 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 [http://osgoode.yorku.ca/myosgood2.nsf/0/15B5CF696E3E51C185257218007271BD/\\$FILE/Osgoode\\_Student\\_Handbook\\_2007.pdf](http://osgoode.yorku.ca/myosgood2.nsf/0/15B5CF696E3E51C185257218007271BD/$FILE/Osgoode_Student_Handbook_2007.pdf) for further details.

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

### 4.2 Upper Year Research and Writing Requirement

All students must complete an upper year research and writing requirement pursuant to Rule 4.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. During the academic year, 2<sup>nd</sup> and 3<sup>rd</sup> year students are required to submit the requirement at the online declaration site on myosgoode. Students will be advised of the dates to declare (or amend) a declaration during the fall term.

#### Upper Year Research Requirement (Academic Rule 4.6)

- 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 5.4;
  - iii. a Research Program under Rule 5.5; 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 5.9 or, with the permission of the Assistant Dean (Student Services) or the Associate Dean, in another University;
  - ii. "designated course" means a course or Intensive Programme designated by the Assistant Dean (Student Services) or the Associate Dean;
  - iii. a research paper constitutes the "primary mode of evaluation" when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;
  - iv. a "research paper" means a paper at least 8,000 words in length, excluding notes, bibliography and appendices.

### 4.3 Osgoode Public Interest Requirement (OPIR)

The Osgoode Public Interest Requirement (OPIR) is a graduation requirement for all graduates of Osgoode Hall Law School, beginning with the Class of 2010. Students will complete 40 hours of law-related, public interest work over their three years at law school and receive recognition of their work on their final transcripts. A variety of placements are available including CLASP, clinical courses, intensives, student-sourced placements, Pro Bono Students Canada, 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 student experience or by participating in a moderated discussion group with other students.

Detailed information on the OPIR is found at [http://osgoode.yorku.ca/Quickplace/opir/Main.nsf/h\\_Toc/4df38292d748069d0525670800167212!OpenDocument](http://osgoode.yorku.ca/Quickplace/opir/Main.nsf/h_Toc/4df38292d748069d0525670800167212!OpenDocument)

### 4.4 Evaluation in the Second and Third Years

**In those courses where credit is otherwise to be obtained solely by taking a final examination, a student may elect to take an additional evaluation procedure.**

The nature and weight of any such additional evaluation procedure shall be determined by the instructor.

The instructor shall inform students, by not later than the end of the first week of the term, of the following:

1. The nature of the additional evaluation procedure;
2. Any time limits stipulated for participation in, or completion of, such procedure; and
3. The relative weights of the final examination and the additional procedure.

A second- or third-year student has until the fourth week of a term to notify the Student Services Office if he/she wishes to undertake an additional evaluation procedure. The instructor of any course may, at his/her discretion, extend this deadline for such time as he/she thinks fit.

A student who elects to undertake such additional procedure:

- i. may revoke the election by written notice to the Student Services Office at any time prior to the first date fixed for participation or, if none is stipulated, the date for completion;
- ii. shall comply with the dates fixed for participation or completion, or be penalized for lateness, unless an acceptable excuse is provided;
- iii. shall forfeit any credit for the additional procedure unless it is completed.

## 5. ENROLMENT PROCEDURES

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

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

### 5.1 Course and Seminar Selections

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

With respect to your course selections:

1. Select the courses/seminars you wish to take and list them for each term in order of preference.
2. You may select up to 17 credits per term. This is the maximum allowed credit per term.
3. Some students choose to list possible substitutes in case their selected courses have been in previous high demand. This is certainly not required. Course change period will be in late July and students will have the opportunity at that point of amending their course enrolments. Please note that "substitutes" receive the lowest priority and if students are enrolled in a course as a substitute, that course will likely be available during add/drop.
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.**

## **5.2 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.

## **5.3 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.

## **5.4 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 an 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 entered into the Intensive program. Students who have been accepted and confirmed into an Exchange Program should leave the exchange term blank. The exchange credits will be input automatically.

Priority letters do not apply to substitute courses. If there is an "A" lottery in a course/seminar, and a student is not successful, the "A" priority is

exhausted and is not reassigned to the substitute selection. If you have letter prioritized a course and do not secure a space, you will be placed on a waitlist.

## **5.5 Entering your course preferences**

Starting Monday, June 16th until Monday, June 23rd students can access the Law Select website in order to enter their course preferences for Fall/Winter 2008-2009. During this time, the website will be available 24 hours a day. Students may change their course preferences as much as they like until the 4:00 p.m. deadline on June 23rd. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. Student Services will inform students of their course enrolments in mid July. The course enrolments from Lawselect are automatically entered into the main university enrolment system by Student Services.

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

## **5.6 After Enrolment**

### *1. Waiting Lists*

All courses that have reached maximum enrolment will be wait listed. You will be automatically added to a waiting list if you had assigned a letter priority to a course but did not secure a space. Students may monitor their position on both fall and winter term waitlists as well as have the opportunity to add their name to any additional waitlist exclusively online. Students will be able to access the Law Select Waitlist site from the "Law Select: Waitlists" link on MyOsgoode under QuickLinks **beginning only on September 2nd. Further details on waitlist procedures will be sent to all students in late August.**

### *2. Course Changes and Confirming your Enrolment*

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may also use the Registration Enrolment Module (REM) from Thursday, July 24th until Tuesday, September 16<sup>th</sup> to amend their course enrolments. The Web Enrolment System is available 24 hours a day, seven days a

week to drop or add any course or seminar. The system is available to Osgoode students up to and including September 16, and then reopens in January 5, 2009 until January 16, 2009.

After viewing the course enrolments and confirming their intent to register on the York Enrolment System, students are then required to submit a payment of \$450.00 to the Office of Student Financial Services of York University. Registration is complete once full academic fees (or the first installment of fees) have been paid. Full details on fees payment and deadlines are contained in the *Financial Information Booklet* which will be available on-line in July.

## 6. PROPOSAL AND PERMISSION FORMS

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

These forms should be submitted to:

Student Services Office, Room 133  
Osgoode Hall Law School of York  
University  
4700 Keele Street  
Toronto, Ontario  
M3J 1P3  
Fax (416) 736-5618

### 1. *Intensive Research Proposal Form*

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

### 2. *Research Paper Approval Form*

Students who propose to undertake a personal research paper (independent, supervised research) worth 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 in person to the Office of Student Services by 3:30 p.m.

### 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 the designated form in triplicate – one copy to be kept by the Faculty offering the course, one copy to be kept by the student and one copy submitted to the Student Services (Programs and Records) Office. For courses in other faculties of York University, use the numbers allocated to the course in the particular faculty.

### **Information and Assistance**

The Student Services Office (Room 133, telephone 736-5042) is open to all students requiring assistance on course selection from 8:30am to 4:30pm Monday to Friday and to 3:30 p.m. on Fridays in June, July and August.

Students are also encouraged to consult with members of Faculty.

## 7.0 ADDITIONAL COURSE ENROLMENT OPTIONS

### 7.1 *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 the academic year. Research papers will normally carry a credit value of three credit hours, but the Assistant Dean may in the appropriate case grant permission for a student to pursue a research paper that carries a credit value of two or four credit hours. Students who are interested in undertaking a research project must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

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

**Note: the due date for research papers is the first day of examinations, by 3:30 p.m. in hard copy to the Osgoode Student Services Office.**

See the faculty section in this Syllabus for a list of faculty research areas of interest.

## **7.2 Mooting**

*LW 6020.03, LW6021.02, LW6020A,  
LW6025.02, LW6026.02, and LW6029.03*  
Professor S. Wood, 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. It covers all kinds of lawyering skills competitions, from traditional appellate moot court competitions to trial advocacy, arbitration, mediation and negotiation competitions. These competitions cover a wide range of subjects, including aboriginal, administrative, corporate, criminal, constitutional, environmental, international, labour, and securities law. Many competitions involve domestic law, while an increasing number raise issues of private or public international law. Some are held in Toronto while others are held in a variety of locations across Canada and around the world. Participation in the mooting program gives students the opportunity to delve deeply into a particular area of law and hone a wide range of legal research, writing, advocacy and dispute resolution skills in a small group setting, with the assistance of a coach.

The lawyering skills competitions for which Osgoode students may receive credit varies from year to year. Some teams are selected via a consolidated tryout process each spring, while others have their own selection processes. For 2008-09, the consolidated tryouts cover the Corporate/Securities, Gale, Jessup, Labour Arbitration, Laskin and Wilson competitions. Teams selected via separate processes include the Arnup Cup trial advocacy competition (selected via the Trial Practice course), Copenhagen international climate change treaty negotiation competition (selected via the Climate Change seminar), Hague International Criminal Trial Competition (selected by Professor S. Williams), IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (selected by Professor B. Richardson) and Vis International Commercial Arbitration Competition (Vienna) (selected via the International Dispute Resolution seminar). The number and type of credits (graded vs. ungraded) also vary between competitions, depending on the nature and scope of the academic work involved. Total credits vary between two and five.

## *Appellate Advocacy Workshop*

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

### *More Information*

For more information on the mooting program, please consult the Mooting Website (available via the MyOsgoode portal) or the Program Director. Please note that you may not enrol in mooting credits via the CourseSelect system. Students who are selected for mooting teams will be instructed how to enrol in mooting credits.

## **7.3 Osgoode Hall Law Journal**

*LW 8010.04*

Professor J. Cameron, Editor-in-Chief

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

## **7.4 German Law Journal**

*LW 8010A.04, LW 8010A.02*

Professor P. Zumbansen, Editor-in-Chief

The German Law Journal is a peer-reviewed, English-language, monthly legal periodical with around 7000 subscribers worldwide –

[www.germanlawjournal.com](http://www.germanlawjournal.com). With its critical and timely coverage not only of German, but also European and International Law, it has established itself as one of the world's leading legal periodicals. Student editors in their first year receive no academic credit, but upon completing editorial assignments and a mid-size writing assignment qualify for advancement into second year, where they are entitled to four academic credits.

### **7.5 Instruction in Computer-assisted Legal Research (Non-Credit)**

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

### **7.6 Courses in Other Faculties of York University**

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

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

1. The course (or a similar course) was not taken as part of the student's pre-law program;
2. The course bears a relationship to the student's proposed course of study in law and is not offered at the law school;
3. The course is not being taken for credit towards another degree;
4. The level of the course is appropriate; i.e. introductory/advanced/graduate.

**Students who enrol in courses outside the law school, are responsible for meeting the deadlines established by Osgoode Hall Law School for the submission of written work. Therefore, all seminar and research papers are due and must be submitted by Monday, December 8, 2008 for Fall Term courses and Monday, April 13, 2009 for Winter Term**

**courses or earlier as required by the Faculty in which the course is offered.**

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

### **7.7 Graduate Studies**

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

### **7.8 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.

## **8. REGISTRATION STATUS CHANGE**

### **8.1 Leave of Absence**

A student who has completed not less than the first year of the LLB program may request and receive, on a *pro forma* basis, one leave of absence for a period of no more than one year. A request outside the scope of the aforementioned may be granted only in the most exceptional circumstances.

### **8.2 Letter of Permission**

A student who has successfully completed the first year of the LLB 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 LLB degree at Osgoode Hall Law School for work successfully undertaken at the other law school. Approval of the Assistant Dean (Student Services) is required. Students should submit a request for a Letter of Permission to the Assistant Dean by no later than **April 11, 2008**. The Assistant Dean will take into account the student's academic

record, the reasons for wishing to spend a period of time elsewhere, the law school the student proposes to attend and the proposed program of study.

### **8.3      *Extended Time Program***

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

### **8.4      *Withdrawal***

See information on course changes and on leaves of absence.

**9. SECOND AND THIRD YEAR COURSES (by areas of concentration): 2008-2009 Fall/Winter**

***Business Associations Law***

Advance Business Law Workshops I & II  
Advanced Securities  
Business Associations  
Corporate Finance  
Corporate Governance  
Course of a Transaction: Following a Business  
Acquisition from Start to Finish  
Joint LLB/MBA Seminar  
Project Finance  
Regulation of Competition  
Securities Regulation  
Small Business Enterprises  
U.S. Securities Regulation

***Constitutional Law & Civil Liberties***

Administration of Civil Justice: Class Actions  
Comparative Law: Comparative Constitutionalism  
Comparative Law: Quebec Civil Law  
Constitutional Litigation  
Disability & the Law  
Discrimination & the Law  
First Nations & the Law  
Freedom of Expression & the Press  
Human Rights in Africa  
Immigration Law  
International Human Rights  
Law & Psychiatry  
Mooting: Appellate Advocacy  
National Security Law in Canada  
Native Rights  
Refugee Law  
Sexuality & the Law  
Transnational Corporations & Human Rights

***Contracts & Commercial Law***

Advanced Torts  
Bankruptcy & Insolvency  
Commercial Law  
Contract Remedies  
Contracts II  
Copyright  
Course of a Transaction: Following a Business  
Transaction from Start to Finish  
Debtor/Creditor  
Entertainment & Sports Law  
Insurance Law  
Intellectual Property & Cognitive Science  
International Investment Law  
International Trade Regulation  
Osgoode Business Clinic  
Patents  
Regulations of Competition  
Restitution  
Trademarks

***Criminal Law***

Administration of Criminal Justice: Sentencing  
Advanced Evidence Problems

Criminal Law II: Ethical Issues  
Criminal Law II: Sexual Offences  
Criminal Procedure  
Evidence  
Forensic Science & the Law  
Innocence Project  
Intensive Program in Criminal Law  
International Criminal Law  
Legal Values: Philosophical Foundations of Criminal  
Law

***Family Law***

Children & the Law  
Conflict of Laws  
Dispute Settlement: Collaborative Law  
Estates  
Family Law  
Family Law II: Family Law Policy  
Intensive Program in Poverty Law at Parkdale  
Community Legal Services  
International and Comparative Family Law  
Lawyer as Negotiator  
Theory & Practice of Mediation  
Trusts

***Intellectual Property***

Communications Law  
Copyright  
Entertainment & Sports Law  
Intellectual Property Law  
Intellectual Property & Cognitive Science  
Legal Values: Regulatory Issues in Intellectual  
Property Governance  
Patents  
Trademarks

***International & Comparative Law***

Canada/U.S./ Mexico  
Chinese Law  
Comparative Law  
Comparative Law: Comparative Constitutionalism  
Comparative Law: International & Comparative  
Labour Law  
Comparative Law: Quebec Civil Law  
Conflict of Laws  
Globalization & the Law  
Human Rights in Africa  
ICT Colloquium  
International and Comparative Family Law  
International Courts & Tribunals  
International Criminal Law  
International Dispute Resolution: Vis Moot  
International Environmental Law  
International Human Rights Law  
International Investment Law (previously Int'l. Trade  
Licensing  
International Law of South-North Relations  
International Research and Placements  
International Tax  
International Trade Regulation

Jewish Law  
Law & Social Change: Law & Development  
Law & Social Change in Latin America  
Law and Society in Africa  
Legal Values: Governance of the International  
Financial System  
National Security Law  
Public International Law  
Refugee Law  
Transnational Corporations & Human Rights

### **Labour Law**

Advanced Labour Law  
Collective Bargaining Law  
Comparative Law: International & Comparative  
Labour Law  
Individual Employment Relationship  
Intensive Program in Poverty Law at Parkdale  
Community Legal Services  
Labour Arbitration  
Labour & Employment Law  
Labour & Employment Law and Policy Colloquium  
Occupational Health & Safety

### **Law & Other Disciplines**

Comparative Law  
Directed Reading: Law Reform in Ontario  
Intensive Legal Research & Writing  
Jewish Law  
Jurisprudence  
Law & Psychiatry  
Law & Social Change: Law & Development  
Law & Social Change: Policing  
Legal Values: Law & Literature

### **Litigation, Legal Practice & the Administration of Law**

Administration of Civil Justice: Class Actions  
Administration of Civil Justice: Estate Litigation  
Administration of Criminal Justice: Sentencing  
Advanced Evidence Problems  
Civil Procedure II  
Community and Legal Aid Services Program  
Conflict of Laws  
Constitutional Litigation  
Contract Remedies  
Dispute Settlement: Civil Disputes  
Evidence  
Intensive Program in Poverty Law at Parkdale  
Community Legal Services  
LDA Colloquium  
Lawyer as Negotiator  
Legal Drafting  
Mooting  
Theory & Practice of Mediation  
Trial Practice

### **Natural Resources & the Law**

Aboriginal Lands, Resources and First Nations  
Intensive

Climate Change Law  
Environmental Law  
International Environmental Law

### **Poverty Law**

Community and Legal Aid Services Program  
Intensive Program in Poverty Law at Parkdale  
Community Legal Services

### **Real Property Law, Planning & Development**

Land Development & Commercial Real Estate  
Problems  
Real Estate Transactions

### **Regulatory Law**

Administrative Law  
Advanced Securities  
Aerospace Law  
Bankruptcy & Insolvency  
Climate Change Law  
Communications Law  
Corporate Governance  
Environmental Law  
Immigration Law  
International Environmental Law  
International Trade Regulation  
Insurance Law  
Legal Governance of Health Care  
Legal Values: Governance of the International  
Financial System  
Legal Values: Regulatory Issues in Intellectual  
Property Governance  
Medical/Legal Seminar  
National Security Law  
Native Rights  
Pension Law  
Refugee Law  
Regulation of Competition  
U.S. Securities Regulation

### **Tax**

Admin. Civil Justice: Estate Litigation  
Estates  
Estate Planning  
International Taxation  
Pension Law  
Taxation as an Instrument of Social & Economic  
Policy  
Tax Law and Policy Colloquium  
Tax Lawyering  
Tax Planning  
Taxation of Business Enterprises  
Taxation Law  
Trusts

### **Trusts & Estates**

Administration of Civil Justice: Estate Litigation  
Estates  
Estate Planning  
Pension Law  
Trusts

## 10.0 CURRICULAR STREAMS

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

Osgoode Hall Law School has a rich, diverse and fully elective upper-year curriculum. Within this curriculum, students are generally able to plan a course of studies that enables them to pursue their special interests, that is consistent with their individual learning styles, and that ensures they obtain an excellent and comprehensive legal education. The purpose of organizing some of the upper-year courses into streams is to provide more structure to aspects of the upper year curriculum and to allow certain curriculum goals to be pursued more systematically. By providing an organized sequence of courses in particular subject areas the curricular streams will challenge students to undertake truly advanced work on difficult and complex legal problems. This will enable students to build cumulatively on the skills and knowledge they have acquired in other law school courses, to develop sufficient expertise in the subject area 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 convenor of the relevant program stream. Students can elect to enter into a stream at any time (so long as they can fulfill the basic requirements). However, they are encouraged to elect into the stream on the earliest possible occasion. The convenor 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 convenor of each program stream is responsible for administering the regulations governing the stream and has a broad discretion to grant partial credits for courses not designated as program courses, to allow credits for courses taken as part of an exchange or letter-of-permission visit to another institution, to permit a course to be taken out of the normal sequence, and to recommend to the Assistant Dean that a student be allowed to take more than two seminars in a semester.

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

### ***10.1 International, Comparative and Transnational Law Program ("ICT Program")***

The world is changing rapidly and, with it, the nature of governance and the practice of law. Osgoode is well positioned to respond to these changes, both through curriculum offerings available to all students and through the specialized study represented by the ICT Program. There is a large range of courses taught in the international, comparative and transnational field in any given year at Osgoode, both by regular faculty and by visitors. Well over half of Osgoode's full-time faculty members are currently working on some aspect of international, comparative and transnational law, including the interaction of various forces of globalization with the development of domestic law.

Convenor – Professor R. Buchanan

Students registered in the ICT Program must complete the following requirements over the course of the LL.B. program:

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

Within the 13 optional credits, students must satisfy each of the following two requirements:

- pursue at least one of the opportunities designated by the Program as having an "experiential" dimension (*see below for a list*), up to a maximum of 10 of the 13 ICT credits; and
- do research work worth at least 3 credits of the 13 credits in an ICT course or on an ICT subject

Course offerings currently designated as ICT courses for the 2008-2009 year are (with credit allocations):

Civil Law (4), Comparative Law (4), Comparative Law: Comparative Constitutionalism (3), Comparative Law: International & Comparative Labour Law (3), Comparative Law: Quebec Civil Law (3), Conflict of Laws (4), Directed Research Program (10 of the possible 15-30); Human Rights in Africa (3), Immigration Law (4), International and Comparative Family Law (3), International Aspects of Intellectual Property (4), International Business Transactions (3), International Commercial Arbitration (3), International Criminal Law (4), International Courts and Tribunals (4), International Dispute Resolution: Vis Moot (3), International Environmental Law (3), International Human Rights Law (4), International Investment Law(3), International Law of South/North Relations (3), International Trade Regulation (4), International Research and Placements including Collaborative Research Teams (3) or (4), International Tax (4), International Trade Regulation (4), Intensive Program in Lands, Resources, First Nations Government, Intensive Program in Poverty Law at Parkdale Community Legal Services - Immigration Group (10 of 15; **see section 8.5**), Jewish Law (3), Law & Social Change: Law & Development (3), Law & Society in Africa (3), Legal Values: Governance of the International Financial System (3), Legal Values: National Security & Human Rights (3), Mooting (e.g. Jessup; Niagara; Aboriginal) (4-5), National

Security Law in Canada (3), Native Rights (4), Public International Law (4), Refugee Law (3), Supervised Research Papers on ICT subjects (variable credit; **see section 8.1**), Transnational Corporations & Human Rights (3), U.S. Securities Regulation (3).

Note that the three pillar courses -- Comparative Law, Public International Law and Conflict of Laws – appear on this list of ICT options because of the possibility for a student to take all three pillars, in which case one of them contributes 4 credits beyond the required courses (Globalization and the Law; 2 of the 3 pillar courses; and the ICT Colloquium).

The following is a non-exhaustive list of 'experiential' opportunities, from which students must do at least one. This list is general and applies to opportunities that may be available during a student's three years at Osgoode, and not necessarily in any given year such as 2008-09: study abroad or in Québec on exchange or on a letter-of-permission basis; ICT-designated intensive programs (e.g. Aboriginal Lands, Resources and Governments; Immigration and Refugee; and the Immigration section of the Parkdale Program); do ICT-related work in what is otherwise a 'non-ICT' intensive (e.g. the groups in the Parkdale Program in Poverty Law other than the Immigration Group, the Intensive Program in Business Law; summer study program in the ICT field (Osgoode summer school in partnership with Monash University in Prato/Florence, Italy and Hebrew University); summer internship abroad or in Canada on ICT theme, whether or not followed up by supervised research paper for credit in the following academic year; a term-time work-study practicum or internship such as may be made available or such as arranged within a Directed Research Program rubric in consultation with the Assistant Dean of Student Services; participating in a Collaborative Research Team (CRT) under the auspices of the International Research and Placements course; international, comparative or transnational (including Aboriginal) moots; and such other experiences (beyond the regular classroom experience) as proposed to and approved by the ICT Convenor.

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

1. It is possible to build bridges across courses designated as ICT and those not so designated, by 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 paper worth 50% of a four-credit Family Law course on

transnational adoptions would count for two ICT credits or a 100% paper in a Jurisprudence class on international law theory would count for three credits. Such counting of ICT work in non-ICT courses must be specifically approved by the ICT Convenor. Students fill out a Bridging Form, have it approved by the Convenor and then have it signed by the course instructor who must confirm the written paper was as proposed in the Bridging Form.

2. Because of the conceptual challenges that are being pushed by changes to law and lawyering presented by globalization and the evolution of the fields of "international", "comparative" and "transnational law", students are asked to give special consideration to taking either Jurisprudence (offered fall term 2008) and doing their paper as a bridging paper (see point 1, above) on an ICT theme.

3. The general principle is no more than 10 ICT credits for any given course or program. Thus, the Intensives indicated as ICT courses (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.

4. Students are strongly 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 the student's ICT specialization.

5. ICT Program students are strongly encouraged to consider doing a Collaborative Research Team (CRT) within the course International Research and Placements in one of their two upper years.

6. The ICT Convenor, in consultation with the Assistant Dean (Student Services) and 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.

7. Courses in other faculties at York with an ICT content 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 LLB/MBA. Note that students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.

8. Note that Osgoode International has developed a list of institutional internships (e.g. with the International Tribunal for the Former Yugoslavia in The Hague, or the UN Law of the Sea Tribunal in Hamburg), with linkages to web sites containing information on how students can go about applying. Beyond such internships, Osgoode encourages students to create their own internship possibilities, relying on the advice and help of relevant faculty members. The ICT Convenor can assist with letters of support and by serving as a sounding board to help students think of possible internship opportunities they may wish to try to create. Many of the best internship experiences are those primarily created by the imagination and initiative of the intern. Students are encouraged to use ideas and actual research and writing done as part of summer internships as the basis for Supervised Research Papers - or, at its most ambitious, a Directed Research Program -- in the academic year following the internship.

9. ICT Program students are asked to do their best not to go away on exchange in the second term of third year, which is intended to be the term when the ICT Colloquium pulls the strands of the Program together for each ICT student. The Program will be experimenting with ways to provide for virtual participation in the ICT Colloquium for those students who are studying abroad, but this is unlikely to fulfill exactly the purposes of the Colloquium.

## **10.2 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 LL.B. program:

1. Two of the following courses: Labour and Employment Law, Collective Bargaining Law and The Individual Contract of Employment.
2. Two of the following seminars: Grievance Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law.
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.

### **10.3 Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")**

*Convenor- Professor P. Emond*

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

litigation and dispute resolution to public law dispute resolution, including advocacy in the criminal law and administrative law contexts; and it extends to related subjects in the fields of professional responsibility and the operation of the justice system.

To receive the LDA accreditation, students must:

1. take the course in Evidence (3 or 4);
2. take one course that includes substantial instruction in alternative dispute resolution (Dispute Settlement (3), Labour Arbitration (3), Lawyer as Negotiator (4), Theory & Practice of Mediation (4));
3. take one course that includes substantial instruction in either witness examination or written advocacy (Trial Practice Seminar (4), Constitutional Litigation (3), International Dispute Resolution (3); Labour Arbitration (3), Legal Drafting (3), Mooting (3), Innocence Project (4), Community and Legal Aid Services Program (3)
4. take one course that includes substantial doctrinal or critical study in a subject related to Litigation, Dispute Resolution and the Administration of Justice including: Administration of Civil Justice (3), Administration of Criminal Justice (3), Advanced Evidence Problems (3), Civil Procedure II (3), Conflict of Laws (4), Criminal Law II (3), Criminal Procedure (4), International Dispute Resolution (3), Environmental Advocacy (3), International Courts and Tribunals (4), Legal Profession (3), Litigating the Insurance Claim (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.

### **10.4 Tax Law Program ("Tax Program")**

The Tax Program reflects a special strength of Osgoode. The tax and related curriculum is rich and diverse. Three full-time faculty members

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

*Convenor - Professor Neil Brooks*

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

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

## 11.0 INTENSIVE PROGRAMS

### 11.1 *Advanced Business Law Workshop I Corporate Finance and Governance (7180.05)*

Directors: Ms. Carol Pennycook & Ms. Patricia Olasker

The Advanced Corporate Finance and Governance Workshop draws together various aspects of corporate law focused on business transactions involving corporate finance and applies that knowledge to analyzing typical problems that confront a business lawyer involved in the broad area of corporate finance in the public and private debt and equity markets. It is also intended that students will develop insight into the broader theoretical and ethical considerations that necessarily confront a business lawyer. The workshop is conducted by Carol Pennycook and other partners at Davies Ward Philips & Vineberg LLP.

Topics will include:

1. Business structures -(including corporations, limited partnerships, investment trusts and alternative structures);
2. Equity offerings in the capital markets - IPOs (initial public offerings) and private placements
3. Bank financings - secured and unsecured
4. Debt offerings in the capital markets - public offerings and private placements of bonds, debentures, medium term notes and commercial paper
5. Securitization transactions
6. Roles of rating agencies and investment dealers in corporate finance
7. Insolvency and restructuring
8. Corporate Governance
9. How to Run a Deal - due diligence to closings

The program will be three hours a week at the offices of Davies, Ward Philips and Vineberg LLP. Evaluation will be in the form of assignments one of which will be a major group assignment involving negotiation and drafting of a loan agreement. There will be two to three additional written assignments. There will be no exam or major paper for this course.

Pre-requisites: Business Associations  
Recommended Course: Commercial Law And Taxation Of Business Enterprises

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

The Advanced Business Law Workshop I – Governance and Finance is open to 16 students who will receive 5 credits over one semester.

Reminder \*\*\* Students may elect to take one or both Advanced Business Law Workshops. Governance and Finance will be offered in

September 2008. Mergers and Acquisitions will be offered in January 2008.

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

Directors: Ms. Carol Pennycook & Ms. Patricia Olasker  
LW 7190.05

The Advanced M & A 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 insight into the broader theoretical and ethical considerations that necessarily confront a business lawyer and will develop negotiating skills and presentation skills. The workshop is conducted by Patricia Olasker and other partners at Davies Ward Philips & Vineberg LLP at the offices of Davies Ward Philips & Vineberg LLP.

The workshop will focus on mergers and acquisitions, with an emphasis on public companies and will examine hostile and negotiated take-over bids; defences; corporate reorganizations; going private and related party transactions; private agreements of purchase and sale and related aspects of competition law and corporate governance. Seminars include classroom lectures, problem-solving, active discussion, student-led presentations, review of current business news and written assignments. Students will have three or four assignments which may involve preparation and negotiation of a transaction term sheet, preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in merger and acquisition transactions and the presentation of that advice in a simulated meeting; and the analysis of securities regulation policy issues. Certain assignments will be done in groups of two or more. The program has no major research paper or exam.

Prerequisites: Business Associations and Securities Regulation  
Recommended Course: Taxation of Business Enterprises

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

The Advanced Business Law Workshop II – Mergers and Acquisitions is open to 16 students who will receive 5 credits over one semester.

Reminder \*\*\* Students may elect to take one or both Advanced Business Law Workshops.

Finance and Governance will be offered in September 2008. Mergers and Acquisitions will be offered in January 2009

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

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

Glenn Stuart, Clinic Director; Lora Patton, Suzanne Johnson, Counsel; Jenny Haggart, Community Outreach Coordinator

The Community and Legal Aid Services Program (CLASP) is a community service provided by Osgoode students. CLASP provides a combination of individual advocacy, community development (with an emphasis on the Jane-Finch community), law reform and clinical education for law students who will be able to bring alternative lawyering skills and a social justice perspective to their future work. To further this goal, CLASP prioritizes service to four disadvantaged communities that have been historically denied meaningful access to the legal system: persons living with mental health issues, youth, female survivors of domestic violence, and members of racialized communities. CLASP's individual representation work is directed to low-income persons, including York University students, not eligible for a legal aid certificate.

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

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

The division leaders attend required supervision meetings (integrating feedback and case reflection), provide training guidance to other volunteer students (both as duty counsel and caseworkers), advance a case load (including files and summary advice) in accordance with the standards of the supervision policy and related standards, oversee duty counsel at our main

location, coordinate and staff our five satellites, and pursue law reform, PLE and community development projects in the clinic's four divisions (Youth, Community Support, Criminal Justice and Women's, and New Immigrant and Refugee). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto's varied low-income community.

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

#### **11.4 Osgoode Business Clinic**

Director, Stan Benda, Adjunct Professor  
*LW 7600.02 (Fall) & 7610.02 (Winter)*

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

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

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

- Files: approximately 20 hours per semester for two semesters;

- Meeting with supervising counsel: approximately 6 hours per semester for two semesters;
- Meeting with Director, OBC: approximately 12 hours per semester for two semesters.

Students will receive a pass/fail grade and a detailed evaluation of their clinical work.

The prerequisites or co-requisites are Business Associations and Small Business Enterprises.

#### **11.5 Innocence Project**

Professor A. Young  
*LW 7140.03 (Fall), LW 7140.06 (Winter)*

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.

### **11.6 Intensive Program in Criminal Law**

Director: Professor J. Stribopoulos  
Co-Directors: Mr. E. Rondinelli and Mr. J. 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 Director 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 Director 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:

1. A 10-week placement with a specially selected member of the judiciary at the Superior Court of Justice or 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.
2. Defending / prosecuting a "mock" trial before actual judges at the Ontario Court of Justice.
3. Attending on an autopsy at the Coroner's Office and receiving instruction in pathology from the Chief Forensic Pathologist in the Province of Ontario.

4. Visiting a provincial detention centre and a federal penitentiary to obtain first hand contact with staff and inmates.

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 Director supplies 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.

### **11.7 Intensive Program in Immigration and Refugee Law**

*LW 7300.04, LW 7310.04, LW 7320.03 and LW 7330.04*  
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 series of clinical placements, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of international migration. The program objective is to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

The program begins with a week-long seminar introducing the major themes, history and international context of refugee and immigration law. Three modules follow.

The first two, Advanced Immigration Law and Advanced Refugee Law, consist of two weeks of seminars followed by a two week external placement and one week of classroom discussion where students share their experiences. These modules are conducted in a seminar format and consider specialized topics in domestic and international law. Both modules allow students to apply their knowledge by participating in simulations. 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.

The third module consists of a three-week research project at the end of the term. This module gives students the opportunity to complete a research paper under the supervision of faculty.

*Requirements:*

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

**11.8 Intensive Program in Aboriginal Lands, Resources and Governments**

Directors, Professor S. Imai & K. Murray, Adjunct Professor  
LW 7500.09, LW 7510.03, LW 7520.03

*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 issue-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.

*Pre requisites:* 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 comfortable in 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.

**11.9 Intensive Program in Poverty Law at Parkdale Community Legal Services**

Academic Director, Professor S. Gavigan  
LW 7000.03, LW 7000.12

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

The goals of the Intensive Program include:

1. The development of an understanding of the social phenomenon of poverty, and of its causes and effects;
2. The critical analysis of the legal system's and lawyers' responses to poverty, including questions about substantive and procedural law,

the legal delivery system and issues of professional ethics;

3. The examination and evaluation of alternative strategies for intervention to alleviate poverty by the legal system and lawyers.

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

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

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

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

#### *1. The Work of the Clinic*

Parkdale Community Legal Services (PCLS) is a busy clinic funded by Legal Aid Ontario and by Osgoode Hall Law School of York University. Since 1971 PCLS has provided legal services to the low-income residents of Parkdale in a wide

variety of subject areas, including income security, workers' and tenants' rights, immigration and refugee law, and domestic violence. The permanent staff includes a Clinic Director, four staff lawyers, six community legal workers (CLWs), two articling students and seven support staff. The Academic Director is a member of Osgoode's faculty. The Clinic Director of PCLS is a member of the Faculty Council at Osgoode Hall Law School, and the Academic Director of PCLS is one of three Osgoode faculty members on the Clinic's Board of Directors.

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

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

#### *2. Introductory Clinic-based Skills Week*

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

#### *3. Term Dates*

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

#### *4. In-house Clinic Orientation*

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

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

#### *5. Hours of Work*

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

#### *6. Workload*

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

#### *7. Credit and Grading*

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

#### *8. Acceptance and Withdrawal*

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

#### *9. Summer Employment*

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

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

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

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

#### **11.10 Intensive Research Program** LW 7020.00

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

#### *Notes*

1. A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which

- may extend through his or her second and third years.
2. A student will be permitted to pursue a Research Program if, in the opinion of the Associate Dean.
    - i. The student's academic record in the law school and elsewhere, and other relevant evidence, shows promise of the ability to conduct with distinction a major program of research;
    - ii. the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
    - iii. he/she will receive adequate supervision.
  3. A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the Associate Dean, may extend through the final four or final two semesters.
  4. A student seeking permission to pursue a Research Program shall submit, to the Associate Dean, not later than 10 days prior to the commencement thereof, a statement from the proposed supervisor stipulating:
    - i. the topic or field of research, and a tentative outline of research;
    - ii. The amount of academic credit to be obtained and date for submission of the completed research paper; and
    - iii. consent to provide supervision.
  5. Any change in the conditions of supervision may only be obtained upon filing of a new form, signed by the supervisor and with consent of the Associate Dean.
  6. The Associate Dean, on application by the student or the supervisor, or upon her/his own motion, may permit or require the student to terminate a Research Program upon such terms and conditions as she/he may decide.
  7. Students who elect to take this program shall not:
    - i. be enrolled in another intensive program, i.e. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
    - ii. be enrolled in more than four seminars in addition to the Research Program over the second and third years;

- iii. for the purpose of this rule, "seminar" includes Personal Research, Intensive Programs, and Seminars in other faculties and departments.

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

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

## 12.0 JOINT PROGRAMS – LLB/MBA (MPA), LLB/MES, JD/LLB DEGREES

Osgoode Hall Law School offers three Joint Programs, in which students can complete 2 degrees in four years: LLB/MBA; LLB/MES; JD/LLB

### 12.1 LLB/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 LL.B./MBA degree. Students in the Joint Program spend their first year in either the Law School or the Business School, their second year in the first year of the other program, and the remaining two years taking courses in both programs.

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

Applicants for the Joint Program must apply separately and satisfy the entrance requirements of each program, including the writing of the Law School Admission Test (LSAT) and the Graduate Management Admission Test (GMAT). While most students apply to the Joint program prior to commencement of either their LLB or MBA degree studies, a small number of students

completing their first year of either program are considered for admission to the Joint program, upon appropriate application to the other faculty.

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

As of Sept. 08, NEW students entering the LLB/MBA program will 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 2009 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/LLB section of the Schulich Graduate Handbook.

#### Graduation Requirements:

- 45 credit-hours of Schulich School of Business courses
- 78-79 credit-hours of Osgoode Hall Law School courses
- successful completion of an upper year legal research and writing requirement

#### The Academic Program:

##### Year 1 **EITHER**

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

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

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

#### YEAR 2

- the Year 1 required program in the other school

#### YEARS 3 AND 4

##### Note:

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

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

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

- at least 45.0 credit-hours of Osgoode Hall Law School courses  
- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade).

#### 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 tuition is paid to Schulich

For further information and details about the progress of courses over the four year program, please visit the "At a Glance" booklet at The

Schulich School of Business website at <http://www.schulich.yorku.ca/ssb-extra/jointanddual.nsf>

## 12.2 LLB/MES Joint Program

The Master in Environmental Studies/LLB 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/LLB 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 LLB 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 LLB 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 LLB programs. Upon admission to both Faculties, students are admitted automatically 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 LLB program. For information about each faculty's application deadlines and admission requirements see [www.yorku.ca/fes/apply](http://www.yorku.ca/fes/apply) (MES Admissions) and [www.osgoode.yorku.ca/llb/applying.html](http://www.osgoode.yorku.ca/llb/applying.html) (LLB 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 LLB 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.

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 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 Paper, Project or thesis. This stage usually encompasses 1-3 terms of full time study in FES and Osgoode.

The MES Major Paper or Project focuses on integration of environmental studies and law. Osgoode professors are available to supervise Joint Program students' Major Papers or Projects. The Major Paper satisfies Osgoode's Upper Year writing requirement.

### Sequence of Study

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

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

**OPTION B, Start at Osgoode:** Students register full time in the LLB 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 LLB 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 LLB 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 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 LLB upper year program for the Fall and Winter terms. They complete the MES major 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 LLB 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 LLB degree. This allows students to take a reduced Osgoode course load in Years 3 and 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, but in some cases this may delay graduation from the LLB program and commencement of the articling or bar admission process.

#### Graduate Student Status

Once students are registered in the MES portion of the Joint Program, they attain graduate student status for the duration of the Joint Program, even when they are registered in the LLB 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 LLB 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 LLB/MES Joint Program please consult the program handbook, available at

[http://www.osgoode.yorku.ca/llb/combined\\_programs.html](http://www.osgoode.yorku.ca/llb/combined_programs.html) and <http://www.yorku.ca/fes/programs/mes/mesLaw.asp>.

Questions about the LLB/MES joint program may be directed to Professor Stepan Wood, Law faculty coordinator, [swood@osgoode.yorku.ca](mailto:swood@osgoode.yorku.ca), or Professor Mark Winfield, FES coordinator, [marksw@yorku.ca](mailto:marksw@yorku.ca).

#### 12.3 JD (NYU)/LLB Combined Program

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

#### Program Requirements:

Students admitted to the combined JD/LLB will complete two years of study at one school, followed by two years of study at the partner school. In the first and third year of the program, students will necessarily complete first year courses at both NYU and Osgoode, as these courses tend to be requirements set by either the Law Society of Upper Canada (for Osgoode) or the New York State Bar (for NYU). Students will complete upper year courses at each school in the second and fourth year of the program, ensuring that they complete all upper year credit requirements at both institutions. The JD/LLB is a four-year program and cannot be completed in less time.

As an upper-year student at Osgoode and NYU, students are eligible for all programs of either

school provided they are able to complete the mandatory requirements of those programs. However, in the second year of study at Osgoode, students will be permitted to enrol in only one, single-term intensive program, and they will not be eligible to participate in either an exchange or a Letter of Permission of any duration (in order to ensure that at least 2 years of study are completed at Osgoode). This combined program may not be combined with any other combined programs at Osgoode (eg LLB/MES or LLB/MBA). Meanwhile, all other program of study requirements will remain in effect. Students may elect to begin the Program at either Osgoode or NYU. Students complete two years at one school and the remaining two years at the other school.

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

Similarly, students admitted to the Program who then decide not to complete the fourth year will receive the degree from the law school at which they completed the first two years of study, and the third year of study will be considered as having been completed at the partner school on the basis of "Letter of Permission" (for Osgoode) or "Third Year Visiting" (for NYU).

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

The following chart reflects the program of study for students beginning the program at each school, based on the program requirements of each school in existence in the 2008-09 academic year and which are subject to change:

Required Course of Study for Students Commencing studies at Osgoode Hall Law School	Required Course of Study for Students Commencing studies at NYU School of Law
First Year (at	First Year (at NYU)

Osgoode)	Administrative and Regulatory State Contracts Criminal Lawyering Procedure Property Torts
1. Contracts 2. Torts 3. Criminal Law 4. Property Law 5. Legal Process 6. Ethical Lawyering in a Global Community 7. State & Citizen: Canadian Public & Constitutional Law 8. Perspective Option	
<b>Second Year (at Osgoode)</b> Completion of 30 credit hours; Completion of the Osgoode Public Interest Requirement (40 hours); and Completion of Upper Year Research & Writing Requirement (may be deferred, with approval, for completion in years 3 or 4 under NYU Writing "A" Requirement)	<b>Second Year (at NYU)</b> Completion of requisite NYU credit hours; Constitutional Law; Professional Responsibility Course; Writing "A" Requirement (significant paper) (may be deferred, with approval, for completion in years 3 or 4 under Osgoode Upper Year Research and Writing Requirement); and Writing "B" Requirement
<b>Third and Fourth Years (at NYU)</b> -must earn a minimum of 53 credits at NYU -must complete Constitutional Law -must complete a Professional Responsibility course -NYU's Writing "A" Requirement (if Osgoode's Upper Year Research and Writing Requirement was not been completed) -must satisfy NYU's Writing "B" Requirement	<b>Third and Fourth Years (at Osgoode)</b> Must complete 60 credit hours, including -first year Constitutional Law -first year Civil Procedure -Osgoode Public Interest Requirement (40 hours) -Osgoode's Upper Year Research & Writing Requirement (if NYU's Writing "A" Requirement was not been completed)

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

**Application Procedures for 2<sup>nd</sup> year Osgoode students:**

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

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

1. obtain a PDF of the NYU application forms for Transfer students online;
2. complete all requisite forms, make a copy of the application for their own files, and submit the original to the Recruitment & Admissions Office by the designated date in mid-June;
3. ensure that together with the NYU application (including all requisite transcripts from other institutions), pay the appropriate application fee to NYU;
4. ensure that together with the NYU application materials, an Osgoode Transcript Request Form, with appropriate fee, is included so that Osgoode can produce and include a current Osgoode transcript;
5. NYU requires Osgoode complete, for each applicant, a Law School Certification Form. Students should ensure that this is completed, where appropriate by the student, and included in the package by for completion by Osgoode. If possible, it is preferable that this Form be left for Assistant Dean Alexandris to complete before the mid-June deadline.

#### **12.4 LLB/LLM (NYU) Combined Program**

In 2007, Osgoode approved a further agreement with NYU and its Hauser Global Law School program, whereby students can obtain both an LLB degree from Osgoode Hall Law School and an LLM degree from NYU in a total of three and a half years of study (as opposed to the four years that would be required to obtain both degrees separately). This new initiative will provide students an enriched global perspective and advanced career opportunities, at law schools

with excellent academic standards and a commitment to social justice. Students will complete three and a half years of full-time study (five semesters at Osgoode and two semesters at NYU), and graduate with a Bachelor of Laws Degree (LLB) from Osgoode and a Masters in Law Degree (LLM) from NYU.

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

As indicated above, students admitted to the combined LLM/LLB will complete five semesters of study at Osgoode in the LLB program and 2 semesters at NYU in its LLM program. Students will complete the entire first year LLB program, a second year of study in the LLB program and then one additional semester of the LLB program. Students will be required to complete the Osgoode Upper Year Research and Writing course and any other graduation requirement in place at the time, while at Osgoode. The LLM/LLB is a three and a half year program and cannot be completed in less time. If students begin the LLM after 2 years of study at Osgoode, they will not be eligible to receive their Osgoode LLB unless and until they complete the entire year of the LLM program at NYU and return to Osgoode for their final semester.

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

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

Second year Osgoode students, after having successfully completed their 2nd year of studies at Osgoode Hall Law School will be invited to apply to the program in May, with a start at NYU either in the upcoming Fall term or following Winter term. Students will be required to:

1. review NYU's general information at its Graduate Admissions homepage:  
<http://www.nyulawglobal.org/graduateadmissions/index.htm>;
2. complete the online application found at  
<http://www.nyulawglobal.org/graduateadmissions/application.htm>; and
3. by the designated date in May, submit originals of all requisite supporting documentation to Osgoode's Office of Recruitment & Admissions, which will forward them to NYU.

### 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.

The Law School has identified many opportunities for study abroad in over 12 countries. In addition, students can “shop” for themselves and propose a study-abroad program at a university which has not so far been added to our list. Opportunities fall into four categories:

1. Exchange programs, either one term or one year;
2. Study abroad programs run by foreign universities, including during the summer months;
3. Letters of permission to study at another institution of your choice for up to one academic year;
4. Placements and Internships.

#### 13.1 How to Apply to Osgoode Exchanges

International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode has been building on its international ties with universities around the globe to create opportunities of international study for Osgoode students. Below this section you will find outlines of programs that have already been in place for some years, but our exchange programs have continued to expand and now also include the following universities: University of Strathclyde (Scotland), University of Copenhagen (Denmark), University of Amsterdam, Vrije University (Holland),

Maastricht University (Netherlands), Trinity College Dublin and University College Dublin (Ireland), University of Mannheim, St. Gallen University (Switzerland), New York Law School, Bucerius Law School (Germany), Monash University (Australia), National University of Singapore, National Law School of India (Bangalore), Waseda University (Japan).

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

#### 13.2 Osgoode Hall Law School /Université de Montréal, Faculté de Droit Exchange Program,

Professor S. Drummond, Osgoode Director

The Exchange 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.

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

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

*Fourth Year Degree - Osgoode Hall Law School / Université de Montréal, Faculté de Droit Exchange Program*

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.

An Osgoode LLB 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 LL.B. degree. Likewise, a Montréal graduate is granted two years advanced standing at Osgoode and can obtain the Osgoode LLB degree with one year of study. Additional information can be obtained from the Director of the Exchange Program.

### **13.3 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, Hong Kong University, 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, 108 Vanier College), or visit the Osgoode homepage. Academic Approval will be handled by Karen Willoughby (416-650-8183 or karenw@osgoode.yorku.ca) and Assistant Dean Gina Alexandris (416-736-5887 or galexandris@osgoode.yorku.ca). You will need to fill out a York International application for these exchanges and check into their application deadlines.

## **14. AUDIO RECORDING POLICY**

Over the past number of years, there has been a significant growth, on an ad hoc basis, of an institutional system of audio-recording of classes. However this practice developed without a careful consideration of the impact this may or could have on the broader educational objectives of the law school, including student attendance and participation in classes.

During the 2005-06 academic year, an interim policy on audio-recording of classes was developed, and the Office of the Dean undertook a consultation process with faculty and students

with a view to determining a longer-term policy, with particular attention paid to the potential impact on classroom attendance by students from any such policy. An on-line student survey on the issue was completed by approximately 450 students. A material number of respondents indicated that their attendance at classes would be negatively affected if generalized audio-recording of classes was undertaken. Further, there was strong opposition to instituting a mandatory attendance policy in conjunction with any generalized policy of audio-recording classes. However, a substantial number of students indicated that they had been negatively affected by the current audio-recording policy, particularly in respect of medical or compassionate circumstances which prevented them from attending class.

This matter was also discussed with Faculty at the December Faculty meeting, and there was no consensus on the most appropriate policy on this issue. Certain members of faculty raised various concerns with a generalized system of audio-recording classes, and indicated a desire to be informed in advance of any audio-recording. However, there was support for continuing to permit individual instructors to audio-record their classes at their discretion.

Accordingly, the following policy on audio-recording applied effective the 2007-08 academic year and continues for the 2008-09 academic year:

1. The Law School will automatically audio-record classes on the following days:

FALL:  
OCIs - upper year classes  
New York Interview Day (if different from OCIs) – upper year classes  
Call Day - upper year morning classes  
Toronto Interview Week - upper year classes  
East/West Interviews (2 days) - upper year classes  
MAG Day - all years  
All Make up classes

WINTER:  
First Year Toronto Call Day – first year morning classes  
First Year Toronto Interview Days – first year classes  
Career Fair – All years  
Public Interest Day – All years  
All Make up classes

2. The Law School will audio-record classes for individual students who are unable to attend classes due to documented medical and

compassionate grounds, in accordance with the following procedures:

- i. In order to ensure adequate notice to the IT department and to the faculty members involved, any student wishing to have a class or classes audio-recorded must make the request in writing by no later than noon on the business day immediately prior to the class to be recorded (ie where the class to be recorded falls on a Wednesday, the request must be submitted by no later than noon on the preceding Tuesday, and so forth);
- ii. the request may be submitted in person to the Office of Student Services, or by email to [audiorecording@osgoode.yorku.ca](mailto:audiorecording@osgoode.yorku.ca);
- iii. the request may apply to classes to be held on more than one day;
- iv. the request must identify the medical or compassionate grounds and explain why the student is unable to attend the class or classes;
- v. in cases of medical grounds, the request must be supported by a written note signed by a qualified medical practitioner stating that the student is unable to attend the relevant classes and access to the recording(s) will only be provided upon submission of the documentation;
- vi. in cases of compassionate grounds, the request must be supported by appropriate documentation supporting the existence of the compassionate grounds and access to the recording(s) will only be provided upon submission of the documentation;
- vii. without otherwise limiting the definition of compassionate grounds, it should be noted that this policy is not intended to provide for accommodations on religious grounds, which are governed by the Senate Religious Observance Policy.
- viii. it should further be noted that "compassionate grounds" does not include individual job or professional interviews or appointments, nor does it include attendance at or participation in academic conferences or mootings and other related competitive academic events;
- ix. Classes which are recorded for medical or compassionate grounds will only be available to the student(s) making the request.

3. Nothing in this policy precludes individual students, with the permission of the instructor, from audio-recording classes with their own recording devices.

4. Individual instructors may request that their classes be audio-recorded at the discretion of the instructor.

## 15. LAW SOCIETY INFORMATION

### **15.1 Introduction to Law Students respecting Admission to the Practice of Law in Ontario**

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

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

The Law Society requires that you take basic courses in Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Property (Real and Personal) and Torts. As you realize, these courses are covered in the first year curriculum. The Conference of Governing Bodies of the Legal Profession in Canada express the following opinion, "... that adequate knowledge of Family Law, Commercial and Corporation Law, Wills and Trusts, and Evidence is of prime importance for the practice of law in Canada". However, this is a recommendation, not a requirement.

Admission to the practice of law in Ontario requires successful completion of the licensing process, "good character" pursuant to the Law Society Act, payment of prescribed fees, taking of prescribed oaths or affirmations, and Canadian citizenship or permanent residency in Canada.

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

- Graduation from a common law program offered by a university in Canada approved by Convocation. Upon successful completion of the approved law program, the candidate will receive a Bachelor of Laws (LL.B.) or a Juris Doctor (J.D.). In most law schools the minimum length of the program is three academic years.  
Or
- Received a Certificate of Qualification issued by the National Committee on Accreditation (NCA), which has been appointed by the Federation of Law Societies of

## **15.2 Licensing Process Information**

### The Licensing Process

Professional competency is achieved through a combination of knowledge, skills, abilities and judgment. The focus of the new 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 consists of three mandatory requirements:

1. Skills and Professional Responsibility Program (with assignments and assessments)
2. 2 Licensing Examinations: Barrister and Solicitor
3. Articling term (10 months)

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

### Registration

If you plan to enroll in the licensing process, you will be required to register and complete, in sequence, the mandatory Skills and Professional Responsibility Program in May before the Articling Term. You will not be allowed to commence the Articling Term or write the Licensing Examinations unless you have completed the Skills and Professional Responsibility Program. Information about registration will be circulated through the Career Services Office in your third year. Those students who choose to pursue alternatives immediately after law school are strongly encouraged to contact the CSO the Fall term before they intend to article in order to have access to the latest information on the licensing process, and avoid payment of late fees.

### **The Skills and Professional Responsibility Program**

The emphasis of the Skills and Professional Responsibility Program will be on building, developing and assessing skills that are essential for a lawyer in the first few years of practice. You

will be expected to develop skills for client interactions, interviewing, writing, drafting, dispute resolution, managing a practice, and for identifying, analyzing and resolving legal and ethical problems in a manner consistent with the appropriate professional conduct of a lawyer. You will be challenged to apply your analytical thinking and professionalism throughout the process.

Attendance at, and participation in all parts of the Skills and Professional Responsibility Program is mandatory. There will be a number of assignments and assessments to verify that a student has attained the necessary knowledge, skills, abilities, attitude and judgment for entry into the legal profession.

### The Licensing Examinations

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

The Barrister Examination will assess competencies in the following categories: ethical and professional responsibility, knowledge of the law (public law, criminal procedure, family law and civil litigation) and establishing and maintaining the barrister-client relationship.

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

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

### The Articling Term

The articling term consists of 10 months, which includes up to two (2) weeks of vacation and occurs after completion of the Skills and Professional Responsibility Program. It is your responsibility to ensure that you article with an approved Principal who has filed the required education plan with the Law Society. More

information on the articling process will be provided in the application package.

under Career Stages, and Articling [www.osgoode.yorku.ca/careers](http://www.osgoode.yorku.ca/careers).

### **15.3 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 listed above, and does not require students holding an accredited LLB to have completed particular courses in law school, other than the law school mandatory courses, before entering the Licensing Process. Furthermore, this document is not intended for use as a checklist when selecting courses.

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 LLB 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 foreign law degree, 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 LLB degree. The requirements of each law society change from time to time and students should ensure that they have the current requirements. Links to this information are posted on the Osgoode Career Services Website

## FACULTY ON SABBATICAL/LEAVE

Professor S. Ben Ishai – Fall term  
Professor M. Condon – Winter term  
Professor C. Craig - Fall and Winter terms  
Professor T. Farrow – Fall and Winter terms  
Professor L. Green – Winter term  
Professor D. Hay – Fall and Winter terms  
Professor S. Kierstead – Fall and Winter terms  
Professor M. Mandel – Fall and Winter terms  
Professor I. McDougall – Fall and Winter terms  
Professor K. McNeil – Fall term  
Professor I. Mgebeji – Winter term  
Professor M. Mossman – Winter term  
Professor B. Ryder – Fall and Winter terms  
Professor R. Wai – Winter term  
Professor J. Walker – Winter term

Detailed faculty biographies may be found on  
[www.osgoode.yorku.ca/faculty/index.html](http://www.osgoode.yorku.ca/faculty/index.html)

## 17. COURSE INFORMATION TABLES

### ***Course Information Tables***

The following tables list the courses and seminars offered in the 2008-2009 academic session. The enrolment figures in the tables are useful when attempting to letter prioritize your course selections. These figures represent the course enrolment and demand the last term the course was taught by that specific instructor. The initial demand indicates the number of students that assigned a letter priority to that particular course or seminar. The final enrolment figure indicates the number of students who were enrolled in that course at the end of the add/drop period.

**Note:**

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

## 2008 Fall Courses

Courses	Instructor	Sec.	Class Hours	Course #	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	W08	97	95	84
Administrative Law	Scott	B	4	2010	4	F07	56	95	70
Business Associations	Dhir	A	4	2020	4	N/A	N/A	95	N/A
Business Associations	Waitzer/ Nordick	B	4	2020	4	W08	47	95	77
Commercial Law	Geva	A	4	2030	4	F06	27	95	34
Communications Law	Salter/ Engelhart/ Odartey-Wellington		4	2005	4	F07	14	50	13
Comparative Law	Drummond		4	2004	4	W08	31	50	29
Conflict of Laws	Castel		4	2040	4	N/A	N/A	95	N/A
Criminal Law II: Ethical Issues	Brown, D./ DiLuca		3	2240B	3	F07	12	95	8
Criminal Law II: Sexual Offences	Chapman/ Klukach		3	2240E	3	W08	20	95	23
Criminal Procedure	Leiper	A	4	2690	4	N/A	N/A	95	N/A
Disability & the Law	Mykitiuk		3	4905	3	W08	N/A	25	N/A
Environmental Law	Wood, S.		4	2880	4	F07	29	95	23
Estates	Black	A	4	2050	4	F07	60	95	72
Evidence	Pilkington	A	4	2490	4	F07	93	95	90
Evidence	Morton	B	3	2490	3	F07	85	95	94
Family Law I	Mossman	A	4	2060	4	F06	108	95	95
Family Law I	Mykitiuk	B	4	2060	4	W08	62	95	70
Human Rights in Africa	Okafor		3	2450	3	F07	11	20	7
Immigration	Okafor		4	4270	4	F07	50	95	59
Insurance Law	Tough		4	2280	4	F07	27	75	42
Intellectual Property	D'Agostino		4	2970	4	F07	84	95	90
International Trade Regulation	Gastle		4	2290	4	N/A	N/A	95	N/A
Jurisprudence	Green		3	2720	3	W07	14	25	Full
Labour & Employment Law	Tucker		4	2315	4	New	N/A	95	N/A
Law & Social Change: Law & Development	Buchanan		3	2750H	3	F07	6	20	4
Native Rights	Imai		4	2110	4	F07	21	40	27
Patents	Mgbeoji		4	2330	4	W07	32	95	30
Public International Law	Williams, S.A.		4	2340	4	F07	31	95	40
Real Estate Transactions	Rosenblatt	A	4	2070	4	F07	55	55	Full
Real Estate Transactions	Carter	B	4	2070	4	F07	21	95	34
Refugee Law	Rehaag		3	2470	3	N/A	N/A	95	N/A
Securities Regulation	Condon	A	4	2620	4	W08	70	95	77
Securities Regulation	Lastman	B	3	2620	3	F07	87	95	92
Taxation Law	Li	A	4	2080	4	F07	92	95	Full
Taxation Law	Frankovic	B	4	2080	4	F07	34	95	49

## 2008 Fall Seminars

Courses	Instructor	Sec.	Class Hours	Course #	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Watson/ Baert		2	3010A	3	F07	16	20	15
Administration of Criminal Justice: Sentencing	Cole		2	5010C	3	F07	17	20	Full
Advanced Evidence Problems	Litkowski		2	5450	3	W08	6	20	10
Advanced Labour	Slinn		2	5060	3	N/A	N/A	20	N/A
Climate Change Law	Richardson/ Wood, S.		2	3830	3	New	N/A	20	N/A
Comparative Law: Quebec Civil Law	Drummond		2	3040R	3	New	N/A	20	N/A
Constitutional Litigation	Dassios/ Lokan	A	2	3630	3	F07	20	20	18
Corporate Governance	Puri		2	5170	3	N/A	N/A	20	N/A
Course of a Transaction: Following a Business Acquisition from Start to Finish	Swan/ Nelligan		2	5020	3	F07	26	20	Full
Discrimination & the Law	Bhabha		2	3300	3	N/A	N/A	20	N/A
Dispute Settlement	Fleischmann	A	3	3980	3	F07	15	20	10
Entertainment & Sports Law	Kirke	A	2	3840	3	F07	38	20	Full
Family Law II - Family Law Policy	Mossman		2	5120	3	W08	19	20	16
Freedom of Expression and the Press	Cameron/ Bredt		2	3002	3	F05	6	20	5
Intellectual Property & Cognitive Science	Corbin/ Spring Zimmerman		2	5420	3	F07	11	20	11
Intensive Legal Research & Writing	Davis		2	3920	3	F07	10	20	9
International Dispute Resolution: Vis Moot	Walker		2	3007A	3	F07	16	16	Full
International Human Rights Law	Dakas	A	3	3440	4	F07	15	20	13
Labour & Employment Law and Policy Colloquium	Tucker		2	5550	3	New	N/A	20	N/A
Law & Psychiatry	Patton/ Romano		2	3240	3	W08	10	20	12
Law & Social Change in Latin America	Colon-Rios/ Luce		2	5190	3	New	N/A	20	N/A
Law & Society in Africa	Mgbeoji		2	3009	3	New	N/A	20	N/A
Lawyer as Negotiator	Zemans		3	3960	4	F07	97	60	Full
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey		2	3008	3	New	N/A	20	N/A
Pension Law	Li		2	5240	3	N/A	N/A	20	N/A
Project Finance	Johnson		2	5030	3	New	N/A	20	N/A
Sexuality and the Law	Green		2	3910	3	N/A	N/A	20	N/A
Theory and Practice of Mediation	Zemans		3	5960	4	F07	13	18	10
Trial Practice	Watson, G.		3	5270	4	F07	74	80	76

## 2009 Winter Courses

Courses	Instructor	Sec.	Class Hours	Course #	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Promislow	P	4	2010	4	F06	59	95	75
Advanced Torts	Sutherland		3	2480	3	W07	29	95	41
Bankruptcy & Insolvency Law	Johnson		4	2430	4	N/A	N/A	95	N/A
Business Associations	Puri	P	4	2020	4	F04	91	95	92
Civil Procedure II	Watson, M.		3	2230	3	W08	29	75	31
Collective Bargaining Law	Slinn		4	2515	4	New	N/A	95	N/A
Commercial Law	Dhir	P	4	2030	4	F07	39	95	53
Commercial Law	Forbes	Q	4	2030	4	W08	27	95	31
Contracts II	Hall		3	2460	3	W08	93	95	64
Copyright	Sookman/ Mason		3	2870	3	N/A	N/A	95	N/A
Corporate Finance	Murray		3	4000A	3	W08	27	95	19
Criminal Procedure	Young	P	4	2690	4	W08	99	95	85
Estates	Black	P	4	2050	4	W08	122	95	85
Evidence	Litkowski/ Strezos	P	4	2490	4	F06	33	95	56
Family Law I	Drummond	P	4	2060	4	F07	76	95	93
Globalization & the Law	Buchanan	P	3	2008	3	W08	6	20, 5 upper year	10
Individual Employment Relationship	Ball		3	2550	3	New	N/A	95	N/A
International Courts & Tribunals	Williams, S.A.		4	2442	4	W08	22	95	38
International Criminal Law	Williams, S.A.		4	2440	4	W08	30	95	50
International Environmental Law	King		3	4880	3	W07	12	95	9
International Taxation	Li		4	4150	4	W08	16	35	21
Law And Economics	Panezi		3	2560	3	N/A	N/A	20, 5 upper year	N/A
Law & Social Change: Policing	Beare		3	2750B	3	W08	7	20; 5 upper year	Full
Legal Drafting	Benda/ Shin Doi		3	2140	3	W08	74	40	50
Legal Governance of Health Care	Gilmour		4	2404	4	W08	31	50	51
Real Estate Transactions	Perell	P	3	2070	3	W08	71	95	82
Regulation Of Competition	Facey/ Wood, M.		3	2350	3	W08	46	20	23
Restitution	McCamus		4	2360	4	W08	30	95	26
Taxation Law	Philipps	P	4	2080	4	F06	50	95	72
Taxation of Business Enterprises	Brooks		4	4100	4	W08	63	95	57
Trademarks	Corbin		3	2170	3	W08	35	95	87
Trusts	Haigh	P	4	2090	4	N/A	N/A	95	N/A

## 2009 Winter Seminars

Courses	Instructor	Sec.	Class Hours	Course #	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Estate Litigation	Black		2	3010B	3	W08	20	20	18
Advanced Securities	Puri		2	5280	3	N/A	N/A	20	N/A
Children And The Law	Kierstead		2	5230	3	W08	16	20	16
Chinese Law	Li		2	3130	3	F06	9	20	15
Comparative Law: Comparative Constitutionalism	Colon-Rios		2	3040Q	3	New	N/A	20	N/A
Comparative Law: International & Comparative Labour Law	Slinn		2	3040N	3	New	N/A	20	N/A
Constitutional Litigation	Charney	P	2	3630	3	W08	31	20	Full
Contract Remedies	Koch/ Linley/ Reid		3	3050	4	W08	29	20	Full
Dispute Settlement: Collaborative Law	Smith/ Nelson		2	3980B	3	W06	17	20	18
Entertainment & Sports Law	Honickman	P	2	3840	3	W07	32	20	15
Entertainment & Sports Law	Duarte	Q	2	3840	3	W08	N/A	20	16
Estate Planning	Rochweg/ Berry		2	5110	3	W07	12	20	17
First Nations and the Law	McNeil		2	3880A	3	F05	3	20	4
Forensic Science & the Law	Rondinelli/ Federico		2	3690	3	New	N/A	10	N/A
ICT Colloquium	Scott, C.		2	5810	3	W08	7	20	6
International and Comparative Family Law	Drummond		2	5140	3	New	N/A	20	N/A
International Human Rights Law	Scott, C.	P	3	3440	4	W08	27	20	16
International Investment Law	Van Harten		2	3100	3	N/A	N/A	20	N/A
International Law of South-North Relations	Okafor		2	5940	3	W06	10	20	10
International Research and Placements	Buchanan			5610	3	N/A	N/A	10	N/A
International Research and Placements	Buchanan			5615	4	N/A	N/A	10	N/A
Jewish Law	Richler		2	3770	3	F07	6	20	7
Joint LL.B/M.B.A. Seminar	Johnson		2	3820	3	W08	12	20	12
Labour Arbitration	Rowan/ Lewis		2	5070	3	W08	15	20	16
Land Development & Commercial Real Estate Problems	Gross		2	5160	3	W08	22	20	Full
Legal Values: Governance of the International Financial System	Van Harten		2	3590R	3	New	N/A	20	N/A
Legal Values: Law & Literature	Sutherland		2	3590V	3	W08	N/A	20	10
Legal Values: Philosophical Foundations of Criminal Law	Tanguay-Renaud		2	3590Y	3	New	N/A	20	N/A
Legal Values: Regulatory Issues in Intellectual Property Governance	Amani		2	3590U	3	New	N/A	20	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Emond		2	5007	3	N/A	N/A	20	N/A
Medical/Legal Seminar	Brock/ Carlisle		3	3180	3	W07	8	20	15
Occupational Health & Safety	Tucker		2	3260	3	W08	7	20	8
Tax Law and Policy Colloquium	Brooks		2	5330	3	W08	5	20	4
Tax Lawyering	Philipps		2	3370	3	W07	13	20	20
Taxation as an Instrument Of Social & Economic Policy	Brooks		3	3006	3	W08	18	20; 10 upper	Full
Taxation Planning	Mawani		2	5320	3	W08	20	20	18
Transnational Corporations & Human Rights	Dhir		2	3590T	3	F07	11	20	6
U.S. Securities Regulation in Comparative Perspective	Williams, C.		2	5620	3	W08	29	20	18

## 18. COURSE AND SEMINAR DESCRIPTIONS

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

(3010A.03) *Seminar*

Instructor(s): Professor G. Watson & Adjunct Professor K. Baert

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

Prerequisite Courses: none

Preferred Courses: none

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

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

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

### **Administration of Civil Justice: Estate Litigation**

(3010B.03) *Seminar*

Instructor(s): H. Black, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Presentation: Discussion, lectures, student presentations

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

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

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

### **Administration of Criminal Justice: Sentencing**

(5010C.03) *Seminar*

Instructor(s): Hon. Justice D. Cole, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, participation

This seminar examines various aspects of the Canadian sentencing system. While this course is primarily legal in its orientation, the aim is to augment the 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 and the procedural aspects of the Canadian sentencing system. Other topics for consideration include: victim participation, mandatory sentences, restorative justice, young offenders, plea bargaining and an examination of the gap between the sentence imposed and the constraints on those who administer it.

Students are also strongly encouraged to visit a criminal court as early as possible in the term - preferably before the end of February. Arrangements will be made in class concerning visits to the Metro West courts.

Evaluation: 1) A 25-30 page research paper worth 80% of the final mark. Suggested topics will be distributed early in the term and may be designed in consultation with the instructor.  
2) Class participation worth 20% of the final mark. This will include attendance and 3 one-page comments on the readings for the day to be emailed to the instructor by noon of the day of class.

### **Administrative Law**

(2010.04 A) *Course*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures

This course is an introduction to the body of law that governs administrative decision-making. The administrative (or executive) branch of government implements legislative policy and delivers government services in various fields, including immigration, communications, labour relations, business licensing and approvals, income security, and the environment. The course therefore provides a foundation for the study of any administrative or regulatory regime. It will examine judicial oversight of administrative decision-makers through the doctrines of procedural fairness (how administrative decisions are made, the rights of individuals to participate in decision-making that affects them, and impartiality and independence of decision-makers), substantive review (the scope and standards of review employed by courts to review the merits of administrative decisions), and remedies. The course also explores policy concerns that inform the doctrinal rules and principles in the field as well as theoretical themes arising from the relationship between the courts and other branches of the state.

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

**Administrative Law**

(2010.04 B) *Course*

Instructor(s): Professor D. Scott

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, class exercises, guests

Administrative law is the branch of public law that governs decision-making by the tribunals, boards and agencies that implement government policy and deliver public programs and services. The actions of these decision-makers are a critical component of contemporary state regulation in diverse contexts including the environment, taxation, immigration, labour relations and employment, human rights, education, land-use and planning, the regulation of business activities, and income security. As a result, this course aims to provide an important foundation for the study of any particular administrative or regulatory regime. The course will also 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 changing nature and purposes of the administrative state, the role of courts in relation to that of statutory decision-makers, and the impact of the Charter and human rights norms on administrative law.

Evaluation: Open-book examination (90%) and 10% participation (presentation of 'regulatory map')

OR

Open-book examination (60%) + assignment option (30%) and 10% participation (presentation of 'regulatory map')

**Administrative Law**

(2010.04 P) *Course*

Instructor(s): J. Promislow, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

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

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

### **Advanced Evidence Problems**

(5450.03) *Seminar*

Instructor(s): R. Litkowski, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: Criminal Procedure

Presentation: Discussion

An advanced seminar in evidence, focused on criminal evidence and the Charter of Rights and Freedoms. Seminar discussions will be based on problems taken from decided cases.

Topics to be covered include hearsay and the new "exceptions"; character and similar act evidence; confessions and the right to remain silent; privilege; and the new evidentiary rules in sexual abuse prosecutions. The seminar is structured around group discussion of case scenarios based on the weekly readings. Classroom participation is encouraged.

Evaluation: EITHER two written assignments, approximately 15 -20 pages each, analyzing evidentiary issues drawn from actual cases, worth 40% each and class presentation, worth 20%

OR one written assignment, approximately 20-25 pages, worth 60%, leading a seminar on a selected topic, worth 20% and class participation, worth 20%.

### **Advanced Labour**

(5060.03) *Seminar*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar discussion

This seminar examines key elements of labour and employment law from both a legal and a policy perspective. It focuses on identifying and assessing the underlying goals of labour legislation, and evaluating whether the existing law meets these objectives. Topics such as systems for acquisition and termination of collective representation of employees, regulation of unfair labour practices, collective bargaining schemes, the scope of individual rights within a collective bargaining regime, alternative forms of worker representation, and the role of constitutional rights in the labour context are among the topics that may be examined.

Evaluation: Class participation and research paper

### **Advanced Securities**

(5280.03) *Seminar*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, guest speakers, student presentations and student participation.

This advanced seminar deals with current issues in the policy and practice of securities regulation, mainly in Ontario, although issues such as convergence with international regulatory norms and other provincial systems will be canvassed throughout. The seminar will begin with a discussion of philosophies of securities regulation and the role of the investor in the changing markets. Specific seminar discussions will focus on issues currently being addressed and debated by securities regulators in Ontario and elsewhere, including: principles vs. rule based regulation, the role of litigation in addressing securities market problems; the role of compliance approaches to securities regulatory enforcement; updates on the potential for national securities regulation in Canada; globalization of securities markets, regulation of investment funds; and the role of securities regulation in corporate governance in the era of SOX.

Evaluation: Research Paper - 70%; class participation - 15%; class presentation - 15%.

### **Advanced Torts**

(2480.03) *Course*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, large and small group discussion.

This course will focus on injuries to relational interests, including negligent and/or intentional interference with family relationships, economic relationships and community relationships. Topics covered may include intimidation, conspiracy, abuse of power, liability for economic loss from negligence, defamation and invasion of privacy. Each area of tort law doctrine will be studied in context. This will involve exploration of various jurisprudential perspectives on tort law including law and economics, critical legal studies, feminist legal theory and critical race theory.

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.

### **Bankruptcy & Insolvency Law**

(2430.04) *Course*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: none

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

Presentation: Lecture, discussion

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

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

Bankruptcy and insolvency is also an institutional system and the course will examine the role of the various participants in the system such as trustees in bankruptcy, receivers, lawyers, judges and the Office of the Superintendent of bankruptcy.

This course combines an analysis of the relevant statutory material and case law with an understanding of the policy choices in bankruptcy and the different roles which a bankruptcy system may play in contemporary society.

Evaluation: Final Examination

### **Business Associations**

(2020.04 A) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

This course provides an introduction to the laws governing the predominant forms of business organization in Canada – sole proprietorships, partnerships, limited partnerships, limited liability partnerships and corporations. The focus of the course will be on business corporations. In general, topics such as the following will be covered:

- the creation and organization of the corporation
- constitutional considerations
- the corporation as a distinct entity from its shareholders
- pre-incorporation contracts
- corporate criminal, tortious and contractual liability
- corporate capital structures
- directors' and officers' duties
- shareholders' rights/remedies.

Reference will also be made to theoretical approaches to the study of the corporation and students will be asked to think critically about the proper role of corporations in contemporary society.

Evaluation: 100% open-book examination or 75% open-book examination and 25% research paper.

### **Business Associations**

(2020.04 B) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, problem solving, discussion

Following a brief examination of sole proprietorships and partnerships, the course will examine the corporate form of association, with particular reference to the Canada Business Corporations Act. The course will emphasize such matters as: the corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, management and control of management within the corporation, capital structures, corporate governance; and the enforcement of corporate duties through 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 P) *Course*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, Discussion, Presentation(s), Assignment(s), Problem Solving

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, the purpose of the corporation, stakeholder theory; and the enforcement of corporate duties through shareholder derivative actions and other remedies.

Evaluation: 100% Open-Book Examination or 75% Open-Book Examination and 25% Group Assignment  
Osgoode Hall Law School of York University 2008-2009 Course Syllabus

### **Children And The Law**

(5230.03) *Seminar*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, student participation & presentations.

This seminar will examine a number of related issues concerning the characterization and treatment of children and adolescents in the legal system. In addition to addressing substantive and procedural legal topics, tactical, ethical and policy questions will be considered. Areas of study will include: the concept of childhood, child custody, private and public financial support, child welfare and protection, and children's interaction with the criminal law system.

Evaluation: Research paper (75%); class presentation (25%)

### **Chinese Law**

(3130.03) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, lectures, guest speakers, student presentation

The issue of Tibet and the Olympic Torch Relay in the Spring of 2008 generated a great of public attention and media (mis)information about Chinese political, legal and social systems. One of the motivations of this seminar is to provide an opportunity for students to understand the Chinese legal system and its social and political contexts. Another motivation is to help students learn some procedural and substantive Chinese law. A third motivation is to engage students in thinking about legal issues from a comparative and trans-national perspective.

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. It will examine contemporary legal and political institutions, traditional legal theories, transplantation of Western laws, the system of rule-by-law as opposed to "rule of law". The second part will focus on public law, such as human right law, the issue of ethnic minorities, criminal justice and judicial independence. The third part will discuss foreign investment laws, such as intellectual property right protection, joint ventures, taxation, disputes resolution, and the impact of WTO. The course will provide a foundation for students who will be engaged in advising clients on doing business in China.

The learning objectives are twofold. One, students will gain some substantive knowledge about Chinese legal system and its social, political and cultural context. Second, 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.

Each part of the seminar will be designed to allow students to fully participate and contribute in class. Mock trial or case study will be used to maximize learning opportunities.

Evaluation: One written paper (80%) (6000-8000 words); and class participation and presentation (20%).

## **Civil Procedure II**

(2230.03) *Course*

Instructor(s): M. Watson, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

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

Evaluation: Open-book examination.

## **Climate Change Law**

(3830.03) *Seminar*

Instructor(s): Professors B. Richardson & S. Wood

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

Prerequisite Courses: none

Preferred Courses: none

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

This new seminar explores the legal and policy issues related to efforts to control the causes and manage the effects of global climate change, the most significant environmental issue today. It examines these developments in Canada, other countries, and at an international level. The seminar will consider a variety of traditional and non-traditional legal strategies, from international treaties, command regulation and litigation, to carbon taxes, emissions trading and private sector initiatives such as voluntary codes and standards.

Specific topics to be covered include: climate science and its interface with climate law; Canadian climate law and policy including recent initiatives such as BC's new carbon tax and federal plans for mandatory carbon capture and storage in Albertan oil sands developments; international developments including the Kyoto Protocol; regional approaches including in the European Union; selected domestic climate law and policy developments in key foreign countries such as the United States; special position of vulnerable groups and nations, including developing countries and Indigenous peoples; energy market regulation including renewable energy; protection of carbon sinks; private sector and voluntary measures including the Investor Network on Climate Risk and the ISO standards for greenhouse gas emission reporting and verification; and future directions in climate law including renegotiation of the Kyoto Protocol and Canada's role.

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

## **Collective Bargaining Law**

(2515.04) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion

This course provides an introduction to labour relations law, with an emphasis on labour relations in the private sector in Ontario. The first objective of this course is to provide students with an introduction to the law of collective bargaining law and policy. 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. This course will also address topics that, while important, are not commonly covered in survey labour relations law courses, including: construction labour law, public sector labour law, and law governing internal union affairs.

The second objective is to introduce students to the policies underpinning collective bargaining legislation, and future directions for policy and the law. Labour law has long been influenced by the political ideology of successive governments, and labour law in Ontario over the last 15 years is a prime example of this phenomenon. We will examine the different approaches to various components of labour law and legislation reflected in the numerous changes seen in this jurisdiction in recent years, including considering the relationship between different social and economic goals, individual and collective rights, and the effect of the Charter of Rights and Freedoms on labour law.

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

Evaluation: 100% final examination or research paper on a topic approved by the instructor (including a detailed outline and bibliography to be due at an earlier point during the term).

## **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

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 proprietary aspects of sale of goods, insolvency, and suretyships. Most of the course will deal with the financing of commercial and consumer transactions, particularly secured credit under the Ontario 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: Evaluation: Open-book examination; paper option (30%).

### **Commercial Law**

(2030.04 P) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

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

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

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

Evaluation: 100% open-book examination or 75% open-book examination and 25% research paper.

### **Commercial Law**

(2030.04 Q) *Course*

Instructor(s): R. Forbes, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: Business Associations completed or in progress, or some business study background.

Presentation: Lecture, discussion

This course will encompass an examination of the law related to the taking and realization on security in personal property with specific focus on the Personal Property Act (Ontario) and a brief look at the security provisions of the Bank Act (Canada). Cost of borrowing disclosure and basic aspects of the law related to guarantees and indemnities, and the taking of security for both such obligations, will also be considered.

Evaluation: 100% open book examination

### **Communications Law**

(2005.04) *Course*

Instructor(s): Professor L. Salter, K. Engelhart & F. Odartey-Wellington, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: Administrative Law

Presentation: Lectures, discussion

This course will examine law, policy and regulations concerning broadcasting (radio, TV and news services) the Internet and telecommunications. Of particular interest in broadcasting are questions about controversial and biased programming, access, Canadian content, and the implications of competition and new services in the Canadian broadcasting system. In the case of the Internet, recent court decisions in Canada and the USA will be examined in light of the rapid development of new media based on, but not exclusively tied to the Internet. In telecommunications, emphasis will be given to issues arising from competition and new technologies.

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

Evaluation: Two short tests (2 pages each), and one research paper (15-20 pages) on a subject of the student's choosing.

## **Comparative Law**

(2004.04) *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

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: Final research paper and small group work. Papers for this course can be submitted to meet the upper year writing requirement.

## **Comparative Law: Comparative Constitutionalism**

(3040Q.03) *Seminar*

Instructor(s): J. Colon-Rios, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion

This seminar will examine the relationship between constitutionalism, democracy, and popular sovereignty, whose uneasiness is exemplified not only in events like the recent episodes of constitution-making in Latin America and the Middle East, but also in the constitutional practice of established liberal democracies. This topic will be approached through an analysis of the ways these ideals are conceived in the theoretical literature (which includes, but is not limited to, the debate regarding the legitimacy of judicial review) and reflected in different juridical systems. After a general introduction about the meaning of constitutionalism, we will address the following main themes: (1) popular participation in constitution-making; (2) the limits of constitutional reform; and (3) contemporary approaches to constituent power; (4) globalization and constitutionalism. Throughout the seminar, particular emphasis will be made on several Latin American countries, Canada, and the United States.

Evaluation: Research Paper (80%); Class Participation (20%).

### **Comparative Law: International & Comparative Labour Law**

(3040N.03) *Seminar*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: none

Preferred Courses: Labour Relations

Presentation: Lectures, discussion

Knowledge of international and comparative labour law and practice helps to (a) better assess the impact of international labour law and practice in the framing of national labour law, (b) create a better understanding of the national labour law system by putting this law in an international and comparative context (c) undertake critical analysis of ongoing labour law reforms in a given national jurisdiction; (d) draw inspiration from international experience while reviewing the national law; and (e) better understand the international dimensions of labour law.

This seminar will introduce application of the comparative method to labour law, and to key international and regional sources of comparative labour law. It will then consider the definition and purpose of international labour law and examine the sources and effectiveness of global and regional international labour law such as international labour standards, private regulation such as codes and guidelines, unilateral, bilateral and regional social clauses and agreements, and the WTO. This will be followed by focusing on a comparative and international examination of particular topics in workplace law.

Evaluation: Class participation, presentations and research paper.

**Comparative Law: Quebec Civil Law**

(3040R.03) *Seminar*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, guest presenters, group work

In the context of Canadian bi-juralism, an understanding of Quebec civil law is critical to the intellectual and professional formation of Canadian lawyers. This seminar has two principal objectives: first, to provide common law students with an overview of the civil law tradition – the most widespread legal tradition in the world; second, to familiarize students with this major legal tradition by an examination of how it is embedded within the context of Quebec. The first several weeks of the seminar will look at the history of the civil law tradition from Roman times to the present primarily in the continental European context, but with some attention paid to the influence of the civil law upon English law. The evolution of the distinctive institutions and methodology of the civil law will be discussed in detail, including the place of codification in the civil law tradition.

The remainder of the seminar will focus on the substantive and procedural civil law, principally by focusing on how tradition has manifested itself in Quebec. After an overview of the history of the civil law in Quebec and its relationship to the Anglo-Canadian common law, the major areas of the private law will be discussed: the law of persons and the family, obligations (both contractual and extra-contractual), property, and procedural law. Guest presenters from Quebec civil law universities will lead discussions on several of the substantive areas of law to be covered. The question of Quebec law as a “mixed” tradition in its private law and a primarily common law jurisdiction in its public law will be discussed. The process of law reform will be considered with particular reference to the recent adoption of the new Civil Code of Quebec. Students should graduate from the class with a solid foundation in the basic history, structure and substance of civil law, and with a good grounding in the legal system that covers a quarter of the Canadian population in the domain of private law.

Students are not expected to have facility in French for this course. All of the class readings are in English.

Evaluation: Group presentations and final paper. Papers for this course can be submitted to meet the upper year writing requirement.

### **Conflict of Laws**

(2040.04) *Course*

Instructor(s): Professor J.G. Castel

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

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

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

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

Evaluation: Closed-book final examination 100%.

### **Constitutional Litigation**

(3630.03 A) *Seminar*

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

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

Prerequisite Courses: none

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 and prepare a brief of materials (affidavits of actual witnesses and other documents) as their assignment for the course.

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

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

Evaluation: Class participation & preparation of case materials.

### **Constitutional Litigation**

(3630.03 P) *Seminar*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Student presentations and discussion.

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

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

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

### **Contract Remedies**

(3050.04) *Seminar*

Instructor(s): J. Koch, R. Linley & H. Reid, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

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

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

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

### **Contracts II**

(2460.03) *Course*

Instructor(s): G. Hall, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, lectures

This second-level course in contract law has two components, both emphasizing contract issues which commonly arise in practice. The first is a detailed examination of the principles of contractual interpretation. The second is to build upon and fill in gaps in the substantive topic coverage in the first year contracts course, exploring such topics as misrepresentation, mistake, rectification, frustration and illegal contracts.

Evaluation: Open-book examination. Optional research paper for a portion of the grade (not in substitution for the examination) also available.

## **Copyright**

(2870.03) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture format, student participation, assigned reading.

This course will address the fundamental concepts pertaining to copyright law. It will also address select topics of interest including emerging "hot topics" in copyright law. In light of globalization and the borderless reach of the internet, this course will focus both on Canadian copyright law as well as trends in other countries.

The course will cover the following, among other topics:

- The policy justifications for copyright
  - The sources of Canadian copyright law
  - The statutory requirement for originality
  - The fixation requirement
  - What subject matter copyright protects including books, movies, television programs, music, sound recordings, computer programs, data bases, artistic works and other subject matter including neighbouring rights
  - Who is an author of a work
  - The exclusive rights conferred by the Act including the right to publish a work, reproduce a work, communicate a work to the public; rights in sound recordings, performers' performances and other neighbouring rights
  - Exceptions and defenses to infringement including fair dealing, library and educational exceptions
  - Status to sue for copyright infringement
  - Remedies for copyright infringement
  - Canada's copyright convention and treaty obligations including the Berne Convention, TRIPS and NAFTA
- In addition to the above, there will be an examination of select advanced issues including the following:

- The right to reverse engineer computer programs and to develop compatible products
- Liability of internet intermediaries including liability for providing internet connectivity, hosting, caching, and search engine services
- Internet file sharing

Evaluation: 100 % examination - three-hour open book; or alternatively, 60% examination, 40% paper due on the first day of examinations. If examination grade is higher, it will count for 100%.

## **Corporate Finance**

(4000A.03) *Course*

Instructor(s): S. Murray, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, workshops, lectures, guest speakers

This course will examine corporate financing techniques with specific reference to actual financings and fund raising methods being used by Canadian public companies. Students will be provided with reference materials which include financial statements, prospectuses, credit agreements and other pertinent publicly available information of BCE including the decisions in the litigation launched by disgruntled holders of publicly issued debt instruments who were not included in the BCE privatization. Class discussions will include financial decision making and strategies. Examples will include venture finance, financing for growth, mergers and acquisitions and restructuring. The course will also include a discussion of the Asset Backed Commercial Paper issue as it affects Canadian credit.

The course format will be problem and assignment based with a high level of student participation expected. Specific sample problems will be probed on a workshop basis with strategies and negotiated solutions developed in relation to simulated situations.

Evaluation: 50% for Class assignments and class participation and 50% for either an open-book examination or paper.

## **Corporate Governance**

(5170.03) *Seminar*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: none

Preferred Courses: Securities Regulation

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

This seminar focuses, at an advanced level, on contemporary debates in corporate governance, particularly in light of recent North American and international developments. Particular attention is paid to how these developments are situated both within theories of corporate governance and within the history of the development of corporate governance laws and norms in Canada and internationally. Among the subjects considered are: (1) a re-evaluation of the divorce of corporate control from ownership; (2) the duties and responsibilities of corporate directors, officers and insiders; (3) the role of institutional investors and the emergence of new institutions such as private equity and hedge funds; (4) the status and practicability of "shareholder democracy"; (5) the corporation and its constituencies (shareholders, labour, consumers, etc.); (6) the role of the corporate lawyer; (7) the role of auditors; (8) the respective roles of corporate law and securities law; and (9) comparative corporate governance and the problems of systemic convergence and transitions.

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

## **Course of a Transaction: Following a Business Acquisition from Start to Finish**

(5020.03) *Seminar*

Instructor(s): J. Swan & M. Nelligan, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

### Planning, Decisions, Documents and Issues

The purpose of this course is to take students through a common business transaction from the moment when the clients first involve their solicitors in their planning, through the early, preliminary negotiations and the development of the structure of the transaction, the settlement of the terms of the documents to the final closing of the transaction. At the end of the course, the students should be familiar with:

- the factors that influence the form that the transaction will take;
- the planning involved in achieving the clients' goals;
- the package of contracts and other documents required to achieve those goals;
- the role of other parties necessary to complete the transaction (the Competition Bureau and Tribunal; Investment Canada, banks and other sources of finance, the Ministry of the Environment, WSIB, Ministry of Finance, Ontario Securities Commission, TSX, etc.);
- the steps necessary to comply with legislation relevant to the transaction, the Canada Business Corporations Act and the Ontario Business Corporations Act; the Securities Act; the Bulk Sales Act, the Personal Property Security Act, etc.;
- the language and terminology in standard precedents used by lawyers, the alternatives that may be the subject of negotiation between the parties and the other documents that may be involved;
- the common problems that are likely to arise in the effort to reach agreement on the actual terms of the contracts that have to be executed;
- the subsidiary documents (directors' resolutions, certificates, etc.) that have to be prepared or obtained;
- the need for and form that third party consents (suppliers, landlords, licensees, governmental bodies of all kinds) may take;
- the role of and the preparation of the solicitor's transaction opinion; and
- the legal background to the documents, contracts and issues involved.

The course will be an intensive examination of the role of the solicitors involved in bringing a transaction to a successful completion.

While students will be expected to understand generally the effect of the Income Tax Act on any business transaction, the focus of the course will not be on the tax aspects of the deal; that Act will be relevant only in so far as it explains why the transaction may take one form or include some provisions rather than others. Similarly, while students have to be generally aware of the roles that the Competition Act and the Investment Canada Act may play in many business transactions, the course will not involve or require a close examination of the scope and operation of those Acts. Similarly, the federal privacy legislation, the Personal Information Protection and Electronic Documents Act, will be considered, though its constitutional status with regard to agreements between corporations not subject to federal control is far from clear. The course will not be a course on negotiation, though there will be constant examination of what negotiating issues are likely to be taken by the parties and how they may be resolved.

Issues of intellectual property, employment law, labour law, pension benefits, securities, environmental law, secured transactions and several other topics will be relevant to various aspects of the transaction and documents. Students will be expected to have a general knowledge of these topics, such that any intelligent person might pick up from many law school courses and reading the *Globe & Mail*, *Report on Business*, the *Financial Post*, or any other similar newspaper.

The method of instruction will be principally lectures, supplemented where necessary by the intensive examination of drafting techniques, though the course will not be a course on drafting.

Evaluation: There will be four assignments and a final exam. The first assignment, to be given out at the end of the first class will be a drafting exercise, to be completed for the second class where it will be discussed. This assignment will not be marked and is intended only to help students overcome any concerns they may have about drafting contracts, or parts of contracts, and using contractual terms and language.

There will be three other assignments with, respectively, marks of 10, 15 and 15 allocated to them. The exact timing of these assignments will be set out in the Course Outline. There will be a final, take home exam worth 60 marks.

The method of presentation and the issues to be dealt with in the course for the 2008-2009 academic year will differ significantly from what was done when the course was offered in previous years

### **Criminal Law II: Ethical Issues**

(2240B.03) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion

This advanced course will explore many of the ethical issues that face criminal lawyers. The course will examine practical ethical problems a criminal lawyer may encounter in his or her practice. Using problems, the aim of the course will be to 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.

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

### **Criminal Law II: Sexual Offences**

(2240E.03) *Course*

Instructor(s): J. Klukach & S. Chapman, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, lectures

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 Procedure**

(2690.04 A) *Course*

Instructor(s): Professor J. Leiper

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion and Lecture

What does it mean to think like an experienced criminal practitioner? Where does mastery over procedure begin? This course invites students to consider these questions and to develop an understanding of the Canadian criminal process. The course begins with an overview and then examines in greater detail investigative procedures and police powers, bail, charge screening, disclosure, pre-trial negotiation, the classification of offences, the mental disorder provisions within the Criminal Code, preliminary hearings, elections and re-elections, trial, jury processes, guilty pleas, sentencing and appeals. Students will be encouraged to understand criminal procedure as a set of interconnected processes which intersect with professional ethics, the Charter of Rights and Freedoms, evidence, policy, advocacy, strategic thinking, and the role of counsel in an adversarial system. Assigned readings will be supplemented by class work, including small and large group discussion, diagramming and analysis.

This course has an in-class, no lap-top/electronic device policy. Hand-outs, slides and class summaries (where applicable) will be made available on the course web-site.

Evaluation: Two tests worth 20%, 25% and 55% final examination. All evaluations will be open-book.

### **Criminal Procedure**

(2690.04 P) *Course*

Instructor(s): Professor A. Young

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, Discussion

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

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

Evaluation: 100% final open book examination or 100% essay.

### **Directed Reading: Law Reform in Ontario**

(6000F.03)

Instructor(s): P. Hughes, Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 10 LLB, 10 Grad.

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

In 2007 the Law Commission of Ontario was established, creating new interest in systematic law reform in Ontario. Taught by the Executive Director of the LCO, this course will consider the history of law reform, especially in Canada, and concentrate on the impact a law commission, including the LCO, can have on the development of public policy. The course will undertake critical analysis of the LCO's mandate, mission, selection of projects and approaches to research. For their research papers, students will be asked to identify a project that would appropriately be undertaken by a law commission. Students will be selected to present their research papers to the LCO's Board of Governors.

Evaluation: Research Paper and Class Participation

### **Disability & the Law**

(4905.03) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion, student presentations

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: 15%, Research Paper: 65%, Class Presentation: 20%.

### **Discrimination & the Law**

(3300.03) *Seminar*

Instructor(s): F. Bhabha, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

This seminar explores the topic of anti-discrimination, with an emphasis on the interpretation of Canadian anti-discrimination statutes and section 15 equality under the Charter of Rights and Freedoms. The course will interrogate the role and possibilities of the law in the social justice struggles of equity-seeking groups and individuals. It seeks to develop perspectives from which to understand, critique, reconstruct and extend equality rights. Beginning with key concepts and theories of equality, the readings will then examine the legal structure of human rights protection at the constitutional and at the federal and provincial statutory levels, in addition to interpretations by tribunals, courts and scholars. Reference to comparative and international human rights instruments and institutions will provide broader points of reference.

Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of anti-discrimination law (75%); presentation and participation in seminar discussions (25%).

### **Dispute Settlement**

(3980.03 A) *Seminar*

Instructor(s): E. Fleischmann, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

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

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

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

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

**Dispute Settlement: Collaborative Law**

(3980B.03) *Seminar*

Instructor(s): V. L. Smith & C. A. Nelson, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

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

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

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

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

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

## **Entertainment & Sports Law**

(3840.03 Q) *Seminar*

Instructor(s): T. Duarte, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

This seminar will cover issues of substantive law in the practice of entertainment law, with a focus on the Canadian film and television industry. The seminar will review fundamental legal concepts in the areas of copyright, trade-mark, confidential information, defamation, and rights of privacy and personality. We will then proceed to study how these concepts are applied in the practice of entertainment law through a case study of the legal process involved in the development, production and distribution of a hypothetical docu-drama for television. This will include a review of the agreements and legal issues presented in the acquisition of motion picture rights to a book, the acquisition of life story rights, the engagement of a scriptwriter, the legal review to “clear” a program for insurance, the lead performer agreement, and the structuring of production financing including a television license, distribution agreement, co-production agreement, and bank loan.

We will also touch on issues relating to other substantive areas of law, including labour relations, 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.

Finally, we will examine the broader application of the legal and practice principles we have studied to other areas of entertainment practice such as book publishing, music production, celebrity endorsement, and live theatre.

The seminar materials will include excerpts of texts in this practice area together with relevant legislation and case law. Given the practice focus, 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: Contract drafting exercise (15%), reaction papers to seminar readings (15%), research paper (70%).

## **Entertainment & Sports Law**

(3840.03 A) *Seminar*

Instructor(s): G. Kirke, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: See description

### *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. We will study the acquisition of rights, including copyright considerations and the literary purchase option agreement. The issue of financing of entertainment projects will be examined, including such aspects as tax implications, international treaties, government regulation and the sources and vehicles of financing. A discussion of personal service contracts will include an examination of the basic terms and types of agreements, together with tax considerations.

The distribution and licensing component of the industry will be studied, including an examination of the basic motion picture distribution agreement, the market for the product itself as well as ancillary rights and government regulation.

We will have sessions with respect to book publishing, live theatre and the music industry.

We will study industry regulation in general, including the concept of "Canadian content", government incentives, censorship and proposals for reform.

### *2. Sports Law*

In the sports law section of the seminar, we will study a sample standard player contract and focus on contract negotiation, collective bargaining and the constitutions of the various professional leagues. We will examine the phenomenon of discipline of players and judicial review, including discipline imposed by the employer club and the league.

The concept of "inducing breach of contract" in the sports context will be discussed, including the issue of "tampering", together with a practical case study involving a player wishing to retire from one sport to play in another sport. We will analyze the traditional problems involved in breach of contract and the remedies for breach, within the context of the sports industry. Finally, we will focus on the concept of restraint of trade in the sports industry, including common law and statutory anti-trust law.

Evaluation: Seminar participation and research paper.

## **Entertainment & Sports Law**

(3840.03 P) *Seminar*

Instructor(s): L. Honickman, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

This seminar will focus on the substantive legal issues in the world of entertainment and sports law from a litigation perspective. The seminar will involve a review of the pertinent case law in areas such as appropriation of personality, privacy, breach of contract, and sports law litigation in the criminal and civil context. A major focus of the seminar will be on media litigation in the areas of defamation, publication bans and contempt of court issues.

Each week, students will be given a hypothetical fact situation to examine for the following seminar. Applying the existing case law, students will argue and discuss how they feel a court would determine the hypothetical problem. As such, this seminar will be of particular interest to those students contemplating a career in litigation.

Evaluation: Class participation (30%); research paper (70%).

## **Environmental Law**

(2880.04) *Course*

Instructor(s): Professor S. Wood

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion, guest lectures, student presentations

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

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

## **Estate Planning**

(5110.03) *Seminar*

Instructor(s): M. Rochweg and M. Berry, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: All prerequisite alternatives and Business Associations

Presentation: Discussion, lectures and guest speakers.

*Expected to be offered in alternating years. Offered in 2008-09 and expected to be offered in 2010-11.*

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

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

## **Estates**

(2050.04 A) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

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

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper (25 pages). If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

## **Estates**

(2050.04 P) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

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

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper (25 pages). If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

## **Evidence**

(2490.03 B) *Course*

Instructor(s): J. Morton, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, problem solving

This course explores evidence from a civil, criminal and administrative law perspective. Emphasis is placed on a practical understanding of how the law is applied in court. Recent caselaw developments will also be analysed. Topics covered include hearsay, opinion evidence, character evidence, competence and compellability of witnesses and the role of counsel and the court.

Evaluation: Grading is based on a 100% closed book final exam, although a paper option for part or all of the grade will be available.

**Evidence**

(2490.04 A) *Course*

Instructor(s): Professor M. Pilkington

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures; discussions; problem solving.

This course deals with the basic principles of civil and criminal evidence law. In particular, the following topics will be examined: the interests served by evidence law in the adversary system; the roles of judges and counsel and their professional obligations; adjudicative and legislative facts; relevancy and admissibility; the hearsay rule; confessions; opinion evidence; credibility; character evidence; similar fact evidence; privileges; onuses and burdens of proof; presumptions; judicial notice; and the impact of the *Charter of Rights and Freedoms*.

Evaluation: 100% open book examination; option to write a case comment for 25% of the final grade.

**Evidence**

(2490.04 P) *Course*

Instructor(s): R. Litkowski & L. Strezos, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture and problem solving exercises.

This course will provide students with an essential overview of the law of evidence. The rules of evidence are fundamentally about the fair search for truth in the trial process. For students wishing to practice trial advocacy, understanding the rules of evidence and their application is essential. Starting with the origins and development of the law of evidence, this course will canvass the theoretical, practical and policy issues that animate the Canadian approach to the admissibility of evidence. The course will examine the most frequently litigated issues including exclusionary rules, examination of witnesses, objections, privilege and third party privacy interests. By the end of the course students should have a firm understanding of the basic rules of evidence and their underlying policy rationale. The course will be a combination of lecture and problem solving exercises.

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

## **Family Law I**

(2060.04 A) *Course*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, and problem-solving

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

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

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

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

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

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

## **Family Law I**

(2060.04 B) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures and discussion

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

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

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

Evaluation: This course will have an in-class midterm that examines students on the first several sections of the course. A final examination covering the remaining sections will be held during the exam period. A part of this final exam will include a take home component directed to policy issues in family law. This component will be distributed two weeks before the end of term and due the day of the exam.

## **Family Law I**

(2060.04 P) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, small group work, film, discussion

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

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

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

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

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

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

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

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

Evaluation: Evaluation: This course will have an in-class midterm that examines students on the first several sections of the course. A final examination covering the remaining sections will be held during the exam period. A part of this final exam will include a take home component directed to policy issues in family law. This component will be distributed two weeks before the end of term and due the day of the exam.

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

(5120.03) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion, student presentations

This seminar focuses on family law policies and processes of family law reform. It explores critically underlying assumptions about families and family law in relation to the legislative and judicial development of family law policies and dispute resolution. The course assumes that students have a basic knowledge of family law in Ontario, and examines recent and proposed reform proposals in the context of fundamental theories and social policies.

The seminar will focus initially on readings about theories and policies in family law, using one or more examples to explore the impact of the processes for family lawyers and their clients. Students will be expected to participate in discussions, and to make brief presentations on assigned materials. In addition, students will choose a topic for a research essay that examines the policy process in relation to a specific issue of family law reform, linking the course materials and discussions to their essay topics.

Evaluation: Research essay and seminar participation:

Participation includes class discussion and one or more brief presentations; submission of an outline/ bibliography for the research essay; and meeting with the instructor to discuss the research essay. It is normally expected that the research essay will be about 25 to 30 pages in length, using standard citation format and providing a bibliography. Topics for the research essay may be chosen by students (with the instructor's permission). Submission of a draft essay for feedback is encouraged.

## **First Nations and the Law**

(3880A.03) *Seminar*

Instructor(s): Professor K. McNeil

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

Prerequisite Courses: none

Preferred Courses: Native Rights or Rights of Indigenous Peoples

Presentation: Instructor-led discussion of materials

This seminar will address selected issues involving the rights of the Aboriginal peoples of Canada, who include the Indians, Inuit and Métis. Emphasis will be on self-government and contemporary resolution of 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 they 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 rights. The paper will be worth 80% of the final grade. The other 20% will be based on class participation.

### **Forensic Science & the Law**

(3690.03) *Seminar*

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

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

Prerequisite Courses: none

Preferred Courses: none

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

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

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

### **Freedom of Expression and the Press**

(3002.03) *Seminar*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion

The purpose of this seminar is to study freedom of expression and the role of the press in some depth, with an emphasis on the interpretation of section 2(b) of the Charter of Rights and Freedoms. We will subject the underlying rationales for expressive freedom and the legitimacy of state regulation to critical analysis. After commencing with a review of the jurisprudential literature, the analysis is extended across a range of issues, including: the speech-conduct distinction; access to public fora; seditious libel, defamatory speech and hate propaganda; obscenity and child pornography; political expression and the electoral process; professional advertising and commercial expression; and compelled expression. We will also examine issues of particular concern to print and broadcast media, including access by the media to judicial and quasi-judicial proceedings; publication bans and other prior restraints; reporter's privilege and the news gathering function.

Evaluation: Evaluation: Research paper (75%); participation (25%).

## **Globalization & the Law**

(2008.03 P) *Course*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Presentation: Primarily discussion, with some lecturing by instructor or guest lecturers, small group work, and multimedia.

Note: This course will be taught Mondays & Wednesdays starting Jan. 19th through to April 2nd, 2009

(M 2:40 - 3:30 and W: 2:40-4:30 p.m.)

Note: This course is a mandatory foundation for students in the International, Comparative and Transnational (ICT) Law Program, but is open to any first-year student regardless of intent to enter the ICT Program. Students will normally take the course as their Perspective option in second semester of their first year. Special permission may be granted to take the course in second year to students who wish to enroll in the ICT Program and have a compelling reason for not taking the course in their first year.

This course asks students to consider the changing role of law (both domestic and international) in the context of globalization. It will include a critical consideration of the framework concept of 'globalization', as well as an examination of its implications both for the law of the state and law beyond the state. The course provides an introduction to emerging practices of transnational governance, both those generated by international institutions such as the WTO, the ILO or the World Bank, as well as the wide range of 'informal' norms generated by corporations and business networks, consulting and law firms, sectoral organizations, non-governmental organizations (NGOs), and expert communities - and by the interactions of some or all of these actors. The premise of the course is that the study of emerging transnational legal regimes needs to be contextualized within a broader understanding of political, social, cultural and economic transformations associated with globalization. To that end, the course will be organized as a series of modules utilizing a range of interdisciplinary materials and drawing on case studies in a number of key areas where global transformations are most acute and/or turbulent. Themes to be considered will include the changing role of the state, models of transnational governance including international economic institutions and networked governance, the expanding role of nonstate actors in these governance models, and the ways in which these changes differentially impact states in the North and the South.

Evaluation: Term paper (5000 words) 75% grade; paper proposal/outline (due by midterm) 10%, participation 15%.

## **Human Rights in Africa**

(2450.03) *Course*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion, and participation in a transnational electronic classroom linkage

This interdisciplinary course explores the history, nature, problems, achievements, and prospects of human rights promotion and protection on the African continent – paying particular attention to the relevant discourses, norms, institutions and practices.

During this 2008/09 academic year, this course will be taught in part as a “*transnational electronic classroom*” course. This means that while students will be enrolled in and participate mostly this Osgoode course, part of their pedagogic experience within this course will involve substantial linkages and interaction (or even collaboration), *primarily via the use of the internet and audio-conferencing*, with students at similar course that will be offered at a partner law school in Nigeria.

The objectives of this course are:

to provide students with a much deeper and broader understanding of the legal, social and institutional contexts and frameworks in which human rights activism takes place on the African continent

to expose students to the hitherto under-explored innovations in human rights thought, languages, and practice that have been fostered by African human rights thinkers, activists, and institutions – innovations that have had, and continue to have, global implications.

to equip students with the foundational knowledge(s), understandings and skills that they require in order to engage effectively with human rights issues affecting African peoples.

To allow students at Osgoode and the partner law school to exchange ideas and learn directly from each other in the area of human rights in Africa

The subject matter of the course may include some or all of the following:

Alternative Conceptions of Human Rights in Africa

The access of Africans to pharmaceuticals

Land re-distribution in Africa

Military rule and democratization in Africa

Human rights NGOs and Movements in Africa

Women's movements in Africa

The activities of multinational corporations in Africa

The adjudication of economic and social rights in Africa

Minority rights struggles in Africa

The African human rights system

National human rights commissions in Africa

This course offers in-class instruction in an interactive lecture/discussion format. Students will be encouraged to participate in both physical in-class and “transnational electronic classroom” discussions and engage with both the readings and with students at the partner law school. Such participation in in-class discussions and in the “transnational electronic classroom” interactions will attract a portion of the final course marks.

Evaluation: Students in this course will receive a letter grade for a combination of in-class participation (15%); internet postings (blogs) or discussion board postings or other participation (outside class times) in interaction with students at the partner law school (15%); and the research paper (70%).

### **ICT Colloquium**

(5810.03) *Seminar*

Instructor(s): Professor C. Scott

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

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 culmination for students' studies in the ICT Program. Each year, a series of topics and/or a theme is chosen which fits the objective of a synergy of all three of the international, comparative and transnational law strands of ICT and which is heavily oriented to advanced interaction amongst, and participation of, the seminar students. Aspects of global business regulation are expected to feature every year given that this is an area in which issues of a combined ICT nature are abundant and crucial for both doctrinal and conceptual understandings of the evolution of law in the twenty-first century.

In 2008-2009, the focus of the course will be primarily on grappling with theories and practice related to "transnational law", especially in terms of how this concept relates to comparative law, public international law, and private international law (conflict of laws). It is expected that three disparate areas of legal regulation will be contrasted in order to tease out what it could or should mean to speak of transnational law. These areas will be maritime law (including understanding it as a sub-field of global business regulation as well as a space for the human rights protection of migrant workers, notably seafarers); art law (including a focus on how law deals with tensions between the focus on art as a global commodity versus art as an aesthetic and expressive practice); and law relevant to regulating terrorism and counter-terrorism (including how transnational conceptions of security and of human rights intersect). One methodology for the seminar will be for participants to ask what differences it makes (or does not make) to sidestep traditional (invariably state-centred) sources of law as a starting point for inquiry and instead to work from the ground up by focusing on law's relationship to transnational empirical realities as regulatory 'targets' or contexts (actors, phenomena, physical space, objects).

The Colloquium will include visits from faculty members and outside visitors, and ensuing discussion. Visits may include virtual participation by video or audio connection to the class.

Evaluation: (A) research paper (80%), (B) Class participation (10%), and (C) Class attendance (10%).

## **Immigration**

(4270.04) *Course*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: none

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

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 Assignment (10%), Open-book examination (90%)

### **Individual Employment Relationship**

(2550.03) Course

Instructor(s): S. Ball, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion

Most Canadian employees are not unionized. This course focuses on the law relating to the individual employer-employee relationship (i.e. non-organized employment). It includes the law traditionally characterized under the head of "master and servant", which is concerned with wrongful dismissal, but extends well beyond that. In addition to the common law governing employment relationships, the course will examine the floor of irreducible rights with respect to a wide variety of the employment benefits provided by employment standards legislation. While each Canadian province and the federal jurisdiction provide such legislation, the focus will be Ontario and the *Employment Standards Act, 2000* (although other jurisdictions will be examined to the extent that they provide important points of contrast). Other statutes such as the *Human Rights Code* will be examined to the extent that they modify or supplement the legal rights and obligations created and imposed by the common law of employment. The goal of the course is to provide a comprehensive overview of the substantive law of employment and the procedures for this law's enforcement. The general topics to be covered are: the legal background and contemporary context of the individual employment relationship; formation of the employment relationship; special express and implied terms in employment contracts; the rights and obligations of employers and employees under the contract of employment and protective legislation; termination of employment; fiduciary duties; breach of confidence; post employment competition; tort and vicarious liability; *Canada Labour Code* unjust dismissal; legal ethics and practice in the context of employment.

Evaluation: 100% open-book final examination or 75% open-book final examination and 25% short paper.

### **Insurance Law**

(2280.04) Course

Instructor(s): B. Tough, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 75

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, class discussion

This course is intended to provide the students with an overview of some of the major issues in insurance law.

The course deals extensively with property and liability insurance. Some time will be spent on professional liability insurance such as that carried by lawyers and on directors and officers liability insurance. Life and disability insurance will be taught only in the general insurance law context. Motor vehicle insurance will be covered in two or three lectures and will deal primarily with an overview of the current motor vehicle insurance scheme and its operation.

The course will focus on the interpretation of insurance contracts, duty of good faith, types of coverage, misrepresentation, duty of disclosure, claims procedures and duty to defend.

Course reading will primarily be case law and insurance policies. The aim of the course is to enable students to gain experience in reviewing insurance policies in the context of specific fact situations. In class discussion of specific fact situations will be encouraged.

Evaluation: 100% final exam or, at the election of the student, a paper as part of the final grade.

## **Intellectual Property**

(2970.04) *Course*

Instructor(s): Instructor: Professor G. D'Agostino

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, class discussion

This course will provide students an opportunity to survey all areas of IP: copyright, trade-marks, patents and other important areas such as trade secrets, industrial designs, integrated circuit topographies, and plant breeders' rights. 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: (1) 15% 2 legal comments on [ipilogue.ca](http://ipilogue.ca) (comment 1 is 500 words; comment 2 is 250 words); and (2) 85% open book exam.

## **Intellectual Property & Cognitive Science**

(5420.03) *Seminar*

Instructor(s): C. Spring Zimmerman and Dr. R.M. Corbin, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, case studies

The broad objective of this seminar is to examine the relationship between intellectual property law and the theories, behavioural laws and methodologies of behavioural science. Issues dealing with trade-mark, trade name and domain name laws, copyright laws, and patent laws arise from the conflict between the rights of the possessor of a mark, a name or an intellectual property right and a desire on the part of another to use something similar to, imitative of, confusing with or identical with it. The conflict arises because of fundamental deficiencies in human perception, memory and decision and limitations on the speed of human processing of information. The limitations on human information processing, in the broad sense, create opportunities to confuse, deceive, pass off and so on. These opportunities have led to infringements and/or violations of intellectual property laws and, in turn, to laws to regulate and control such activity. As well, courts have been having to deal with these laws and the issues which arise.

Given the tremendous developments in cognitive theory and methodology over the last 50 years, it is no longer reasonable for courts to decide on infringement, violation and measurement issues in the absence of social science data. Speculation alone by judges is insufficient for optimal resolution of such issues. The seminar will study the fundamentals of intellectual property law, including possible causes of action and the influence and importance of behavioural sciences, together with the preparation and use of such evidence, in the intellectual property law context.

Evaluation: Two reports (each 4 – 5 pages) on assignments (20% each). Class contribution (10%). Major paper on student's chosen topic or case critique about 4,000 words in length (50%).

### **Intensive Legal Research & Writing**

(3920.03) *Seminar*

Instructor(s): Instructor: Professor J. Davis

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, skills-development exercises

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

Evaluation: Evaluation: The grade is determined on the basis of a two-part assignment consisting of a research paper (Part I) and an accompanying "meta-paper" (Part II) which comments on 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. In addition, there will be a number of ungraded research and writing exercises earlier in the term, the purpose of which is to provide feedback on work in progress towards the final assignment.

## **International and Comparative Family Law**

(5140.03) *Seminar*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

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

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

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

The seminar will then progress to an examination of the traditional common law conflict of law principles that touch on family law matters, including jurisdiction and recognition and international enforcement of foreign family law orders. Consideration will then be given to the modification of the common law regime by treaty and legislation, including the various Hague Conventions that apply to family law issues. Further attention will be given to the United Nations Convention on the Rights of the Child as well as other human rights treaties. Each regime will be considered in the context of its impact upon domestic legal issues in Canada.

The six main area of family law will be examined through the lenses of comparative and international law, including marriage, divorce, matrimonial property, adoption, custody, and support.

Evaluation: 1. Final Paper (80%): Students must submit a final research paper worth 70% of the final grade. The paper should be approximately 30 pages double-spaced. Paper topics are to be selected by the students with the proviso that they draw upon the subject matter and substantive areas of law contemplated by the course. Paper topics must be vetted by the professor via the submission of a proposal:

2. Paper Proposal (10%): Within the first month of term, students must submit a brief 5 page, fully sourced proposal outlining the substantive area of their final paper, the theoretical concerns and arguments it will advance, and a description of the areas of law and society they will be drawing upon. The proposal should have a detailed bibliography attached.

Student Questions (10%): On a rotating basis, students will be selected to submit questions on the course reading materials and lead the class discussion.

### **International Courts & Tribunals**

(2442.04) *Course*

Instructor(s): Professor Sharon A. Williams

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers

The aim of this course is to give participating students an in depth view of the law, practice, procedure and functioning of some selected international tribunals and courts that now permeate the international legal system. For example, the course will focus on the *ad hoc* Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, the International Criminal Court and the International Court of Justice.

Evaluation: *Option 1* : 100% three-hour open-book examination; *Option 2* : 75% three-hour open-book examination (same as for Option 1) plus a 25% research paper (15 to 20 pages). Research papers are due on the day of examination in the course.

### **International Criminal Law**

(2440.04) *Course*

Instructor(s): Professor Sharon A. Williams

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers

The course is intended to offer students interested in international law and criminal law an opportunity to deal with trans-national and international offences. Part I of the course deals with jurisdiction over offences that involve more than one country. Part II is concerned with mutual assistance in criminal matters and the emphasis is on extradition to and from Canada. Part III of the course deals first with genocide, crimes against humanity and war crimes, international and national prosecutions for such crimes and secondly with international terrorism.

Evaluation: *Option 1* : 100% three-hour open-book examination; *Option 2* : 75% three-hour open-book examination (same as for Option 1) plus a 25% research paper (15 to 20 pages). Research papers are due on the day of examination in the course.

### **International Dispute Resolution: Vis Moot**

(3007A.03) *Seminar*

Instructor(s): Professor J. Walker

Fall: 3 credits; 2 hours; max. enrollment: 16

Prerequisite Courses: none

Preferred Courses: none

Presentation: Student Moot Presentations, discussions.

The focus of this advanced seminar is on the arbitration of international commercial disputes under the UN Convention on the International Sale of Goods (CISG). Following introductory sessions providing background on international commercial arbitration, the UNCITRAL Model Law, and the CISG, students prepare and present written and oral submissions on the various issues arising in the case set for the Willem C. Vis International Commercial Arbitration Moot. This provides an active learning experience integrating legal research with written and oral advocacy.

The Osgoode Team for the Vis Moot is selected near the end of the term based on the quality of the written and oral presentations throughout the term. In the seven years in which Osgoode has participated, we have excelled in the Competition, winning the 11th Moot in 2004, the Top Oralist award in the 13th Moot in 2006, the 3rd Best Oralist in the 15th Moot in 2008, and oralist and memoranda prizes in each of the past six years.

Evaluation: Evaluation in the seminar will be based on in-term written assignments and a draft factum.

### **International Environmental Law**

(4880.03) *Course*

Instructor(s): R. King, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers

This course will examine the legal and policy responses to environmental issues that are multi-jurisdictional or global in nature. The course begins by examining the historical development of international legal norms, regimes and institutions designed to address major environmental issues. From there, the course will examine a number of the specific international environmental law regimes, including climate change, ozone depletion, biodiversity, hazardous waste exports, protection of the marine environment, and environmental issues associated with trade liberalization. The examination of these regimes will give rise to a number of recurring issues: (a) problems of monitoring and enforcement; (b) the role of non-state actors; (c) common but differentiated responsibilities as between developed and developing states; and (d) choice of instruments (e.g., taxes, direct regulation, market-based mechanisms, etc.)

Evaluation: 75% research paper, 25% class participation

### **International Human Rights Law**

(3440.04 A) *Seminar*

Instructor(s): Visiting Professor D. Dakas

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Taught intensively - Mon/Wed. Sept. 3rd through to Oct. 22. Seminar time devoted to a combination of the varying forms of active student participation, in addition to lectures and discussions.

A seminar designed to provide an overview of both the nature of international human rights discourse and the international system for the protection of human rights. Seminars will consider the philosophical basis of international human rights; the generational theme in human rights discourse; examine the nature and scope of the human rights obligations established by international law; compare and contrast the mechanisms for enforcing human rights norms at the international and regional level, through individual and interstate complaint procedures, periodic reporting requirements, economic sanctions, and other means, the domestic application of international human rights norms; and evaluate the important role played by non-governmental organizations.

Throughout, there will be consideration of some of the particularly challenging areas of international human rights law, including the politics of human rights, gender-related concerns, questions of cultural relativism, and the capacity of international law to contribute to social and economic reform.

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

### **International Human Rights Law**

(3440.04 P) *Seminar*

Instructor(s): Professor C. Scott

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar time devoted to a combination of the varying forms of active student participation, in addition to lectures and discussions.

This is a seminar designed to provide a general and selective overview of both the nature of international human rights discourse and the international system for the protection of human rights, in order to provide a foundation for students to pursue their individual research interests. Seminars will consider the philosophical basis of international human rights, in terms of the intersection of legal, political and moral theories relevant to protection of human dignity beyond (while still in tandem with) states' own legal orders. Philosophical concerns will be embedded in an attention to the operation of power differentials at various levels and in an attention to challenges in the conceptualization and operation of international law. The course will also provide an introduction to general processes, structures and guiding doctrines relevant to understanding the nature and general scope of international human rights obligations. In terms of mechanisms for interpreting and seeking compliance with human rights norms at the international level, the focus will be on the United Nations system but there will also be, by way of illustration, some attention to institutions at the regional level (Europe, Africa and the Americas). The final two or three classes in the semester are devoted to students presenting the outlines of their paper-in-progress and receiving feedback from colleagues in the class.

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

### **International Investment Law**

(3100.03) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar discussion

This seminar will examine current developments in international investment law and investment arbitration. The primary subject matter will be the public international law, and to a lesser extent domestic law and policy, that governs the regulatory relationship between sovereign states and foreign investors. Special attention will be paid to investment treaties including bilateral agreements and regional agreements that contain investment provisions (e.g. NAFTA). The seminar will also examine the burgeoning body of arbitration awards pursuant to investment treaties as well as relevant domestic court decisions. Anticipated topics include: policy issues in investment regulation; domestic regulatory models; background to investment treaties and relevant arbitration treaties; relevant arbitration institutions and rules; international standards including expropriation, fair & equitable treatment, national treatment, and most-favoured-nation treatment; issues of jurisdiction and admissibility in investment arbitration; umbrella clauses; defences; remedies; recognition and enforcement of awards. The aim is to provide students with a sound grounding in technical issues while affording opportunities to engage in critical discussion of this area of the law and possible reforms.

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

### **International Law of South-North Relations**

(5940.03) *Seminar*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: none

Preferred Courses: Public International Law

Presentation: Discussion

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

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

## **International Research and Placements**

(5610.03) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

Credits: 3 or 4 credits allocated in consultation with instructors. 4 credits may qualify as Upper Year Research and Writing Requirement. This is a full year course. While credits for students will be allocated in the Winter term, substantial work effort will be required in the Fall term (including a requirement to submit a detailed proposal to the partner for approval and a plan of work).

Supervised Research: Supervision will be provided by the course instructor in consultation with the partner organizations. As needed, additional (co-) supervision may be provided by another full-time faculty member, alone or in association with external supervisors in partner organizations.

Collaborative Research Teams: Within the framework of the course, students receive research-for-credit for work done as part of a Collaborative Research Team (CRT) on themes related to international, comparative and/or transnational law. Students based at Osgoode 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. It is emphasized that CRTs do not involve a placement abroad, although it is not precluded that the for-credit work may arise out of or be followed up by additional work with the global partner.

For 2008-09, projects with three global partners are confirmed: Amnesty International, Disability Rights Promotion International and Centre for Refugee Studies. The projects are in the areas of disability rights, refugee law and Canada's international human rights obligations. Additional projects are in development. For detailed descriptions of available projects, please refer to the instructor's course website.

Enrollment: Students should enroll in the course for the winter term as they would any other course, selecting the number of credits (3 or 4) which they require. In addition to enrolling online, however, students are requested to complete and submit a 'preference form' indicating which projects they would be interested in working on. On the "Collaborative Research Team" site, download the CRT Preference Form and enter the requested information. Then, email the form as an attachment to the instructor, whose e-mail address is indicated on the site.

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 in allocating research and writing responsibilities, providing work in progress as required and in sharing ideas and information. Periodic meetings amongst CRT members is expected, 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 partners and local co-supervisors (faculty and/or non-faculty) will also be part of the expectations.

## **International Research and Placements**

(5615.04) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

Credits: 3 or 4 credits allocated in consultation with instructors. 4 credits may qualify as Upper Year Research and Writing Requirement. This is a full year course. While credits for students will be allocated in the Winter term, substantial work effort will be required in the Fall term (including a requirement to submit a detailed proposal to the partner for approval and a plan of work).

Supervised Research: Supervision will be provided by the course instructor in consultation with the partner organizations. As needed, additional (co-) supervision may be provided by another full-time faculty member, alone or in association with external supervisors in partner organizations.

Collaborative Research Teams: Within the framework of the course, students receive research-for-credit for work done as part of a Collaborative Research Team (CRT) on themes related to international, comparative and/or transnational law. Students based at Osgoode 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. It is emphasized that CRTs do not involve a placement abroad, although it is not precluded that the for-credit work may arise out of or be followed up by additional work with the global partner.

For 2008-09, projects with three global partners are confirmed: Amnesty International, Disability Rights Promotion International and Centre for Refugee Studies. The projects are in the areas of disability rights, refugee law and Canada's international human rights obligations. Additional projects are in development. For detailed descriptions of available projects, please refer to the instructor's course website.

Enrolment: Students should enroll in the course for the winter term as they would any other course, selecting the number of credits (3 or 4) which they require. In addition to enrolling online, however, students are requested to complete and submit a 'preference form' indicating which projects they would be interested in working on. On the "Collaborative Research Team" site, download the CRT Preference Form and enter the requested information. Then, email the form as an attachment to the instructor, whose e-mail address is indicated on the site.

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 in allocating research and writing responsibilities, providing work in progress as required and in sharing ideas and information. Periodic meetings amongst CRT members is expected, 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 partners and local co-supervisors (faculty and/or non-faculty) will also be part of the expectations.

## **International Taxation**

(4150.04) *Course*

Instructor(s): Professor J. Li

Winter: 4 credits; 4 hours; max. enrollment: 35

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, lecture, problems, guest speakers

The overall objective of the course is help students learn. The subject of learning is becoming important for a small and open country such as Canada. The globalization of trade and investment flows is having a profound effect on the practices and policies of income taxation and on the ways Canadian corporations doing business. More specifically, this course provides students with the opportunity to study tax law in a global context. It covers both domestic tax law and tax treaties. Specific issues include jurisdiction to tax, non-residents investing in Canada; cross-border services; Canadian investing offshore; the foreign affiliate system, foreign tax credit, electronic commerce; and transfer pricing.

Students are treated as forthcoming legal professionals. Each module of the course is designed to help students further develop a set of basic skills, such as statutory interpretation, problem solving, presentation, and team work. In stead of a 3-hour exam, students will be given assignments during the term so that the assignments are part of the learning process. Students are also encouraged to use the opportunity to further their research and writing skills through writing a research paper.

Evaluation: · Option One: 20% for class participation and presentation, and 80% for a major research paper.

· Option Two: 20% for class participation, and 80% for two take-home assignments (one before reading and one at the end of the term).

## **International Trade Regulation**

(2290.04) *Course*

Instructor(s): C. Gastle, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

This course surveys the public laws of international trade from a Canadian perspective. The course addresses various trade regulation regimes affecting the conduct of international trade to and from Canada, with a particular focus on the World Trade Organization, the General Agreement on Tariffs and Trade, and relevant Canadian trade laws. The course also introduces students to basic policy aspects of international trade law developed from economic theory, international relations theory and globalization studies. Particular subjects for discussion will include: the theory of comparative advantage; strategic trade theory; sovereignty and game theory; WTO/GATT treaties and institutions; dispute settlement; trade in goods; nondiscrimination principles; trade law and non-trade objectives; subsidies and countervailing duties; antidumping measures; trade in services and the GATS; trade and intellectual property; trade and investment; and regional free trade areas such as the NAFTA.

Evaluation: Open-book examination.

### **Jewish Law**

(3770.03) *Seminar*

Instructor(s): J. Richler, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

This seminar is intended to provide students with an introduction to Jewish Law as a self-contained, comprehensive, dynamic and evolving legal system. The seminar will examine the sources and development of Jewish law, its precedents and principles of adjudication. It will focus on the relationship between the rights of the individual and the needs of the community in the Jewish legal tradition. The seminar will explore contemporary topics in Jewish law pertaining to the status of the individual, issues of human rights and dignity and bioethics. The only text required for this seminar will be a readings package available at MDC.

Evaluation: Research paper and class participation.

### **Joint LL.B/M.B.A. Seminar**

(3820.03) *Seminar*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion

This special seminar is intended to integrate the law and business aspects of the Joint LLB/MBA Program. Examples of topics that have been discussed in previous years include: the relationship between business associates and their professional advisors, valuation methodologies, innovative financing techniques such as asset-backed securities and hedging instruments, private equity and venture capital, strategic planning, going-private transactions, leveraged buyouts, corporate turnarounds and CCAA workouts, real estate finance, the enforcement of securities laws, defensive takeover strategies, business ethics and recent legislative developments such as multi-jurisdictional securities disclosure rules. Senior members of the business community and legal and accounting professionals will be invited from time-to-time to participate in the seminar.

\*NOTE: This seminar is mandatory for students in the 4th year of the Joint LLB/MBA program. Other students with equivalent background may be accepted into the seminar with permission of the instructor.

Evaluation: Research paper - 80%;

Class participation - 20%.

### **Jurisprudence**

(2720.03) *Course*

Instructor(s): Professor L. Green

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

This seminar offers a critical introduction to some leading themes in contemporary analytic jurisprudence. Its approach is philosophical, not historical or sociological. Among other problems, we will explore: theories of the nature of law and legal systems, legal reasoning, the normative character of law, legal rights and obligations, the relationships between law and power and law and justice, the objectivity of law, and the rule of law.

In a seminar-discussion format, we approach these issues through a close study of four central books in modern legal theory: Hart, *The Concept of Law*; Fuller, *The Morality of Law*; Raz, *The Authority of Law*; and Dworkin, *Law's Empire*.

Term papers may be on any topic within the purview of the seminar.

Evaluation: Short discussion note (10%), weekly comments (10%), term paper (80%).

### **Labour Arbitration**

(5070.03) *Seminar*

Instructor(s): C. Rowan & M. Lewis, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: Evidence, Administrative Law

Presentation: Tutorial discussion, simulation, visitors

Labour arbitration was one of the premiere "alternate dispute resolution" processes to be established. In order to achieve industrial peace, productivity and competitiveness, the grievance and arbitration process was designed to provide speedy, expeditious and expert resolution of work place disputes during the life of the collective agreement.

This seminar will begin by examining the machinery of the grievance and arbitration process. Students will also explore a variety of topics, such as the role of the arbitrator, private and public arbitration processes, the nature of the jurisdiction of arbitration boards, evidence and advocacy issues, and judicial review of arbitration awards.

The general focus of the seminar will be a critical analysis of arbitration practice and theory in order to determine if modern labour arbitration is fulfilling the purpose for which it was designed.

Evaluation: Seminar participation and contribution (30%); mock hearing and written assignment (70%).

### **Labour & Employment Law**

(2315.04) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion

The purpose of the course is to provide students with a foundation for engagement with labour and employment law. It will provide students with an overview and working knowledge of Canadian labour and employment law including the common law individual contract of employment, minimum standards legislation and regulations, and collective bargaining law. The role of the *Charter of Rights and Freedoms* as it pertains to labour and employment law will also be explored. The course examines the role of institutions, including legislatures, government departments, administrative tribunals, arbitration boards and courts. It also is attentive to the historical, social, economic and political context within which labour law is created and operates.

Evaluation: 100% final examination; or writing an additional form of evaluation (research paper, case comment, etc.) for up to 75% percent of the final grade and the final examination for the remainder (the value of the additional form of evaluation will be determined by the instructor through discussions with the student); or in exceptional circumstances, writing a research paper for 100% of the final grade.

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

(5550.03) *Seminar*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

Employment and labour relations have been transformed in the past twenty years and the pace of change is accelerating. The inter-related phenomena of globalization, restructuring, neo-liberalism, and feminization have contributed to these changes. One result is that employment and labour law are in a state of flux, but arguably have not adequately responded to the challenges posed by the changing reality of the labour market. In order to assess existing law and to devise appropriate reforms, labour lawyers need to be aware of how the labour market operates and the changes it is undergoing.

This seminar will examine contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. Theoretical perspectives will include neoclassical economics, institutional economics and Marxist political economy. Attention will be paid to understanding labour market trends, including the growth of precarious employment, vertical and horizontal disintegration of production, increased labour force participation by women, and the problems experienced by young workers. The implications of these and other trends for various statutory schemes, including minimum labour standards and collective bargaining will be considered, as will its implications for the common law contract of employment. The role of constitutional and international law may also be considered.

Evaluation: 1. Major research paper (70%), paper presentation (20%), commentary (10%)

### **Land Development & Commercial Real Estate Problems**

(5160.03) *Seminar*

Instructor(s): M. G. Gross, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

The seminar deals with a broad range of subject matter within the context of land development and commercial real estate. Its focus is on developing problem-solving techniques to deal with the issues raised by the subject matter. The areas covered by the seminar include planning and land use control issues related to subdivisions, urban developments and commercial real estate; drafting of agreements of purchase and sale; discussion of various business entities used in real estate transactions such as limited partnerships, joint ventures and co-tenancies; current problems respecting condominiums; a discussion of institutional and secondary financing consideration of ground leasing techniques; mixed use developments, public-private partnerships and commercial leases.

Evaluation: One term paper at end of term involving problem solving based on class discussions and course materials.

## **Law And Economics**

(2560.03) *Course*

Instructor(s): M. Panezi, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Presentation of readings by students, interactive approach, strongly based on student participation and class discussion. Note: This course will be taught Wednesdays from January 19th through to April 1st, 2009.

This course mainly looks at the theoretical foundations and the interpretative value of economic analysis of law. It begins with a historical overview of the development of the field, and then moves into looking how it affects different areas of law such as tort law, property law, international trade law, etc. Finally, it looks at the argumentative value of economic analysis of law in legal theory. It aims at developing a critical stance towards economic analysis as an interdisciplinary approach to law. The readings are mostly but not exclusively taken from Canada and the U.S.

Evaluation: Research paper: 75%;

Class participation: 25%.

## **Law & Psychiatry**

(3240.03) *Seminar*

Instructor(s): L. Patton & L. Romano, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion and Student Presentations

This seminar explores the legal framework and the broader 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, defences, Ontario Review Board dispositions and sentencing. The civil commitment regime is reviewed with emphasis on: legislative structure, issues arising from state institutional detention and hospital/practitioner liability. The law of treatment capacity and decision-making is also covered, tackling *Charter* issues relevant to the debate surrounding the right to autonomy versus the right to treatment. Additional topics include: capacity to instruct, criminalization of the mentally ill, seclusion and restraint, patient sexuality, and the *International Convention on the Rights of Persons with Disabilities*.

Typical seminars will be divided into two portions: the first hour covering procedural issues and the second focused on policy. Guest speakers will provide unique perspectives on many of the issues covered.

Evaluation: Major paper (60%), class presentation on a reading (10%), 3-5 page reflective piece (20%) and class attendance/ participation (10%).

## **Law & Social Change in Latin America**

(5190.03) *Seminar*

Instructor(s): J. Colon-Rios and F. Luce, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Collaborative research

- The course operates electronically through a group blog throughout the calendar year
- Students are encouraged to conduct their research in a collaborative manner through a free and open exchange of information and sources
- Students are encouraged to meet informally in furtherance of their research objectives
- Information about special events are posted on the group blog
- Students are encouraged to access the resources which are available through CERLAC

This is a seminar course which analyses the relationship between law and social change in various Latin American countries. This year the course is structured around the themes of 'democratic constitutionalism' and the 'new developmental state', with emphasis on the relation between indigenous peoples and the state and the intersection of gender, race and class. The course studies a region in which democratic institutions are historically contingent in an era in which the 'new developmental state' has emerged to replace dictatorship. The method is inter-disciplinary and participatory, encouraging participants to engage in collaborative research, including Osgoode's ongoing collaborative research project on Canadian mining activity in Latin America. The course is accessible to undergraduate law students and graduate students from law or any other disciplines. Graduate students from other disciplines are strongly encouraged to apply. Students are expected to write and present a research paper, to participate in seminar discussions, and to participate in the course blog.

The ability to read and understand the Spanish language to the satisfaction of the instructor is a prerequisite. The assigned readings give access to the wealth of scholarly work currently being produced in the region. This work is not generally available in translation so the ability to comprehend complex ideas in the Spanish language is essential. Seminar discussions will take place in Spanish or English, at the choice of the participant, and written work may be in Spanish or English. The course gives students with an ongoing connection to the region the opportunity to explore legal issues relevant to their area of interest and students with particular knowledge of the region are encouraged to contribute to the teaching process. An objective of the course is to develop a critical mass of scholars in Canada who are familiar with the Latin American legal framework and the wealth of legal scholarship produced in the region. Guest speakers will attend the seminars to address topics of interest, including guests from the region who will be brought in by video-conferencing.

Evaluation: Students are required to submit a research paper for evaluation. Recommended length is minimum 25 pages. Students will present their research papers in the format of a half-day conference open to the York community. Students are encouraged to revise their papers for publication.

**Law & Social Change: Law & Development**

(2750H.03) *Course*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion

This course will focus on issues within the field of law and development, while also considering theoretical questions raised by the shifting boundaries of the field itself. The course will examine the changing role of law and legal institutions in both development policy and practice since the end of the Second World War. It will include a consideration of multilateral institutions such as the World Bank, the IMF and the World Trade Organization, as well as states and nongovernmental organizations.

Evaluation: Term Paper 80%; Participation 20%

**Law & Social Change: Policing**

(2750B.03) *Course*

Instructor(s): Professor M. Beare

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar /Lecture and discussion

Note: This course will be taught Tuesdays from Jan. 20 through to March 31st, 2009

Law and Social Change will look at the institution of policing from an organizational, operational, and legal perspective. The course will examine issues concerning police conduct and misconduct as a means of illuminating broader questions about the relationship(s) between law and social change.

We will use recent policing related Inquiries/Royal Commissions as a resource to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/ legislation/ and the wider legal process, and consider some of the current theories around police training, discretion, recruitment, and police culture. Specific instances of wrongdoing by police will be examined in a study of legal, social and political structures of accountability. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability, in order to consider the efficiency of legal tools to effect social change. The final section of this course will focus on the policing of transnational crime and international issues that impact on domestic policing. Class participation is required.

Evaluation: 75% for a research paper (this percentage will be divided into smaller research tasks that culminate in the final paper— 5% outline, 20% annotated bibliography, 50% actual research paper); 25% participation including a brief class presentation.

### **Law & Society in Africa**

(3009.03) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar discussion

This course is designed to introduce students to the roles of law in Africa states. The course offers an introduction to and broad overview of laws, administration of justice, and legal institutions in the African continent. There is no uniform or single system of laws in Africa. In addition to manifold indigenous legal systems predating both Islamic diffusion into and Western colonial conquest of Africa, there are myriad legal and law-like systems operating in the 53 countries that make of the African continent. In the same token, concepts of justice in indigenous African legal systems differ markedly from values embedded in received legal systems. The course is will be taught thematically. The themes include customary laws in African states, courts and the settlement of disputes, basic concepts of African constitutional theory and practice, the integration of imported foreign law in African traditional law and culture. The course will explore these and related themes in the context of the relationship between law and development, modern legal and judicial reforms, and globalization.

Evaluation: The final evaluation will consist of a research paper (70%), class presentation (20%) to be graded by the students, and participation (10%).

### **Lawyer as Negotiator**

(3960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups. Students receive a letter grade.

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through negotiation and mediation. Lawyer as Negotiation seeks to acquaint students with contemporary negotiation theory and how theory informs the development of effective and strategic negotiations. Students will work in small groups of 20 or less, on a weekly basis to allow for coaching, and debriefing of student simulations. Negotiation skills development groups of 6 to 8 students will be held periodically.

Students will apply course readings to the analysis of their negotiation simulations. The first half of the course will introduce students to distributive and integrative bargaining and specifically to the complexities of creating and claiming in the context of civil negotiations. The latter part of the course will consider the implications of integrity, power, gender, and culture on legal negotiation theory and practice.

Evaluation: Students will be evaluated on their two final negotiations; their weekly and final plans; and two short papers analyzing and applying contemporary negotiation theory.

### **Legal Drafting**

(2140.03) *Course*

Instructor(s): S. Benda and J. Shin Doi, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, small group work

This course focuses on the language, structure and organization of documents that create and support legal relationships including formal contracts, letter agreements; licenses; memoranda of understanding and legal opinions. Students analyze, review, prepare, present and discuss legal documents in the areas of corporate/commercial law, intellectual property law and other substantive law areas. The work includes commenting on the drafting of legal documents, revising legal documents, selecting and adapting precedents, and drafting original legal documents. The overall emphasis is on modern legal drafting techniques and drafting as a process from analyzing the client's problem, preparing the first draft, negotiating clauses and finalizing the document.

Evaluation: Two take-home assignments: 50% and 50%.

### **Legal Governance of Health Care**

(2404.04) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: none

Preferred Courses: None

Presentation: Lecture, discussion

This course will focus on the legal frameworks (statutory and common law) governing health care delivery. Topics covered will fall into six general areas: federal and provincial governance of health care, civil liability, professional self-regulation, health insurance and access to health services, governance of hospitals and other institutions, and public health law. As part of those broad topics, students will also examine substitute decision-making, privacy of health information, and discrimination in the provision of health services. Consideration will be given not only to the ways health care delivery is governed and constrained, but also to the broader implications of the issues raised, and to the effect that underlying paradigms (for instance, relative to health, disability, or the role of health care providers) may have had in shaping political and legal responses.

Evaluation: 100% final examination or 50% final examination and 50% essay on topic approved by instructor. Latter option (if chosen) to be selected by end of Week 3. Outline of paper and initial bibliography due end of Week 6. Essay due on the first day of examinations.

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

(3590R.03) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar discussion

This seminar aims to provide students with a solid grounding in legal and policy issues arising from the operation of the international financial system. It will focus on the role of relevant institutions, especially the International Monetary Fund. The seminar will begin with sessions on the history, economics, and politics of the international financial system before turning to the evolution of the IMF and its Articles of Agreement, its regulation of the current and capital accounts of national economies, the allocation of IMF voting power, and the IMF's relationship to other institutions including the World Trade Organization. The seminar will then examine other institutions and issues related to the international financial system, likely to include the World Bank/ regional development banks, national governments/ central banks, private banks/ hedge funds, critiques from issue-specific perspectives, and possible reforms. It is anticipated that the seminar will include both Osgoode students and Masters in Development Studies students.

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

**Legal Values: Law & Literature**

(3590V.03) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: none

Preferred Courses: None

Presentation: Discussion and student presentations.

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

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

2) Class participation worth 20% of the final mark. This will include attendance, participation, and an in-class presentation.

**Legal Values: Philosophical Foundations of Criminal Law**

(3590Y.03) *Seminar*

Instructor(s): Professor François Tanguay-Renaud

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

Prerequisite Courses: none

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

Presentation: Seminar discussion

This seminar will explore various philosophical issues involved in the fundamental principles of the criminal law. After inquiring into the proper aims and limits of this controversial branch of the law, we will move on to an examination of selected questions about its internal structure—questions about the general principles and conditions of criminal liability (the so-called 'general part' of the criminal law) and about its definitions of specific offences (the so-called 'special part'). Particular issues that may be considered include: the question of what is a 'crime' and what makes behaviour 'criminal'; the justifiability of criminal law and criminal punishment; whether the criminal law should draw a distinction between outcomes that are intended and those which are merely foreseen; whether the criminal law does and/or should focus on culpability, consequences, or both; the various rationales for exculpatory and other defences to crime; the justifiability of 'strict' criminal liability; as well as various philosophical puzzles about the criminal liability of corporations and different forms of complicity. The focus of the seminar will be on the domestic criminal law of nation states, but some philosophical issues arising in the context of international criminal law might also be considered briefly and developed further by students in their papers. Theoretical and philosophical texts will be our primary materials, with comparative legal materials sometimes used as illustrations.

Evaluation: 80% Paper, 20% Class Discussion

### **Legal Values: Regulatory Issues in Intellectual Property Governance**

(3590U.03) *Seminar*

Instructor(s): B. Amani, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

This seminar will consider recent topics of controversy and political debate in the field of intellectual property and the protection of knowledge goods. The purpose of this course is to provide students with the opportunity to critically examine some of the normative and theoretical underpinnings for legally protecting intellectual contributions and to foster an understanding of how these rationales play out in terms of politics, policy development, and legal doctrine in different substantive areas. These insights are relevant to the selected special topics that focus on the relationship of intellectual property protection with culture, communication, development, trade, human rights, and the tension between national objectives and international obligations. Students are expected to have some basic substantive knowledge in at least one area of intellectual property law and eager to critically engage with advanced "fringe" issues of IP that **may include** copyright protection for oral works and folklore, the use of intellectual property to protect traditional and indigenous knowledge, biodiversity, biopiracy, and biocolonialism, the politics of property in the human genome and the patenting of life, the growing anti-competitive uses of intellectual property, the proliferation of "bad patents", farmer's rights to save seeds, the trade related aspects of intellectual property, the implications of expanding intellectual property rights, trademark protection for geographic appellations, trademark dilution doctrine and the special status of famous marks, and the effects of property fundamentalism on the promotion of progress in science and the useful arts.

This course will be of particular appeal to LLB and LLM students interested in a more intimate discussion of advanced issues and a more detailed consideration of international, theoretical, and public interest/policy aspects not usually addressed in an introductory **IP** course.

Evaluation: 3 comment papers (4-6 pages)[30%]; class participation/presentation [20%]; final paper (18-20 pgs)[50%]

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

(5007.03) *Seminar*

Instructor(s): Professor P. Emond

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Student presentations and discussion

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.

### **Medical/Legal Seminar**

(3180.03) *Seminar*

Instructor(s): Dr. J. Carlisle & B. Brock, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, guest speakers

The management of personal injury cases from initial client interview to trial, basic medical information, expert medical witness, confidentiality, demonstrative evidence, the medical negligence case, the regulatory framework, the Health Insurance Plan, the Coroner System, hospital visit, and attendance at a personal injury discovery.

The nature of this seminar is such that attendance at all sessions is mandatory. This, of course, is subject to excuse based on illness or compelling compassionate grounds, notice of which has been communicated to the instructors, prior to the session. Since, "participation" is part of the evaluation process, unexcused absences are unacceptable and will be taken into account for evaluation purposes.

In the instructors' view, the early sessions of the seminar are the most important from the perspective of potentially useful information that students may attain from this seminar. Because of this, please note, that persons on the waiting list for this seminar are not only permitted but are required, for the purposes of the "participation" evaluation rule explained above, to attend the first two sessions of the seminar (i.e. the sessions which take place during the "drop" period.)

Evaluation: Regular participation in class discussions; major term paper involving empirical or library research.

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

(3008.03) *Seminar*

Instructor(s): R. Atkey, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar, discussion

This seminar examines the place of national security in Canadian society, focusing on institutional structures, relevant legislation and accountability mechanisms. Students will examine have a close look at national security objectives involved in preventing threats to the security of Canada (terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, public safety and health), and review national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, 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 three phases, as follows:

(a) national security structures (CSIS, CSE, RCMP, provincial & municipal police, CIC, DFAIT, FINTRAC, CBSA, Transport Canada, CRA, Federal Court etc.) and objectives (preventing threats to the security of Canada from terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, pandemics etc.);

(b) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Security Offences Act, Canada Evidence Act etc.) considered in the context of the Canadian Charter of Rights and Freedoms;

(c) national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.)

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

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

Evaluation: Research paper of approximately 30 pages on a national security subject of the student's choosing (subject to approval), or from the instructor's pre-approved list. Papers must be submitted by the dates specified by the law school for all seminars. Papers will be valued at 80% of a student's mark. The remaining 20% will be assigned by the instructor based on class participation.

### **Native Rights**

(2110.04) *Course*

Instructor(s): Professor S. Imai

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussions and problem -solving

This is an introductory course on the law in relation to Aboriginal peoples of Canada. The course is taught through the use of a variety of techniques, including class exercises, videos, and collaborative problem-solving. Many of the problem-solving exercises will revolve around the characters from Thomas King's novel *Green Grass, Running Water*. If you are planning to take the course, you should read the novel. The course will include a field trip to a nearby reserve.

Topics include the constitutional framework for the recognition of rights; the reserve system under the *Indian Act*, Aboriginal title; treaty rights; and self-government agreements. Professor Imai will attempt to shed light on the intersection of laws in relation to Aboriginal peoples with constitutional law, criminal law, taxation and resource development.

This course fulfills the prerequisite requirements for the advanced seminar on First Nation Law, and the Intensive Program in Aboriginal Lands, Resources and Governments.

Evaluation: Restricted exam. You will be allowed to bring in 5 pages of notes. Attached to the exam will be relevant legislation and some case summaries. The examination will continue the problem-solving approach used throughout the term. Examples of previous year's exams will be made available. There is a paper option with permission of the instructor.

### **Occupational Health & Safety**

(3260.03) *Seminar*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: none

Preferred Courses: One of: Labour and Employment Law; Individual Contract of Employment; or Collective Bargaining

Presentation: Discussion, student presentation, lecture, possibly guest speakers and films.

This seminar focuses on the regulation of hazardous working conditions. Consideration is given to the historical development of public policy as well as the current regulatory regime.

The scientific and technical uncertainty about the relation between work exposures and adverse health effects are considered as are the political-economic context in which health and safety risks are generated and regulated.

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; (4) current dimensions of the problem and the impact of policy decisions on the type and quality of data; occupational injury, disease and fatality rates; (5) goals in OHS regulation; (6) overview of the current OHS regime; (7) workers' compensation and prevention; (8) prosecuting OHS offences; (9) the role of criminal sanctions; (10) comparative perspectives.

Evaluation: Major research paper (70%); class participation (20%); (10%) written commentary on one set of class readings. For the major research paper, students must meet with the instructor to discuss topics by the end of week 3. Outline and preliminary bibliography are due by the end of week 5. Drafts are optional. Students will present their work to the seminar.

## **Patents**

(2330.04) *Course*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

This course deals with the law of patents and trade secrets. 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. Patents provide limited term monopoly-like property rights in inventions, "products of the mind." The purported purposes of patent law are encouragement of innovation and production of social benefit. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of various statutory provisions of Canadian patent law and cover also the doctrinal developments in case law for trade secrets. The course will also 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.

Evaluation: Open-book examination (100%).

## **Pension Law**

(5240.03) *Seminar*

Instructor(s): Professor J. Li and Adjunct Professor B. Austin

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Guest lectures, student presentations, discussions

Pension law is an area of large and growing importance to Canadian society given Canada's aging population and the significant percentage of Canadian assets held by pension funds. The body of case law, involvement of lawyers, development of policy and legal principles all continue to expand rapidly. It is an evolving area in which traditional trust, contract, and other legal principles are being applied to new fact situations, often with awkward results. It is also an area in which value systems, intergenerational conflict over the allocation of scarce fiscal resources and changing views of community are highlighted.

In this context, the seminar will focus on both the legislation (tax, pension standards and human rights) and common law affecting pension plans in Canada. In particular, the seminar will examine retirement income policy, the integration of tax-assisted retirement savings, factors influencing plan design, plan governance issues, issues on the purchase and sale of a business and corporate reorganizations, fiduciary issues, the ability to merge pension plans, the ability to take "contribution holidays", surplus entitlement, and the future of pension law in Canada (including a review of the reports of the Ontario and Joint B.C./Alberta Expert Commissions on Pensions expected out in Fall 2008 and various research papers completed for the Ontario Commission).

As this is a relatively new area of law, it presents an opportunity for students to see how the law and the lawyer's role can develop over time. This seminar will teach students the skills of interpreting statutes, plan texts and funding agreement, research skills, and legal drafting skills.

Evaluation: 15% class participation and presentation; 85% research paper.

## **Project Finance**

(5030.03) *Seminar*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: none

Preferred Courses: Taxation of Business Enterprises

Presentation:

This seminar provides an introduction to the field of project finance through an analysis of current models for infrastructure development, and the legal issues arising therefrom. In doing so, it provides an opportunity for students to study advanced principles of corporate finance and risk management techniques.

Project finance is a well-established technique for large capital-intensive projects. It is one means by which Canadian governments finance the tremendous need for infrastructure development, and it is also widely used in the private sector for development of natural resource facilities.

The seminar will focus on case studies of large projects in the energy, telecommunications, transportation health care and manufacturing sectors. Founded on a series of legal contracts in which many parties are united in a vertical chain from input supplier to output purchaser, and through which project sponsors transfer risk to other parties, these highly-structured project companies provide an opportunity to explore core principles in capital structure theory, risk management, contracting and corporate governance.

The seminar will commence with a brief introduction to the organizational structure of project companies, and then it will focus on the context and legal framework for project financing by analyzing specific projects in different sectors of the economy. The main focus will be on contractual and governance structures.

Within the section on contractual structure we will examine the project company as a nexus of contracts that allocate risk, return and asset control, explore the tools for measuring value, the legal framework for managing project risks, and the different models used for different projects.

Within the section on governance structure we will explore the costs and benefits of creditor-based governance systems, the capital structure – including the sources and amounts of project debt and the process of raising capital - and the role and determinants of debt ownership structures.

Evaluation: Class Participation: 20%;

Response Papers: 20%;

Major Assignment: 60%.

### **Public International Law**

(2340.04) *Course*

Instructor(s): Professor Sharon A. Williams

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers

Public International Law is the system of law which governs inter-state relations. This course is intended as an introduction to the rules of international law that are recognized as being binding obligations on sovereign states in their mutual relationships.

Topics will be covered from among the following: sources of international law; subjects of international law (States and non-State actors; peoples seeking self-determination; individuals; international organizations); rights and duties of States; recognition of States and governments and legal effects thereof; state responsibility for international delinquencies: (injuries done to aliens abroad; expropriation of foreign property; trans-boundary pollution; espousal of claims and remedies); international law applying processes in domestic legal systems; state and diplomatic immunities from suit in foreign courts; the United Nations Charter and limitations on the use of force and international dispute settlement.

Evaluation: *Option 1* : 100% three-hour open-book examination. *Option 2* : 75% three-hour open-book examination (same as option 1) plus a 25% research paper (15 - 20 pages). Research papers are due on day of the examination in the course.

### **Real Estate Transactions**

(2070.03 P) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

This fundamental course examines the legal structure and the legal problems and remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. Topics include conveyancing practice, vendor and purchaser remedies, the Planning Act and mortgage remedies.

Evaluation: Evaluation: *Option 1* : 100% open-book examination. *Option 2* : 100% essay (maximum 25 pages excluding bibliography). This option to be selected by Week 6. Essay due by date of course examination.

### **Real Estate Transactions**

(2070.04 A) *Course*

Instructor(s): R. Rosenblatt, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

The purpose of this fundamental course is to expose for critical examination the principal legal, ethical and practical problems in commercial transactions respecting land as well as the legal arrangements available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees and Planning Act will be examined. Focus is on current legal issues, lawyers obligations, ethical considerations.

Evaluation: Open-book examination; 50% paper option.

### **Real Estate Transactions**

(2070.04 B) *Course*

Instructor(s): C. Carter, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Evaluation: Open-book examination; 25% optional paper.

### **Refugee Law**

(2470.03) *Course*

Instructor(s): Professor S. Rehaag

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures and discussion

Refugee protection is in a state of crisis, both domestically and abroad. Many refugee law practitioners and scholars argue that states around the world are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread "abuse" by economically motivated migrants. Still others suggest that refugee protection regimes are a distraction from a deeper problematic: control over migration that serves to entrench global disparities in income, wealth and security.

This course offers students an opportunity to engage critically with these and other debates over refugee law at the level of theory, policy and practice. This critical engagement will occur through a detailed examination of refugee law instruments, institutions and jurisprudence in international, regional and domestic forums.

Evaluation: Open-book examination (60%); 1,500 word paper (40%).

### **Regulation Of Competition**

(2350.03) *Course*

Instructor(s): B. Facey & M. Wood, Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Competition law continues to increase in importance among law firms and businesses as cases such as Microsoft, Chapters/Indigo, Bank Mergers, Superior Propane and the infamous "vitamins cartel", as well as the proliferation of competition laws around the world, have thrust this growing area of law into the limelight. This course surveys Canadian competition laws with comparative analysis of US and EU law. Key topics considered in detail are: (1) collusion among competitors; (2) mergers; and (3) abuse of dominance or monopolization.

Evaluation: Open-book examination

## **Restitution**

(2360.04) *Course*

Instructor(s): Professor J. D. McCamus

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

The law of restitution is the third branch - in addition to contract and tort - of the common law of obligations. An understanding of restitutionary doctrine is vitally important for potential litigators and commercial lawyers. Restitutionary issues can, however, arise in virtually every legal area. This course covers a number of topics - such as fiduciary obligation and constructive trust - that feature prominently in contemporary litigation both in commercial matters and in other aspects of private law, including family law.

The course organizes these materials in terms of a unifying theory of unjust enrichment and examines the relationship of restitution with the more familiar doctrines of tort, contract and property law. In so doing, the course fills in a number of gaps left by the first year contracts course and offers the student an overview of the entire field of civil liability.

Placing particular emphasis on Canadian materials which adopt the unjust enrichment theory, the course examines the more common instances of restitutionary recovery, benefits conferred under mistake, fraud or compulsion, in circumstances of necessity, or under transactions that are ineffective for such reasons as informality, incapacity, illegality, mistake, undue influence, unconscionability, frustration or breach. As well, consideration is given to the recovery of benefits acquired through wrongdoing whether criminal, tortious or in breach of a fiduciary duty.

Evaluation: Open-book examination. In addition, but not in substitution for the final examination, students may write a paper on a topic to be approved by the instructor, worth 33.3% of the final grade. Students must elect to write a paper by the end of Week 4, and must provide a detailed outline of the paper by the end of Reading Week.

## **Securities Regulation**

(2620.03 B) *Course*

Instructor(s): D.H. Lastman, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a three-hour course that provides a detailed overview of securities regulation in Canada, with particular reference to Ontario. The course encourages an understanding of securities regulation through an appreciation of the underlying policy rationales.

The course coverage includes the objectives of securities regulation, principle concepts in the Securities Act (Ontario), registration requirements for persons trading in securities, prospectus requirement to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements (including ongoing disclosure by reporting issuers, insider trading and insider reporting) and take-over bid legislation.

Evaluation: Open-book examination. Optional research paper or essay for a portion of the grade (not in substitution for the examination) also available.

### **Securities Regulation**

(2620.04 A) *Course*

Instructor(s): Professor M. Condon

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

Prerequisite Courses: none

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a four hour course that attempts a detailed coverage of the Ontario Securities Act, with reference to other provincial or international regulation where appropriate. Included in this coverage are the definitions of key securities regulatory concepts such as "security", "trade", and "distribution"; primary and secondary distribution of securities; prospectus disclosure and recent changes here; exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; continuous and timely disclosure with particular reference to insider trading; mergers and acquisitions with particular reference to takeover bid legislation; enforcement issues.

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

### **Sexuality and the Law**

(3910.03) *Seminar*

Instructor(s): Professor L. Green

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminar Discussion

This seminar explores some leading issues about the legal construction and regulation of human sexuality, focusing mainly on the law's response to the diversity of sexual orientations. We will consider the nature and importance of sexuality, the law's influence on sexual identities, liberty in sexual activity and association, discrimination on grounds of sexual orientation, freedom of sexual speech, the role of consent in sex, and recognition and support for intimate relationships.

The seminar blends theoretical and doctrinal discussion, and will include some comparative material from other common-law jurisdiction.

The term paper may be on any subject within the purview of the seminar, and may be either theoretical or doctrinal in character, or it may be a blend of both.

Evaluation: One short discussion note (10%); seminar participation (10%); one term paper (80%).

### **Tax Law and Policy Colloquium**

(5330.03) *Seminar*

Instructor(s): Professor W. N. Brooks

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, student participation (including presentations)

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

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

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

### **Tax Lawyering**

(3370.03) *Seminar*

Instructor(s): Professor L. Philipps

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Group discussion of seminar materials and problems; research lab sessions; individual or team presentations

This seminar is required for those who wish to complete the Tax Law Program and is also open to other students. Its purpose 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. It will ask students to think critically about tax lawyering processes and how they impact upon the efficiency and equity of the tax system. The seminar is structured around four topics that are cornerstones to the study and practice of tax law. First, it addresses the *professional role and ethical responsibilities* of tax lawyers in different contexts such as tax planning, litigating tax disputes, and advising governments on proposed tax reforms. Second, the seminar covers the *tax law-making process* including the role of different players in the Department of Finance, the legislative processes for enacting tax bills, issues of equality and democratic accountability in the formation of tax policy, and efforts to coordinate tax policy internationally. Third, it looks at *tax administration* from the perspective of national and international enforcement powers and techniques, taxpayers' appeal rights and remedies, and tax dispute resolution. Finally, the seminar develops *tax research and writing skills*. Students will learn how to use a wide range of conventional and electronic research sources and will develop their skills directly by conducting research, preparing a variety of written documents, and making brief verbal presentations.

Evaluation: 3 written assignments submitted during the term.

## **Taxation as an Instrument Of Social & Economic Policy**

(3006.03) *Seminar*

Instructor(s): Professor W. N. Brooks

Winter: 3 credits; 3 hours; max. enrollment: 20; 10 upper

Prerequisite Courses: none

Preferred Courses: None

Presentation: Discussion and student presentations. Note: This course will be taught Mondays from Jan. 19 through to March 30th, 2009

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 is has at its disposable 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 provision? Are they valid government purpose? 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.

**Taxation Law**

(2080.04 A) *Course*

Instructor(s): Professor J. Li

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, problems, discussion

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

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

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

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

Evaluation: 100 % examination (3-hour open book); or alternatively, 50% examination, 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): J. Frankovic, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, problems, discussion

This is an introductory course in income tax law and policy. The topics in the course will include the basics of tax policy and theory, the tax unit, residency, income from employment, income from business and property, capital gains, statutory interpretation, and tax avoidance. Although the course will be legalistic in nature, it will contain a significant tax policy element.

Evaluation: 100% open book examination. There is an option to write a case comment or critique for 1/3 of the grade.

### **Taxation Law**

(2080.04 P) *Course*

Instructor(s): Professor L. Philipps

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, problems and exercises, discussion

This course is about income tax law as it applies to individuals. Areas covered include the concept of residence; the taxation year; amounts that must be included in income; deductions and credits for personal and business expenses; the taxation of capital gains on the disposition of property; and tax evasion and avoidance. The course aims to help students develop a thorough technical knowledge of the most important aspects of personal income tax law and a facility in interpreting tax statutes, as well as a comprehension of underlying policy objectives, issues of professional responsibility for tax planners, and the impact of the tax system on different individuals, families and social groups.

Evaluation: 100% final examination (3 to 3.5 hours long, open book).

Optional evaluation: 75% final examination, 25% case comment or tax policy comment. Students who submit a case comment or tax policy comment will be exempt from writing an equivalent portion of the final exam. Detailed requirements for the alternative forms of evaluation will be set out in the course syllabus.

### **Taxation of Business Enterprises**

(4100.04) *Course*

Instructor(s): Professor W. N. Brooks

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: lectures and discussion

This course considers the basic 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 owner manager; transferring assets to a private corporation; tax considerations in buying or selling a business; utilization of corporate losses; acquisition strategies; statutory amalgamations, arrangements, and continuations; liquidations; and demergers and reorganizations of capital.

Evaluation: Open-book examination. Optional 50% paper due on the first day of examinations.

### **Taxation Planning**

(5320.03) *Seminar*

Instructor(s): Professor A. Mawani

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion and lectures led by the instructor and invited tax practitioners

This seminar is designed to assist students in developing a facility for analyzing and solving tax problems. Problems drawn from frequently encountered personal and business tax planning contexts will be used to discuss basic tax planning principles, methods of tax research, ethical problems in tax practice, the heuristics of problem solving, judicial doctrines dealing with tax avoidance, microeconomic tools and theories relevant for tax planning and a framework for analyzing how rules affect business decisions.

Evaluation: Research assignments related to tax planning issues.

### **Theory and Practice of Mediation**

(5960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 18

Prerequisite Courses: none

Preferred Courses: none

Presentation: Seminars, mediation practice

This seminar will offer students an opportunity to develop an understanding of the utility and impact of mediation within the context of contemporary dispute resolution developments in Ontario. Students will gain an understanding of mediation through seminars, simulations, and five mediation sessions co-mediated at North York Small Claims Court, located at 45 Sheppard Avenue East, Toronto.

The course will involve i) weekly seminars; ii) an Intensive Mediation Workshop, skills training and introduction to mediation skills; iii) a supervised co-mediation practicum at North York Small Claims Court ; and iv) a research and writing component. The seminars will examine the utility of mediation in civil disputes as well as ethical and professional responsibility issues. Specifically, the seminar will address issues related to mediation in a multicultural environment; analyze the successes and problems that students have encountered in their mediations; and explore the role, utility, and effect of mediation in contemporary small claims and other areas of civil litigation.

Evaluation: Mediation Practicum Small Claims Court, two practicum reports and class presentations (40%) and final paper (60%).

### **Trademarks**

(2170.03) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers, workshop exercises

The Osgoode Hall *Trademarks* course is a study of the protection of brands, logos and other trade-marks that are such an essential feature of today's consumer culture, and of the marketing practices of modern organizations. Protection in Canada is afforded by the exclusive right to use a trade-mark that indicates the source of a product or service. The focus of the course is on the federal Trademarks Act and its impact on private rights to control trademark use and prevent unfair competitive practices. The course will also examine how corporations and other trade-mark owners should govern their activities to optimize their access to protection and remedies. Specific topics to be covered include the wide-ranging types and uses of trade-marks, the concepts of reputation, distinctiveness, confusion and depreciation, the criteria for trademark registration, the basis for opposing an application or expunging a registration, infringement, the common law of passing-off, and the evolving case law of "famous brands." The nature of evidence to sustain various causes of action will also be covered. Besides gaining familiarity with substantive law, students will have the opportunity to 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 the consumer's interest in avoiding confusion.

Evaluation: Open-book examination (100%).

### **Transnational Corporations & Human Rights**

(3590T.03) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, discussion, student presentations

Nike's use of child labour; the role of private contractors in the Abu Ghraib prisoner abuse scandal; the complicity of Dow Chemical/Union Carbide in the Bhopal chemical disaster; Shell's involvement in the executions of activists protesting the company's environmental and development policies in Nigeria. These are just a few examples of alleged corporate malfeasance that have emerged on the international stage.

The purpose of this seminar is to introduce students to the theoretical and normative debate concerning the accountability of transnational corporations that are complicit in rights-violating activities. At the international level, there has been a striking new strategy in the protection of human rights: a transition from focusing solely on rights-violations committed by governments to a detailed examination of transnational corporate conduct. Indeed, it has now become trite to say that particular corporations have been complicit in violations of human rights. This takes place within the context of globalization, deregulation and the emergence of transnational business enterprises as the "linchpins of the contemporary world economy".

In order to address the fundamental question of whether corporations should in fact be socially responsible, the seminar will begin with an introduction to corporate law theory. Students will then explore some of the key issues in the debate. Namely, whether transnational corporations can properly be included under the international law of state responsibility; mechanisms for self-regulation (e.g. voluntary corporate codes of conduct); the utility of the U.S. Alien Tort Claims Act; the advantages and disadvantages of United Nations initiatives (e.g. the Global Compact and the U.N. Norms on the Responsibilities of Transnational Corporations); and the relevance of domestic corporate law mechanisms (e.g. shareholder proposals and social disclosure).

The course materials are drawn from a number of sources, including documentary film, law reviews, articles in the popular and business press, reports by human rights monitoring groups, petitions filed before courts or administrative agencies, United Nations materials and the governing documents for voluntary corporate initiatives.

Evaluation: (i) Research paper (60%)  
(ii) In-class presentation (30%)  
(iii) Class participation (10%)

### **Trial Practice**

(5270.04) *Seminar*

Instructor(s): Professor G. Watson

Fall: 4 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: none

Preferred Courses: none

Presentation: Student performances plus critique, demonstrations

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pretrial preparation and analysis of the case, opening statements, examination and cross-examination of witnesses, evidence issues, closing arguments, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers. At the end of the seminar, students conduct ½ day jury trials, with two student counsel acting on each side of the case.

Evaluation: Class presentations, final trials. Grade is on a credit/no credit basis.

## **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

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; 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.

Evaluation: Open-book examination

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

(5620.03) *Seminar*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: none

Preferred Courses: Securities Regulation (can be taken simultaneously)

Presentation: Lecture, discussion, problem-solving

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%.