



2009

# Osgoode Syllabus of Courses and Seminars: 2009 - 2010

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# OSGOODE SYLLABUS OF COURSES AND SEMINARS

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**2009-2010  
Fall / Winter**



The logo consists of a red square with the word "OSGOODE" in white, serif, all-caps font.

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

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# OSGOODE SYLLABUS OF COURSES AND SEMINARS

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## 2009-2010 Fall / Winter

*Note:*

*This Syllabus and the Timetable provide information available as of June, 2009 to enable upper-year students to complete a Study Plan for the 2009-2010 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, 2009.

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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. We also offer “streams” of courses in four areas of the curriculum; these streams provide a structured opportunity to specialize in a particular field of law.

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. We 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, we 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.

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

Patrick J. Monahan, Dean

Jinyan Li, Interim Dean (as of July 1, 2009)

**2. SESSIONAL DATES: 2009-2010**

<b>2009 Fall Term</b>	
Monday, August 31	Classes begin
Monday, August 31 - Monday, September 14	Course change period
Monday, September 7	Labour Day – no classes
Monday, October 12	Thanksgiving – no classes, University closed
Friday, December 4	Classes end
Monday, December 7	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 7 to Friday, 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).
Monday, December 21 to Friday, January 1	Christmas break
<b>2010 Winter Term</b>	
Monday, January 4	Classes begin
Monday, January 4 – Monday, January 11	Fall term exam deferral period
Friday, January 8	Last day to submit Fall Term examination petitions
Monday, January 4 to Friday, January 15	Course change period
Monday, February 15	Family Day – no classes, University closed
Monday, February 15 to Friday, February 19	Reading Week
Friday, April 2	Good Friday – no classes, University closed
Friday, April 9	Classes end
Monday, April 12	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 12 to Friday, April 23	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.
Monday, April 26 - Monday, May 3	Winter term exam deferral period
Friday, May 7	Last day to submit Winter Term examination petitions

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

Dean	Interim Dean Jinyan Li ( <a href="mailto:lawdean@osgoode.yorku.ca">lawdean@osgoode.yorku.ca</a> ) Cathy Malisani Dina Stigas ( <a href="mailto:dstigas@osgoode.yorku.ca">dstigas@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
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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> ) Mary Barbieri ( <a href="mailto:mbarbieri@osgoode.yorku.ca">mbarbieri@osgoode.yorku.ca</a> )	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	Sanford Murray, President	736-5027
Material Distribution Centre	Jennis Carter ( <a href="mailto:jcarter@osgoode.yorku.ca">jcarter@osgoode.yorku.ca</a> )	736-5099
<i>Obiter Dicta</i>	( <a href="mailto:obiter@yorku.ca">obiter@yorku.ca</a> )	Extension 77527
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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 JD program:

1. Must successfully complete a minimum of 60 credit hours over second and third years;
2. Must enrol in between 13 and 17 credit hours each term;
3. May not take more than two seminars per term;
4. 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 JD/MBA or JD/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 Wednesday, June 17th until Tuesday, June 23<sup>rd</sup>, students can access the Law Select website in order to enter their course preferences for Fall/Winter 2009-2010. 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 23<sup>rd</sup>. 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 August 31st. 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 Wednesday, July 22<sup>nd</sup> until Monday, September 14<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 14, and then reopens in January 4, 2010 until January 15, 2010.

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 electronically in the online drop box.

### 3. *More Than Two Seminars Approval Form*

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

### 4. *Extra-Disciplinary Course Approval Form*

Students who propose to enrol in a course in another Faculty of York University must complete 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. Papers are submitted electronically through the online drop box.**

See the faculty biographies online 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 2009/2010, the consolidated tryouts cover the Corporate/Securities, Gale, Jessup, Labour Arbitration, Laskin and Wilson competitions. Teams selected via separate processes include the Arnup Cup trial advocacy competition (selected via the Trial Practice course), Copenhagen international climate change treaty negotiation competition (selected via the Climate Change seminar), Hague International Criminal Trial Competition, IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (selected by Professor B. Richardson) and Vis International Commercial Arbitration Competition (Vienna) (selected via the International Dispute Resolution seminar). The number and type of credits (graded vs. ungraded) vary between competitions, depending on the nature and scope of the academic work involved. Total credits vary between two and five.

### *Appellate Advocacy Workshop*

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

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 B. Richardson, Editor-in-Chief

Academic Rule 7(a) (Part 1 and 2) allows four credit hours in each of the upper years for the work undertaken by senior student editors of the Osgoode Hall Law Journal. The four hour credit is treated as a seminar for enrolment purposes. Though the work is not graded, prescribed tasks must be undertaken for senior editors to qualify for Law Journal credits. One year's work as 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 7, 2009 for Fall Term courses and Monday, April 12, 2010 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 JD 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. Written applications, with documentation should be submitted to the Assistant Dean, Student Services.

### **8.2 Letter of Permission**

A student who has successfully completed the first year of the JD program may request a letter of permission to study for one semester or one academic year at another law school. Students receiving a letter of permission receive credit toward the completion of the JD degree at Osgoode Hall Law School for work successfully undertaken at the other law school. Approval of the Assistant Dean (Student Services) is required. Students should submit a written request for a Letter of Permission to the Assistant Dean by no later than **April 12, 2010**. 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): 2009-2010 Fall/Winter

### **Business Associations Law**

Advanced 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 JD/MBA Seminar  
Project Finance  
Regulation of Competition  
Securities Regulation  
Small Business Enterprises

### **Constitutional Law & Civil Liberties**

Administration of Civil Justice: Class Actions  
Constitutional Litigation  
Disability & the Law  
Discrimination & the Law  
Human Rights in Africa  
Immigration Law  
International Human Rights  
Law & Psychiatry  
Mooting: Appellate Advocacy  
National Security Law in Canada  
Native Rights  
Refugee Law  
Transnational Corporations & Human Rights

### **Contracts & Commercial Law**

Advanced Bankruptcy  
Banking & Negotiable Instruments  
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  
Regulation of Competition  
Restitution  
Trademarks

### **Criminal Law**

Administration of Criminal Justice: Sentencing  
Criminal Law II: Homicide  
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 Family Law  
Estates  
Family Law  
Family Law II: Family Law Policy  
Intensive Mediation Program  
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  
Computers & the Law  
Copyright  
Entertainment & Sports Law  
Intellectual Property Law  
Intellectual Property Theory  
Intellectual Property & Cognitive Science  
International Aspects of Intellectual Property  
Legal Values: Intellectual Property & Health Care  
Legal Values: Reforming Intellectual Property  
Patents  
Trademarks

### **International & Comparative Law**

Canada/U.S./ Mexico  
Comparative Law  
Comparative Law: International & Comparative  
Labour Law  
Conflict of Laws  
Globalization & the Law  
Human Rights in Africa  
ICT Colloquium  
International and Comparative Family Law  
International Business Transactions  
International Criminal Law  
International Dispute Resolution: Vis Moot  
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  
Law & Social Change: Law & Development  
Law & Social Change in Latin America  
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

**Law & Other Disciplines**

Comparative Law  
Intensive Legal Research & Writing  
Jewish Law  
Jurisprudence  
Law & Psychiatry  
Law & Social Change: Law & Development  
Law & Social Change: Policing  
Legal Values: Legal Ethics  
Legal Values: Legality & the Rule of Law  
Legal Values: Race & Gender in Corporate Law  
& Governance  
Philosophical Foundations of Criminal Law

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

Administration of Civil Justice: Class Actions  
Administration of Civil Justice: Estate Litigation  
Administration of Criminal Justice: Sentencing  
Civil Procedure II  
Community and Legal Aid Services Program  
Conflict of Laws  
Constitutional Litigation  
Contract Remedies  
Dispute Settlement: Civil Disputes  
Evidence  
Intensive Mediation Program  
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  
Resources Management

**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  
Land Use Planning  
Real Estate Transactions

**Regulatory Law**

Administrative Law  
Advanced Bankruptcy  
Advanced Securities  
Bankruptcy & Insolvency Law  
Climate Change Law  
Corporate Governance  
Environmental Law  
Health Law  
Immigration Law  
International Trade Regulation  
Insurance Law  
Investor Protection  
Land Use Planning  
Legal Governance of Health Care  
Legal Values: Governance of the International  
Financial System  
Medical/Legal Seminar  
National Security Law  
Native Rights  
Refugee Law  
Regulation of Competition

**Tax**

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

**Trusts & Estates**

Administration of Civil Justice: Estate Litigation  
Estates  
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")***

*2009-2010 Convenor – Professor C. Scott*

#### **Introductory Remarks**

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

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

In the upper year curriculum, there are many courses taught in the international, comparative and transnational fields in any given year at Osgoode, both by regular faculty and by visitors. Approximately two-thirds of Osgoode's full-time faculty members regularly research and write on aspects of international, comparative and/or transnational law. In addition, courses include those taught by visiting professors including, each year, by three leading professors who come to teach intensive courses in their areas of specialization as Genest Global Fellows. More generally, many opportunities have been developed or expanded, including (just to name some):

- joint degrees (notably, the JD/JD and the JD/LLM degrees with NYU and the joint common law / civil law degree with the Université de Montréal);
- study-abroad exchange opportunities, with a choice of exchanges at 17 different foreign law faculties;
- summer programmes in Prato in partnership with Monash University, in Jerusalem in partnership with Hebrew University, and in Hamburg in partnership with Bucerius Law School;
- research (and even teaching) opportunities with partners outside Canada (through the student-run International Legal Partnerships, various intensive programs such as the First Nations Intensive, the Teach-in-China Program, and the Collaborative Research Teams of the International Research and Placements course);
- editorial work (for credit) with the *German Law Journal*.

Also, starting at some point in the 2009-2010 year, it is expected that JD students will be invited to contribute to a new blog of the Nathanson Centre on Transnational Human Rights, Crime and Security while students taking the ICT Colloquium will have the opportunity to provide substantive advice to the editors of a new journal called *Transnational Legal Theory*. All students are invited to join professors and graduate students in the Friday afternoon Workshop Series in Legal Philosophy Between State and Transnationalism; the series meets approximately eight times every year with leading theorists from around the world invited to present papers at these workshops.

In tandem with introducing these curricular opportunities in Osgoode's own programme (some, but not all, of which are mentioned above), Osgoode has played both a founders role and an ongoing leadership role in the formation of two new global organizations, the International Association of Law Schools (IALS) and the Association of Transnational Law Schools (ATLAS). IALS is open to all law faculties in the world while ATLAS is a special consortium that currently focuses on doctoral legal education and that consists of Osgoode, NYU, LSE, Melbourne, Cape Town, Deusto (Spain), Montréal, Bar-Ilan (Israel), Singapore, and Bucerius (Germany).

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

### **ICT Program Overview**

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 within these 24 upper-year credits, students must satisfy each of the following two requirements:

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

### ICT Course Offerings for 2009-2010

The 50 course offerings currently designated as ICT courses for the 2009-2010 year are found

below. Credited credit allocations are indicated by the numbers in parentheses while "Prato" indicates courses offered at the spring/summer 2009 Monash-Osgoode Prato Program):

Advanced Public International Law: International Law of the North / South Relations(3)	Canada/US /Mexico	Capital Markets Regulation: A Comparative Perspective (3 / Prato)
Comparative Criminal Law (3/Prato)	Comparative European Legal Systems (3/Prato)	Comparative Law (4)
Comparative Law: International and Comparative Labour Law (3)	Civil Law (4) – offered 0809	Climate Change Law (3)
Comparative Perspectives on Law and Punishment (3/Prato)	Comparative Tax Policy (3/Prato)	Conflict of Laws (4)
Directed Research Program (10 of the possible 15-30)	Dispute Settlement: The Role of Justice in Indigenous Contexts (3)	First Nations and the Law (3)
Hebrew U – Osgoode Summer Exchange Program (3)	Human Rights in Africa (3)	Immigration Law (4)
Indigenous Peoples and the Law (3)	Intensive Programme in Lands, Resources & First Nations Governments (6)	Intensive Program in Poverty Law at Parkdale Community Legal Services - Immigration Group (10 of 15; <b>see section 8.5</b> )
International and Comparative Family Law (3)	International Aspects of Intellectual Property (4)	International Aspects of Taxation (4)
International Business Transactions (3)	International Commercial Arbitration (3 / Prato)	International Criminal Law (4)
International Dispute Resolution: Vis Moot (3)	International Human Rights (3/Prato)	International Human Rights Law (4)
International Investment Law(3)	International Legal Partnerships Global Legal Education (ILP) (3)	International Research and Placements including Collaborative Research Teams (3) or (4)
International Trade Regulation (4)	Law and Social Change: Crime in the Digital Age (3)	Law and Social Change in Latin America (3)
Law and Social Change: Law & Development (3)	Law of War (3)	Legal Values: Cities (2)
Legal Values: Governance of the Int'l Financial System (2)	Mooting (e.g. Jessup; Niagara; Aboriginal) (4-5)	National Security Law (3)
Native Rights (4)	Public International Law (4)	Refugee Law (3)
Road Trauma Prevention and Compensation: Comparative Analysis (3/Prato)	Supervised Research Papers on ICT subjects (variable credit; <b>see section 8.1</b> )	Transnational Art Law (3/Prato)
Transnational Corporations & Human Rights (3)	Western Legal Histories (3) –GS seminar	

Note: 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

optional credits beyond the four required courses (Globalization and the Law; two of the three pillar courses; and the ICT Colloquium).

### **ICT Program Experiential Opportunities**

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 will usually be available during a student's three years at

Osgoode, but that may not necessarily be available in any given year such as 2008-09. In any case of doubt as to whether an activity satisfies this requirement, students must seek confirmation from the ICT Convenor's view. Experiential opportunities include:

Study for a semester or full year abroad (or in Québec) on exchange or on a letter-of-permission basis	ICT-designated intensive programs (Lands, Resources and First Nations Governments; Immigration and Refugee; and the Immigration section of the Parkdale Program)	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: international, comparative and transnational law summer school in partnership with Monash University in Prato	Summer study: summer program in international law of trade and Israeli-Palestinian conflict resolution in partnership with Hebrew University in Jerusalem	Summer study: international business law summer program at Bucerius Law School in Hamburg
International Legal Partnerships (ILP): participating either in terms of a summer placement or in terms of assuming a position of responsibility within ILP's operational structure	Assuming significant responsibility in student organizations or activities that have a significant ICT dimension (other than ILP: see box to left), such as Osgoode International Law Society	Term-time work-study practicum or internship such as may be made available by an Osgoode program or such as may, exceptionally, be arranged within a Directed Research Program rubric
Collaborative Research Teams (CRTs) under the auspices of the International Research and Placements course	Summer internship abroad (or in Canada on an ICT theme), whether or not followed up by supervised research paper for credit in the following year	Enrolment in any course organized as an electronic classroom that links Osgoode and a partner institution (such as Human Rights in Africa course)
Participation in any joint degree programme with a foreign partner, such as the JD/JD or JD/LLM joint degrees with NYU	Osgoode Public Interest Requirement (OPIR) activity with a significant ICT dimension	International, comparative or transnational (including Aboriginal) moots
Significant editorial work with the German Law Journal	Significant organizational or editorial roles for ICT-related research hubs such as the Comparative Law and Political Economy (CLPE) network and the Nathanson Centre on Transnational Human Rights Crime and Security	Significant organizational or editorial roles for such ICT nodes as may operate in other research hubs such as Osgoode Hall Law Journal, IP Osgoode or TheCourt.ca
Such other experiences as proposed to and approved by the ICT Convenor		

### **Further Rules and Considerations**

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

*Bridging:* It is possible to build "ICT bridges" between the ICT Program and courses not designated as ICT courses in the official list of ICT courses. This bridging is achieved through the student receiving partial (or even full) credit for research papers or other written work done in 'non-ICT' courses where the content is significantly ICT in nature. For example, a 50% paper on multi-jurisdictional bankruptcy litigation

worth of a four-credit Bankruptcy course would count for two ICT credits or a 100% paper on international law theory in a Jurisprudence class would count for three credits. Such counting of ICT work in non-ICT courses must be specifically approved by the ICT Convenor. Students fill out a Bridging Form containing the title of the paper and pertinent details (such as length / word count and percentage of course credit that the paper is worth) and have it signed by the course instructor; this form is then submitted to the ICT Convenor for credit approval.

*Collaborative Research Teams (CRTs):* ICT Program students are strongly encouraged to

consider doing a Collaborative Research Team (CRT) within the course International Research and Placements in one of their two upper years.

*Jurisprudence:* Because of the theoretical challenges presented by evolution of the fields of “international”, “comparative” and “transnational” law, students are asked to give special consideration to taking Jurisprudence and doing their paper as a bridging paper (see “Bridging”, above) on an ICT theme.

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

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

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

*International Legal Partnership (ILP):* Note that International Legal Partnership (ILP) develops opportunities every year for Osgoode students that ICT students are strongly encouraged to consider applying for; in summer 2009, for example, 24 students are part of ILP teams in nine countries. A special ILP Global Legal Education course (taken both before and after the field placement) is part of the experience. Outside of structured opportunities of this sort, students may wish to create their own internship possibilities, relying on the advice and help of relevant faculty members. Excellent internship experiences can result when they are created by the imagination and initiative of the intern.

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

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

## **10.2 Labour and Employment Law Program (“LELP Program”)**

*Convenor – Professor S. Slinn*

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),
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")**

*Convenor - Professor Neil Brooks*

The Tax Program reflects a special strength of Osgoode. The tax and related curriculum is rich and diverse. Three full-time faculty members devote their energies primarily to teaching and researching tax law and related public policy issues. The program also draws upon expert adjunct faculty members with a wide variety of experiences. The development of skills in statutory interpretation and analysis, critical thinking, problem-solving, communicating,

analyzing public policy, resolving professional ethical problems, and planning will be emphasized throughout the program. Therefore, the Tax Program will be of interest not only to students who might be considering a career relating to the practice of tax law but also generally to those interested in developing these skills in the context of tax law.

Students registered in the Tax Program must complete the following requirements over the course of the 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 & Mr. Jim Reid

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 2009. Mergers and Acquisitions will be offered in January 2010.



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

Directors: Ms. Carol Pennycook ,  
Ms. Patricia Olasker & Mr. Jim Reid

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 2009. Mergers and Acquisitions will be offered in January 2010.

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

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

Marian MacGregor, Clinic Director; Jenny Haggart, Community Outreach Coordinator; Suzanne Johnson, Review Counsel

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**

Director, 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**

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

A 10-week placement with a specially selected member of the judiciary at the 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.

Defending / prosecuting a "mock" trial before actual judges at the Ontario Court of Justice.

Attending on an autopsy at the Coroner's Office and receiving instruction in pathology from the Chief Forensic Pathologist in the Province of Ontario.

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

The two papers are letter graded, whereas the seminars and the placements are on a pass/fail basis. The outline/bibliography for the first paper must be approved by the end of Week 2, and the paper is due at the end of Week 7. For the second paper, the outline/bibliography must be approved by the end of Week 9, while the paper

is due on the last day of examinations. At the conclusion of the semester the Directors supply each student with a four-page written evaluation of each aspect of the student's performance in the course.

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

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

*LW 7300.04, LW 7310.04, LW 7320.03 and LW 7330.04 (Not offered 09/10)*

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: K. Murray & K. Manley-Casimir,  
Adjunct Professors  
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. Imai  
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 two-fold: to enable the students to offer the best service possible to clinic clients and the community we serve; and to give students both the occasions and the intellectual support necessary to reflect on their experiences.

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

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

Hall Law School, and the Academic Director of PCLS is one of three Osgoode faculty members on the Clinic's Board of Directors.

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

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

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

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

### *3. Term Dates*

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

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

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

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

### 5. Hours of Work

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

### 6. Workload

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

### 7. Credit and Grading

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

### 8. Acceptance and Withdrawal

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

### 9. Summer Employment

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

Assuming the same level of funding as last year, students who accept a position in the Program

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

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

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

### 11.10 Mediation Clinical Program

Academic Director, Leanne Shafir, Adjunct Professor

*LW 7800.04, LW 7810.05*

The Mediation Clinical Program provides students with training in mediation theory and practice. During this full-year program students participate in a weekly three-hour seminar. Students will receive extensive mediation skills training, which will include participation in a variety of exercises and simulations. The class will also introduce students to the dispute resolution literature, topics explored will include the utility of mediation in civil and criminal disputes as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute system design. Under the guidance and direction of the Mediation Clinic Director, students also engage in a combination of court-related and community mediation services, including community outreach (e.g., ADR training and education of community groups and elementary/secondary school students); developing and applying dispute resolution design and implementation skills in the community; promoting mediation and the services of the Mediation Clinic to potential community user groups; conducting several community and/or Small Claims Court mediations. During the Mediation Clinical Program, students are responsible for completing a community engagement project, carried out in groups of 2 or 3, designed by the students and approved by the Clinic Director. Students also participate in two simulated co-mediations as both the mediator and as a mediation advocate

or client. Students will be evaluated on the development of both their mediation and mediation advocacy skills. In addition, students are expected to maintain a reflective journal throughout the program. Finally, students are required to complete a major research paper (20-25 pages) addressing one or more theoretical issues with observations based on the students' practice experience.

#### **11.11 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 – JD/MBA (MPA), JD/MES, JD/JD DEGREES

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

### 12.1 JD/MBA Joint Program

Osgoode Hall Law School, in conjunction with York University's Schulich School of Business, offers a four year, full-time program leading to a joint 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 JD or MBA degree studies, a small number of students completing their first year of either program are considered for admission to the Joint program, upon appropriate application to the other faculty.

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

New students entering the JD/MBA program have the option of completing the 4 year program in three years. This option is not open to students applying to the Joint program after completion of Year 1 at either Schulich or Osgoode. Students opting for this stream are admitted to Year 1 of the MBA beginning in April 2010 and complete year 1 in both degrees through continuous enrolment of Summer, Fall, Winter and Summer terms. Detailed information is found in the Joint MBA/JD section of the Schulich Graduate Handbook.

### Graduation Requirements:

- 45 credit-hours of Schulich School of Business courses
- 78-79 credit-hours of Osgoode Hall Law School courses
- successful completion of 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 JD program.)**

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

#### YEAR 2

- the Year 1 required program in the other school

#### YEARS 3 AND 4

#### **Note:**

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



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

- at least 15.0 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000.030 Strategic Management and MGMT 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 JD/MES Joint Program**

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

The purpose of the MES/JD Joint Program is to encourage the integration of these two critical fields of study and to prepare students for a range of opportunities in environmental affairs, law or planning. It offers students the opportunity to complete both the MES and JD degrees in just under four years, approximately one year less than it would take to complete the two degrees separately.

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

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

#### **Admissions**

Applicants to the joint program must apply and be admitted separately to the MES and JD programs. Upon admission to both Faculties, students are admitted to the joint program. Students typically apply to both programs simultaneously, but may also apply to the joint program during their first year in either the MES or JD program. For information about each faculty's application deadlines and admission requirements see [www.yorku.ca/fes/apply](http://www.yorku.ca/fes/apply) (MES Admissions) and [www.osgoode.yorku.ca/JD/applying.html](http://www.osgoode.yorku.ca/JD/applying.html) (JD admissions).

#### **The Academic Program**

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

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 JD First Year Program for the Fall and Winter terms. They have the Spring/Summer term free.

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

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

Year 3: Students register full time in the JD upper year program for the Fall and Winter terms. They register full time in the MES program in the Spring/Summer term, working on the MES major paper, project or thesis, and/or pursuing a law-related work placement which qualifies for MES credit.

Year 4 Students register full time in the JD upper year program for the Fall and Winter terms. They complete the MES major paper, project or thesis if not

already completed. They pass the MES final examination and convocate from the joint program in the Spring.

#### Completion

Normally, students complete both the MES and JD degree requirements by the end of the Winter term of the Fourth year of the program. In total, students must register for six terms at Osgoode and usually 4-5 terms at FES. Up to 15 MES credits may be counted toward the JD degree. This allows students to take a reduced Osgoode course load in Years 3 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 JD program and commencement of the articling or bar admission process.

#### Graduate Student Status

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

#### Fees

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

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

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

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

Professor Mark Winfield, FES coordinator, marksw@yorku.ca.

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

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

#### Program Requirements:

Students admitted to the combined JD/JD will complete two years of study at one school, followed by two years of study at the partner school. In the first and third year of the program, students will necessarily complete 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/JD is a four-year program and cannot be completed in less time.

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

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

graduate with their entering class) or may convocate from both schools upon completing the fourth and final year.

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

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

The following chart reflects the program of study for students beginning the program at each school, based on the program requirements of each school in existence in the 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
<p><b>First Year (at Osgoode)</b></p> <ol style="list-style-type: none"> <li>1. Contracts</li> <li>2. Torts</li> <li>3. Criminal Law</li> <li>4. Property Law</li> <li>5. Legal Process</li> <li>6. Ethical Lawyering in a Global Community</li> <li>7. State &amp; Citizen: Canadian Public &amp; Constitutional Law</li> <li>8. Perspective Option</li> </ol> <p><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 &amp; Writing Requirement (may be deferred, with</p>	<p><b>First Year (at NYU)</b></p> <p>Administrative and Regulatory State Contracts Criminal Lawyering Procedure Property Torts</p> <p><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</p>

approval, for completion in years 3 or 4 under NYU Writing "A" Requirement)	or 4 under Osgoode Upper Year Research and Writing Requirement); and Writing "B" Requirement
<b>Third and Fourth Years (at NYU)</b>	<b>Third and Fourth Years (at Osgoode)</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	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;

<http://www.law.nyu.edu/admissions/jdadmissions/applicants/applications/pdf/transferandnonmatriculantprograms/index.htm>

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

**12.4 JD(Osgoode)/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 JD degree from Osgoode Hall Law School and an LLM degree from NYU in a total of three and a half years of study (as opposed to the four years that would be required to obtain both degrees separately). This 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 (JD) 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/JD will complete five semesters of study at Osgoode in the JD program and 2 semesters at NYU in its LLM program. Students will complete the entire first year JD program, a second year of study in the JD program and then

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

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

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

Second year Osgoode students, 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
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), University of Luxembourg, 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 Faculty 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 JD graduate is given two years advance standing towards the Montréal civil law degree and, on successful completion of one year of study in civil law at l'Université de Montréal, will be awarded the Montréal LL.B. degree. Likewise, a Montréal graduate is granted two years advanced standing at Osgoode and can obtain the Osgoode JD degree with one year of study. 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, subject to further notice, the following policy on audio-recording applies for the 2009 - 2010 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 Canada and the Committee of Canadian Law Deans.

## **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 online)
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

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

### The Licensing Examinations

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

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

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

It is expected that each examination will be 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, and includes an online Professional Responsibility and Practice Course that must be completed during the articling term. Your articling term includes up to two (2) weeks of vacation. It is your responsibility to ensure that you article with



an approved Principal who has filed the required education plan with the Law Society. More information on the articling process will be provided in the application package.

posted on the Osgoode Career Services Website 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 JD 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 JD degree is recognized by the Law Society of Upper Canada as a pre-requisite for enrolment in the Licensing Process. The Law Society of Upper Canada places the responsibility on each student for having an adequate grounding in law before entering the Licensing Process. The only required law school courses are those which are currently mandatory in the Osgoode Hall Law School curriculum.

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

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

### **FACULTY ON SABBATICAL/LEAVE**

Professor N. Brooks – Fall term  
Professor R. Buchanan – Winter term  
Professor J. Cameron - Fall and Winter terms  
Professor P. Emond – Winter term  
Professor S. Gavigan – Fall term  
Professor L. Green – Winter term  
Professor S. Lawrence – Fall and Winter terms  
Professor S. Kierstead – Fall and Winter terms  
Professor K. McNeil – Fall and Winter terms  
Professor R. Mykitiuk – Winter term  
Professor L. Salter – Winter term  
Professor D. Scott – Fall term  
Professor J. Stribopoulos – Fall and Winter terms  
Professor E. Tucker – Fall and Winter terms  
Professor D. Vaver – Winter term  
Professor R. Wai – Fall term  
Professor J. Walker – Winter term  
Professor S.A. Williams – Fall and Winter terms  
Professor P. Zumbansen – Fall and Winter terms

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

## COURSE INFORMATION TABLES

### *Course Information Tables*

The following tables list the courses and seminars offered in the 2009-2010 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

## 2009 Fall Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	F08	82	95	89
Bankruptcy & Insolvency Law	Ben-Ishai		4	2430	4	F07	39	95	40
Business Associations	Dhir	A	4	2020	4	F08	66	95	80
Business Associations	Waitzer/ Nordick	B	4	2020	4	F08	81	95	89
Collective Bargaining Law	Slinn		4	2515	4	W09	36	95	48
Commercial Law	Geva	A	4	2030	4	F08	53	95	48
Computers, Information & The Law	Takach		3	2980	3	F07	12	95	11
Conflict of Laws	Castel		4	2040	4	F08	48	95	56
Copyright	Craig		4	2870	4	F06	85	95	91
Criminal Procedure	Libman	A	4	2690	4	New	N/A	95	N/A
Debtor/Creditor	Springman/ Gertner		3	2250	3	W08	13	50	12
Environmental Law	Wood, S.		4	2880	4	F08	38	80	32
Estates	Black	A	4	2050	4	F08	58	95	72
Evidence	Pilkington	A	4	2490	4	F08	70	95	66
Evidence	Morton	B	3	2490	3	F08	65	95	78
Family Law I	Drummond	A	4	2060	4	W09	45	95	52
Family Law I	Kierstead	B	4	2060	4	W06	69	95	79
Human Rights in Africa	Okafor		3	2450	3	F08	10	20	7
Immigration	Okafor		4	4270	4	F08	62	80	62
Insurance Law	Campisi		4	2280	4	N/A	N/A	95	N/A
International Aspects of Intellectual Property	Mgbeoji		4	4170	4	W07	5	50	6
International Criminal Law	Adler		4	2440	4	N/A	N/A	95	N/A
Labour & Employment Law	Chapman/Kanee		4	2315	4	New	N/A	95	N/A
Land Use Planning	Mascarin/Hare		3	2320	3	N/A	N/A	95	N/A
Law & Social Change: Community Action Across Borders	Bhabha		2	2750M	3	New	N/A	20	N/A
Law & Social Change: Law & Development	Buchanan		3	2750H	3	F08	6	20	3
Public International Law	Mgbeoji		4	2340	4	N/A	N/A	95	N/A
Real Estate Transactions	Rosenblatt	A	4	2070	4	F08	95	55	Full
Real Estate Transactions	Carter	B	4	2070	4	F08	17	95	29
Refugee Law	Rehaag		3	2470	3	F08	24	80	26
Securities Regulation	Lastman	A	3	2620	3	F08	64	95	66
Taxation Law	Philipps	A	4	2080	4	W09	69	95	78
Taxation Law	Frankovic	B	4	2080	4	F08	34	95	49

## 2009 Fall Seminars

Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Watson/ Baert		2	3010A	3	F08	6	20	9
Administration of Criminal Justice: Sentencing	Crosbie		2	5010C	3	N/A	N/A	20	N/A
Advanced Labour	Slinn		2	5060	3	F08	6	20	7
Climate Change Law	Richardson/ Wood, S.		2	3830	3	F08	25	20	Full
Constitutional Litigation	Dassios/ Lokan	A	2	3630	3	F08	18	20	16
Course of a Transaction: Following a Business Acquisition from Start to Finish	Swan/ Nelligan		2	5020	3	F08	26	40	20
Discrimination & the Law	Ryder		2	3300	3	W08	24	20	Full
Dispute Settlement	Fleischmann	A	3	3980	3	F08	11	20	14
Entertainment & Sports Law	Kirke	A	2	3840	3	F08	46	20	Full
Health Law	Stewart-Ferreira,		2	3004	3	N/A	N/A	20	N/A
Intellectual Property Theory	Craig		2	5430	3	F06	10	20	11
Intensive Legal Research & Writing	Davis		2	3920	3	F08	10	20	13
International and Comparative Family Law	Drummond		2	5140	3	W09	4	20	7
International Dispute Resolution: Vis Moot	TBA		2	3007A	3	F08	16	16	Full
International Human Rights Law	Scott	A	3	3440	4	W09	30	20	16
International Research and Placements	Baglay			5610	3	N/A	N/A	10	N/A
Law & Psychiatry	Romano/Bryan		2	3240	3	F08	10	20	9
Lawyer as Negotiator	Zemans		3	3960	4	F08	88	72	Full
Legal Values: Intellectual Property & Health Care	Vaver		2	3591B	3	New	N/A	20	N/A
Legal Values: Legal Ethics	Hutchinson		2	3590N	3	N/A	N/A	20	N/A
Legal Values: Legality & the Rule of Law	Green		2	3591D	3	New	N/A	20	N/A
Legal Values: Reforming Intellectual Property	Vaver		2	3591C	3	New	N/A	20	N/A
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey		2	3008	3	F08	13	20	18
Project Finance	Johnson		2	5030	3	F08	10	20	13
Small Business Enterprises	Kroft		2	5630	3	W09	20	20 res.	Full
Theory and Practice of Mediation	Zemans		3	5960	4	F08	8	16	8
Transnational Corporations & Human Rights	Dhir		2	3590T	3	W09	10	20	11
Trial Practice	Grinberg/ Rosenthal/ Baichoo		3	5270	4	N/A	N/A	80	N/A

2010 Winter Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	TBA	Q	4	2010	4	N/A	N/A	95	N/A
Administrative Law	Rees	P	4	2010	4	W09	84	95	89
Banking & Negotiable Instruments	Chamorro-Courtland		4	2420	4	N/A	N/A	95	N/A
Business Associations	Puri	P	4	2020	4	W09	109	95	Full
Civil Procedure II	Watson M.		3	2230	3	W08	30	75	28
Commercial Law	Dhir	P	4	2030	4	W09	95	95	93
Commercial Law	Forbes	Q	4	2030	4	W09	25	95	31
Comparative Law	Drummond		4	2004	4	F08	28	50	21
Contracts II	Hall		3	2460	3	W09	54	95	64
Corporate Finance	Murray		3	4000A	3	W08	27	95	19
Criminal Law II: Homicide	Klukach/Breen		3	2240	3	New	N/A	95	N/A
Criminal Procedure	Young	P	4	2690	4	W09	80	95	92
Disability & the Law	Gilmour		3	4905	3	W07	4	30/15 JD students	4 JD
Estates	Black	P	4	2050	4	W09	95	95	Full
Evidence	Litkowski/ Strezos	P	4	2490	4	F06	33	95	56
Family Law I	Mossman	P	4	2060	4	F08	66	95	71
Globalization & the Law	Stewart	P	3	2008	3	W09	N/A	20; 5 Upper Year	N/A
Individual Employment Relationship	Ball		3	2550	3	W09	19	95	24
Intellectual Property	Sookman/Mason		3	2970	3	N/A	N/A	95	N/A
International Business Transactions	Wai		3	2890	3	W07	26	95	25
International Taxation	Turner/Roth /Anderson		4	4150	4	N/A	N/A	95	N/A
International Trade Regulation	Wai		4	2290	4	F07	28	95	47
Jurisprudence	Tanguay-Renaud		3	2720	3	N/A	N/A	25	N/A
Law & Social Change: Policing	Beare		3	2750B	3	W09	4	20; 5 upper year	Full
Legal Drafting	Benda/ Shin Doi		3	2140	3	W09	71	75	Full
Legal Governance of Health Care	Gilmour		4	2404	4	W09	58	50	49
Legal Politics	Mandel		3	2570	3	W07	6	20; 5 upper	Full
Patents	Mgbeoji		4	2330	4	F08	27	95	30
Real Estate Transactions	Perell	P	3	2070	3	W09	54	95	63
Regulation of Competition	Facey/ Wood M.		3	2350	3	W09	39	80	43
Restitution	McCamus		4	2360	4	W09	47	95	54
Securities Regulation	Condon	P	4	2620	4	F08	42	95	37
Taxation Law	Li	P	4	2080	4	F08	92	95	Full
Taxation of Business Enterprises	Brooks		4	4100	4	W09	61	95	67
Trademarks	Craig		4	2170	4	W07	58	95	63
Trusts	Kaufman		3	2090	3	N/A	N/A	95	N/A

2010 Winter Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Estate Litigation	Black		2	3010B	3	W09	10	20	10
Advanced Bankruptcy	Ben-Ishai		2	5400	3	W08	5	20	4
Advanced Securities	Condon		2	5280	3	W08	17	20	12
Canada/U.S./Mexico Business & Economic Relations	Gastle		2	3350	3	W08	12	20	15
Children And The Law	Drummond		2	5230	3	N/A	N/A	20	N/A
Comparative Law: International & Comparative Labour Law	Slinn		2	3040N	3	W09	5	20	6
Constitutional Litigation	Charney	P	2	3630	3	W09	28	20	16
Contract Remedies	Linley/Johnson/ O'Toole		3	3050	4	W09	29	20	16
Corporate Governance	Ben-Ishai		2	5170	3	W08	15	20	16
Dispute Settlement: Collaborative Law	Smith/Graham		2	3980B	3	W06	17	20	18
Entertainment & Sports Law	Duarte	P	2	3840	3	W09	20	20	Full
Family Law II - Family Law Policy	Mossman		2	5120	3	F08	9	20	8
Forensic Science & the Law	Federico/ Rondinelli		2	3690	3	W09	10	20 max., 10 res.	Full
ICT Colloquium	Scott, C.		2	5810	3	W09	9	20	8
Intellectual Property & Cognitive Science	Corbin/ Spring Zimmerman		2	5420	3	F07	11	20	11
International Human Rights Law	Scott, C.	P	3	3440	4	W09	30	20	16
International Investment Law	Van Harten		2	3100	3	W09	20	20	11
International Law of South-North Relations	Okafor		2	5940	3	W09	5	20	11
International Research and Placements	Baglay			5615	4	N/A	N/A	10	N/A
Investor Protection: Advanced Seminar	Puri/ Waitzer		3	5410	4	W09	22	20	Full
Joint JD/M.B.A. Seminar	Johnson		2	3820	3	W09	18	20	17
Labour Arbitration	Rowan/ Lewis		2	5070	3	W09	13	20	13
Labour & Employment Law and Policy Colloquium	Slinn		2	5550	3	N/A		20	N/A
Land Development & Commercial Real Estate Problems	Gross		2	5160	3	W09	31	20	Full
Law of War	Mandel		2	3730	3	W08	20	20	10
Law & Social Change in Latin America	Colon-Rios/ Imai		2	5190	3	N/A	N/A	20	N/A
Legal Values: Governance of the International Financial System	Van Harten		2	3590R	3	W09	9	20	10
Legal Values: Race and Gender in Corporate Law and Governance	Dhir		2	3591A	3	New	N/A	20	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Mosher		2	5007	3	N/A	N/A	20	N/A
Medical/Legal Seminar	Brock/ Carlisle		3	3180	3	W07	8	20	15
Philosophical Foundations of Criminal Law	Tanguay-Renaud		2	5690	3	New	N/A	20	N/A
Resources Management	Koeh/Wilkins		2	3490	3	N/A	N/A	20	N/A
Tax Law and Policy Colloquium	Brooks		2	5330	3	W08	5	20	4
Taxation as an Instrument Of Social & Economic Policy	Brooks		3	3006	3	W09	15	20, 10 upper	Full

## COURSE AND SEMINAR DESCRIPTIONS

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

(3010A.03) *Seminar*

Instructor(s): Professor G. Watson, K. Baert & C. Poltak Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: none

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

This seminar 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): Howard S. Black, Adjunct Professor

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

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: none

Presentation: Presentation: Discussion, lectures, student presentations

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

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

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

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

(5010C.03) *Seminar*

Instructor(s): K. Crosbie, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Discussion, participation

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

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

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

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

**Administrative Law**

(2010.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

Evaluation: Open-book examination (100%)

**Administrative Law**

(2010.04 Q) *Course*

Instructor(s): TBA

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%).

**Advanced Bankruptcy**

(5400.03) *Seminar*

Instructor(s): Professor S. Ben-Ishai

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

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

Preferred Courses: none

Presentation: Lecture, discussion

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

Evaluation: 85% Paper; 15% Participation

**Advanced Labour**

(5060.03) *Seminar*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: Individual Employment Relationships and/or Labour Relations

Preferred Courses: none

Presentation: Seminar discussion

This seminar provides an opportunity for students to engage in an in-depth examination of key current cases and events in labour law from both a legal and policy perspective, including discussions with lawyers and others involved in these ongoing matters. Cases and topics may include a series of freedom of association cases currently before the Supreme Court of Canada dealing with the freedom of association and its application to business closure, the limits of statutory protection of access to collective bargaining, and the models of labour relations protected by the *Charter* freedom of association. This seminar may also include an examination of recent and ongoing freedom of expression cases in the workplace context. This seminar will explore the legal, policy and labour relations backgrounds and implications of these cases.

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

**Advanced Securities**

(5280.03) *Seminar*

Instructor(s): Professor M. Condon

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

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: none

Presentation: Discussion, guest speakers, student presentations

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; legal issues related to online investing; and the role of securities regulation in corporate governance in the era of SOX.

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

## **Banking & Negotiable Instruments**

(2420.04) *Course*

Instructor(s): C. Chamorro-Courtland, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

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

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

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

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

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

## **Bankruptcy & Insolvency Law**

(2430.04) *Course*

Instructor(s): Professor S. Ben-Ishai

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

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

Preferred Courses: None

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: 100% Final Exam

## **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 70% open-book examination and 30% 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. Throughout the course, evolving concepts of the corporation and the role of corporate law will be critically examined.

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

**Business Associations**

(2020.04 P) *Course*

Instructor(s): 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 corporate social responsibility; and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

Evaluation: 100% Open-Book Examination or 75% Open-Book Examination and 25% Group Assignment

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

(3350.03) *Seminar*

Instructor(s): C. Gastle, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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

From a Canadian standpoint, the impact that "free" trade has had on the Canadian economy will be considered including the degree of integration that exists with the United States. The argument that Canada should diversify its trade, and the problems inherent in such diversification, will also be reviewed. The proposals that Canada enter an enhanced NAFTA (including a common external tariff, North American border action plan, and energy and natural resource security strategy) to ensure secure access to the America market will be discussed.

From an American standpoint, the course will attempt to deal with the issues arising from the growing trade deficit and resulting protectionism. It will also review the manner in which trade and security are becoming synonymous in the post-911 world and the resulting demands that are being placed on its trading partners. An attempt will be made to assess the degree to which North America might be seen as a regional innovation system, competing with Asian and European systems.

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

Evaluation: Both group work and individual assessment. Please note that this is a new and somewhat experimental course.

### **Children And The Law**

(5230.03) *Seminar*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: Family Law I (2060.04)

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%)



**Civil Procedure II**

(2230.03) *Course*

Instructor(s): M. Watson, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

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

Evaluation: Open-book examination.

**Climate Change Law**

(3830.03) *Seminar*

Instructor(s): 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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

This course provides an introduction to the law governing collective employee representation, with an emphasis on private sector and public sector labour relations in Ontario. The first objective of this course is to provide students with an introduction to the law and policy relating to collective employee representation. Topics include employer, employee and union status under collective bargaining legislation; the state's role in protecting freedom of association through statutory certification procedures for unions and unfair labour practice prohibitions; examination of the importance of exclusive bargaining rights; the duty to bargain in good faith; and issues relating to industrial disputes such as first-contract arbitration, strikes, lockouts and picketing. This course will also address topics that, while important, are not commonly covered in survey labour relations law courses, including: the law relating to specific sectors such as the public sector and construction industry, and law governing internal union affairs.

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

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

Evaluation: 100% open book examination with optional paper worth 70% of final grade due first day of examinations.

## **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 Personal Property Security Act. The course will combine statutory interpretation and legal principles as they operate throughout commercial transactions.

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

Evaluation: 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 70% open-book examination and 30% 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

## **Comparative Law**

(2004.04) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, films, small group work

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

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

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

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

(3040N.03) *Seminar*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: Labour Relations

Presentation: Seminar, discussion

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

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

### **Computers, Information & The Law**

(2980.03) *Course*

Instructor(s): G. Takach, Adjunct Professor

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

Prerequisite Courses: None

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

Presentation: Lectures, discussion

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

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

### **Conflict of Laws**

(2040.04) *Course*

Instructor(s): Professor 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, issues of crossborder litigation can arise in every field of private law and affect any lawyer's practice. As the issues become more prevalent, so too does their analysis sharpen and deepen, marking this subject one of the fastest moving and intellectually challenging.

This course aims to provide 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 might apply in federal and regional systems.

Evaluation: Closed-book final examination 100% with optional in-term assignments.

**Constitutional Litigation**

(3630.03 A) *Seminar*

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

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

Prerequisite Courses: Constitutional Law

Preferred Courses: none

Presentation: Discussion of assigned readings and their application in the development of litigation strategies in case studies; students choose a hypothetical case 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: Civil Procedure I, Constitutional Law

Preferred Courses: none

Presentation: Student presentations and discussion.

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

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

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

## **Contract Remedies**

(3050.04) *Seminar*

Instructor(s): R. Linley, M. Johnson & B. O'Toole, 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.

## **Copyright**

(2870.04) *Course*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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

Evaluation: Open-book examination (100%)

## **Corporate Finance**

(4000A.03) *Course*

Instructor(s): S. Murray, Adjunct Professor

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

Prerequisite Courses: Business Associations, Tax, Securities Regulation

Preferred Courses: none

Presentation: Discussion, workshops, lectures, guest speakers

This course will examine corporate financing techniques 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 S. Ben-Ishai

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation

Presentation: Lecture, student participation

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

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



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

(5020.03) *Seminar*

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

Fall: 3 credits; 2 hours; max. enrollment: 40

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

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 2009-2010 academic year will probably not differ significantly from what was done when the course was offered in previous years

**Criminal Law II: Homicide**

(2240.03) *Course*

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

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

Prerequisite Courses: Criminal Law I

Preferred Courses: none

Presentation: Lectures, Discussion

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

Evaluation: Evaluation will be based upon classroom attendance and participation (20%), a 10 page midterm paper (40%) and a 2 hour final exam (40%).

**Criminal Procedure**

(2690.04 A) *Course*

Instructor(s): R. Libman, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation:

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.

**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.

**Debtor/Creditor**

(2250.03) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

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

Evaluation: Open-book examination (100%).

**Disability & the Law**

(4905.03) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student participation

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

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

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

## Discrimination & the Law

(3300.03) *Seminar*

Instructor(s): Professor B. Ryder

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

The purpose of this course is to study constitutional and statutory anti-discrimination law in depth, with an emphasis on section 15 of the Canadian *Charter of Rights and Freedoms*. In the drafting of s.15, in the years leading up to its coming into force, and in the 24 years since, the equality rights in the *Charter* have been a focus for the hopes and aspirations of many disadvantaged groups. Section 15 has also been a site of intense political and legal contestations, as well as persistent judicial anxieties. Some sustained law reform campaigns, fuelled by litigation or the threat of litigation, have enjoyed remarkable success that would not have been possible absent s.15 of the *Charter*. Moreover, Canadian equality jurisprudence has inspired scholars and judges around the world.

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

How are we to understand the symbolic importance, the transformative potential, and the limitations of equality rights? What are we to make of the mix of celebration and despair that has characterized Canadian activists' engagement with s.15 over the last 25 years? Through an examination of the case law interpreting s.15 of the *Charter* and similar equality rights set out in Canadian human rights statutes, and related statutory and constitutional equality rights in foreign jurisdictions, this course aims to develop perspectives from which to understand, critique and assess the impact of equality rights.

Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of anti-discrimination law (75%); short written comments on readings 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, including negotiation and mediation. Key issues relevant to ADR theory and practice are explored, such as: conflict theory, power, culture, and communication. The appropriateness of ADR processes for the resolution of civil disputes in diverse areas including labour and employment, corporate/commercial, family, and neighbourhood disputes is also examined.

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

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

### **Dispute Settlement: Collaborative Law**

(3980B.03) *Seminar*

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

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

Prerequisite Courses: Family Law

Preferred Courses: none

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

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

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

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

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

## **Entertainment & Sports Law**

(3840.03 A) *Seminar*

Instructor(s): 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): T. Duarte, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

This seminar will cover issues of substantive law in the practice of entertainment 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 and advice take home exercise (15%), class participation (10%), research paper (75%).

**Environmental Law**

(2880.04) *Course*

Instructor(s): Professor S. Wood

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion, guest lectures, student presentations

This course provides an introduction to Canadian environmental law, with a focus on federal and Ontario law. It surveys the theoretical, doctrinal and practical dimensions of environmental law, with some attention to comparative and international dimensions. Major issues in environmental law are brought to life via guest lectures, the Web, videos, and scenarios drawn from real-world environmental controversies. These scenarios are taken up through a series of student-led legal briefings, in which groups of students research legal issues and advise hypothetical clients ranging from government to business, environmentalists and First Nations. Course topics typically include histories of environmental law; major ideas and theories of environmental law; division of powers and federalism; command regulation and its critics; risk and precaution; water pollution and conservation; air pollution (with a focus on the Ontario Environmental Protection Act); climate change; toxic substances (with a focus on the Canadian Environmental Protection Act); contaminated land; environmental compliance and enforcement; economic instruments of environmental regulation; financial institutions and the environment; voluntary environmental codes; public participation and environmental rights (with attention to the Ontario Environmental Bill of Rights); judicial review, private prosecution and statutory citizen suits; common law environmental actions; environmental impact assessment (with a focus on the Canadian Environmental Assessment Act); parks and protected areas; endangered species; environmental justice; aboriginal peoples and the environment; international environmental law; and international trade and the environment. This course is integrated with the Faculty of Environmental Studies graduate course ENV5 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%).

**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; relevance, probative value and prejudicial effect; direct and circumstantial evidence; competency and compellability of witnesses; character evidence; similar fact evidence; hearsay; opinion evidence; credibility and impeaching credibility; the rights of the accused, confessions, improperly obtained evidence, and exclusion of evidence under the *Charter of Rights and Freedoms*; privileges; means of proof (testimonial evidence, real evidence); proof without evidence (presumptions, judicial notice); the professional responsibilities of the advocate; burdens and standards of proof; and appellate review of evidence rulings. Students will develop frameworks for (1) anticipating and analyzing evidence issues, (2) understanding the values inherent in evidence law and the initiatives for its reform, and (3) applying evidence law.

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

Students will also have the option of participating in non-credit workshops on examination and cross-examination.

**Evidence**

(2490.04 P) *Course*

Instructor(s): R. Litkowski, L. Strezos, E. Morton, 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 S. Drummond

Fall: 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: 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 B) *Course*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, group problem solving exercises

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

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

The objective of the course is to provide a social, political and economic context within which legislative policies and judicial approaches can be understood and assessed. Particular attention will be paid to current provincial and federal law reform initiatives relating to the legal regulation of the family.

Evaluation: Class Participation (25%); Open-book examination (75%)

## **Family Law I**

(2060.04 P) *Course*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, and problem-solving

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

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

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

Evaluation: Open-book examination (2 hours and 10 minutes) 65%  
Critical case comment (or 50 minutes extension on open-book exam) 35% \*.

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

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

(5120.03) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: Family Law

Preferred Courses: none

Presentation: Discussion, problems, and student presentations

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

## **Forensic Science & the Law**

(3690.03) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: none

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

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

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

## **Globalization & the Law**

(2008.03 P) *Course*

Instructor(s): F. Stewart, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

The classes will be taught in an eleven-week period, beginning January 20, 2010. There will be ten sessions divided into thematic blocs ("modules"). Each session will be 3 hours.

This course challenges students to reflect on "globalization", which permeates legal development, and which is growing in significance for legal practice. As the demands for social ordering exceed the capacity of the nation state, political/economic/social actors press for "law" to move further beyond the state into public international and private transnational spaces. Such phenomena are leading to crisis for more traditional structures and processes of domestic legal development by creating non-state norm entrepreneurs, who not only operate from within international organizations, business networks, and other non-traditional lawmaking spaces, but also challenge the core tenets of the understanding of law, and compete with state actors for the prize of norm supremacy within targeted segments of society.

The objective of the course is to grapple with this evolving network of official and unofficial legal norms and law-making processes so as to better appreciate the significance of this evolution upon "domestic" law, legal practice and legal methodology. Students will be asked to read, consider and deliberate at the margins of the traditional understanding of law, in order to appreciate what "law beyond the state" could mean for its future as a regulatory tool. The course will provide students with a foundation for approaching public international law, conflicts of laws, international economic law, and comparative law, by offering a general understanding of what appears to be the direction of legal development in the twenty-first century. It will also include detailed instructions and important tips on how to effectively write and present a scholarly paper in law.

Evaluation: Term paper (20 pages) including a detailed essay proposal 80% ; Class Participation 20%

**Health Law**

(3004.03) *Seminar*

Instructor(s): L. Stewart-Ferreira, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, Student Participation (including presentation), Lecture

This seminar will examine selected topics at the interface of law, health care, medicine and bioethics. Each week, we will explore different legal issue that arises in connection with aspects of health, illness and the provision of health care. We will begin by studying the ethics and criteria for universal health care and the allocation of scarce resources and the debate regarding public-private health care. With this background, we will consider particular issues at the interface of law, medicine and bioethics in more depth. Areas of study will include: Public Health issues including HIV/AIDS, Walkerton, the West Nile Virus, Individual Health issues including the beginning of life, the regulation of reproduction, end of life issues around death and dying, consent to treatment as well as health information, human research and Charter Challenges.

Students will share responsibility for leading a seminar and will meet with the instructor in advance to determine the approach to be taken. Students presenting will be responsible for preparing a brief handout outlining responses or questions which you think flow from the readings and would be useful in structuring seminar discussion.

Evaluation: Research Paper 75%; Seminar Presentation 20%; Class Participation (attendance & participation) 5%

## 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, chatroom discussions, 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: Globalization and the Law plus two of the following: Public International Law, Conflict of Laws and Comparative Law. Students must be enrolled in the ICT Program or be a qualified exchange student. Graduate Program students (candidates for the LLM and PhD) will also have special access to the course. See below under "Preferred" for a second admission path for JD students.

Preferred Courses: Subject to space, the instructor may approve admission of a maximum of four JD students not in the ICT Program whose record of courses in areas of ICT (which must include at least one of Public International Law, Conflict of Laws, or Comparative Law) and/or legal theory reveals that they have the necessary background to contribute to and benefit from the seminar.

Presentation: Reading directed by reflective questions provided in advance by the instructor; classroom time devoted to active student participation that centres on discussions guided by interspersed instructor presentations and that culminates in students' presentations (in the last two or three classes) of essays-in-progress.

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

The final two or three classes in the semester are devoted to students presenting the outlines of their papers-in-progress and receiving feedback from colleagues in the class. In order that the research paper can be a serious and worthwhile exercise, early deadlines are set in the course for students to receive feedback on and approval of the direction in which they plan to take their research. Within approximately three weeks, each student must submit a 100-250 word description of her or his current thinking on her essay topic and focus. A substantial outline, in the form of a fairly detailed table of contents, is then expected roughly two-thirds of the way through the course. A topic and focus may be changed as student reflection deepens, subject to the student informing and receiving the approval of the instructor.

Evaluation: *Option 1* : Attendance (10%); participation (10%); final paper (80%). Paper description and outline are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.

*Option 2* : Attendance (10%); participation (10%); final paper (60%); and offering evaluative comment to the Convening Editor of the new journal *Transnational Legal Theory* either on two articles submitted to the journal or on one article accepted by the journal (20%).

## **Immigration**

(4270.04) *Course*

Instructor(s): Professor O. Okafor

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

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 (20%), Open-book examination (80%)

## **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

The course will examine the legal ramifications of the employment relationship from its formation throughout its existence. It will also look at the rights and obligations of both employees and employers after the contract of employment has been terminated. The course will allow the student to understand relevant employment law principles germane to both practicing litigators and solicitors. It will look at current trends prevailing and emerging at common law, including contract and tort, as well as developing equity issues. While the individual employment relationship is primarily governed by common law principles in Canada, relevant statutes and their interaction with the common law will be reviewed. These statutes will include the *Employment Standards Act* of Ontario, the *Ontario Human Rights Code*, the *Canada Labour Code* unjust dismissal provisions, and the *Occupational Health and Safety Act*. Remedies available at common law, equity and statute for both employees and employers will be examined. Legal and equitable issues concerning employee post employment competition will be reviewed

Evaluation: 100% open book final examination or 75% open-book final examination and 25% short paper. Short paper is to be handed in by the last day of class.

**Insurance Law**

(2280.04) *Course*

Instructor(s): J. Campisi, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: lectures and in-class discussions

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

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

Evaluation: Final examination, 100%. Paper option, 50% of the final grade.

## **Intellectual Property**

(2970.03) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, class discussion

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

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

The learning objectives of the course are as follows:

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

Evaluation: 100% open book exam.

## **Intellectual Property Theory**

(5430.03) *Seminar*

Instructor(s): Professor C. Craig

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

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

Preferred Courses: none

Presentation: Discussion, student presentations

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

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

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

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

## **Intellectual Property & Cognitive Science**

(5420.03) *Seminar*

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

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

Prerequisite Courses: Students should have taken, or be concurrently taking, at least one of the following: Copyright; Patents; Trademarks: Computers, Information & the Law; or Entertainment & Sports Law. Past exposure to any of the social sciences, such as psychology, sociology or economics is useful but not mandatory.

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): 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

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

Prerequisite Courses: Family Law

Preferred Courses: none

Presentation: Seminar, discussion

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

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

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

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

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

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

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

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



### **International Aspects of Intellectual Property**

(4170.04) Course

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: Students must have taken at least one and preferably two of the following: Patent Law, Copyright Law or Trademark Law. Note: In the years where the focus is on international patent law and related issues, Patent Law will be a pre-requisite. Where the focus is upon international copyright and trademark law, there will be a prerequisite of either Copyright or Trademarks, with the other being recommended. Some background in International Law is recommended but not required.

Preferred Courses: none

Presentation: Course lecture

The course examines the structure and processes of international protection of intellectual property rights. The course also examines that legal and policy issues surrounding the protection and use of creative and commercial intangibles in an international and globalized environment. The emphasis is upon exploring fundamental principles underlying international intellectual property systems and examining current controversies. The focus of the course will shift in alternate years between patents and biotechnology issues (including discussion of traditional knowledge and genetic resources) and copyright and trademark issues (including discussion of indigenous art and culture). The focus in Winter 2007 is on patents, trademarks, biotechnologies and copyright.

The objectives of the course are: to provide students with an understanding of the international framework for intellectual property protection; to provide a critical exploration of its practical and political implications; and to encourage students to consider the nature and role of intellectual property rights in light of this international dimension.

Evaluation: 100% final examination (with optional paper).

### **International Business Transactions**

(2890.03) Course

Instructor(s): Professor R. Wai

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This course examines the legal structure of business transactions that cross national boundaries. The course is primarily concerned to understand the plural regulatory contexts for international transactions and the role of contract in the private ordering of transactions. The course will also explore how the differing cultural, economic and political orientations of participants impact on the legal structure of international transactions.

The main kind of transaction to be examined will be the international sale of goods, including the topics of sales, carriage, insurance, payment and dispute resolution. The course will more briefly address investment transactions such as joint venture arrangements. Finally, it will examine the role of the legal profession in cross-border transactions.

Sources of law examined include Canadian statutory and common law and relevant international treaties (such as the UN Convention on Contracts of the International Sale of Goods). The course will also examine the growing importance of non-state norms including *lex mercatoria* and transnational codes of conduct.

Evaluation: Open-book examination.

### **International Criminal Law**

(2440.04) *Course*

Instructor(s): L. Adler, Adjunct Professor

Fall: 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.

Permeating the course will be references to the law, practice, procedure and functioning of some selected international courts and tribunals such as, for example: the International Criminal Court, the International Court of Justice, the Tribunals for Rwanda and the former Yugoslavia, etc.

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): TBA

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 seven years.

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

## **International Human Rights Law**

(3440.04 A) *Seminar*

Instructor(s): Professor C. Scott

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

Prerequisite Courses: None

Preferred Courses: Public International Law and/or Globalization and the Law

Presentation: Reading directed by reflective questions provided in advance by the instructor; classroom time devoted to active student participation that centres on discussions guided by interspersed instructor presentations and that culminates in students' presentations (in the last two or three classes) of essays-in-progress.

This is a seminar designed to provide a general (while still selective) overview of both the nature of international human rights discourse and the international system for the protection of human rights, with the further goal of providing a foundation for students to pursue their individual research interests. The course will provide an introduction to general processes, institutional structures and guiding legal doctrines relevant to understanding the interpretation and implementation 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 and case law at the regional level (Europe, Africa and the Americas).

By way of a guiding approach for the course, it will constantly examine and interrogate the policy-based justifications and philosophical bases for international human rights law. Students will be asked to pay constant attention to the intersection of legal, political and moral perspectives relevant to protection of human dignity beyond (while still in tandem with) states' own legal orders. These perspectives will be embedded in an exploration of the tensions between, on the one hand, the operation of power differentials at various levels of international human rights law and, on the other hand, idealistic pursuit of dialogue-centred and rule-of-law understandings of the field. Throughout all of these inquiries, students will be asked to grapple with the implications of the structure and operational realities of international law as a general field for the sub-field of human rights protection, as well as to consider the proper theories and practices related to the reception of international human rights law by Canadian law.

The final two or three classes in the semester are devoted to students presenting the outlines of their papers-in-progress and receiving feedback from colleagues in the class. In order that the research paper can be a serious and worthwhile exercise, early deadlines are set in the course for students to receive feedback on and approval of the direction in which they plan to take their research. Within approximately three weeks, each student must submit a 100-250 word description of her or his current thinking on her essay topic and focus. A substantial outline, in the form of a fairly detailed table of contents, is then expected roughly two-thirds of the way through the course. A topic and focus may be changed as student reflection deepens, subject to the student informing and receiving the approval of the instructor.

Evaluation: Attendance (10%); participation (10%); final paper (80%). Paper description and outline are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.

## **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: Public International Law and/or Globalization and the Law

Presentation: Reading directed by reflective questions provided in advance by the instructor; classroom time devoted to active student participation that centres on discussions guided by interspersed instructor presentations and that culminates in students' presentations (in the last two or three classes) of essays-in-progress.

This is a seminar designed to provide a general (while still selective) overview of both the nature of international human rights discourse and the international system for the protection of human rights, with the further goal of providing a foundation for students to pursue their individual research interests. The course will provide an introduction to general processes, institutional structures and guiding legal doctrines relevant to understanding the interpretation and implementation 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 and case law at the regional level (Europe, Africa and the Americas).

By way of a guiding approach for the course, it will constantly examine and interrogate the policy-based justifications and philosophical bases for international human rights law. Students will be asked to pay constant attention to the intersection of legal, political and moral perspectives relevant to protection of human dignity beyond (while still in tandem with) states' own legal orders. These perspectives will be embedded in an exploration of the tensions between, on the one hand, the operation of power differentials at various levels of international human rights law and, on the other hand, idealistic pursuit of dialogue-centred and rule-of-law understandings of the field. Throughout all of these inquiries, students will be asked to grapple with the implications of the structure and operational realities of international law as a general field for the sub-field of human rights protection, as well as to consider the proper theories and practices related to the reception of international human rights law by Canadian law.

The final two or three classes in the semester are devoted to students presenting the outlines of their papers-in-progress and receiving feedback from colleagues in the class. In order that the research paper can be a serious and worthwhile exercise, early deadlines are set in the course for students to receive feedback on and approval of the direction in which they plan to take their research. Within approximately three weeks, each student must submit a 100-250 word description of her or his current thinking on her essay topic and focus. A substantial outline, in the form of a fairly detailed table of contents, is then expected roughly two-thirds of the way through the course. A topic and focus may be changed as student reflection deepens, subject to the student informing and receiving the approval of the instructor.

Evaluation: Attendance (10%); participation (10%); final paper (80%). Paper description and outline are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.

## **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 examines current developments in international investment law and investment arbitration. It may be of special interest to students interested in public international law, international arbitration, business law and regulation, or law and economic development. The main legal topic is the public international law, and to a lesser extent domestic law and policy, governing the regulatory relationship between states and foreign investors. Special attention is paid to investment treaties including bilateral agreements and regional agreements (e.g. NAFTA). The seminar also examines the burgeoning body of arbitration awards pursuant to investment treaties as well as relevant domestic court decisions.

Anticipated topics include: policy issues in regulation of foreign investment; background to investment treaties and relevant arbitration treaties; major arbitration institutions and rules; international standards including expropriation, fair & equitable treatment, national treatment, and most-favoured-nation treatment; jurisdiction and admissibility of claims in investment arbitration; umbrella clauses, investment contracts, and privatization; remedies and state liability; recognition and enforcement of awards. The aim is to provide students with a sound grounding in technical issues while affording opportunities to engage in critical discussion of this area of the law and possible reforms and to develop their analytical, presentation, and research/ writing skills.

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

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

(5940.03) *Seminar*

Instructor(s): Professor O. Okafor

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

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): S. Baglay, Adjunct Professor

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

Prerequisite Courses: None. However, relevant courses (LLB or otherwise) and relevant experience may be the basis for preference in selection to participate in particular project.

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.

Collaborative Research Teams (CRT) course is offering the following research projects for 2009-10:

1. Either (1) Canadian and foreign policies with respect to "persons in limbo" or (2) analysis of adjudication of refugee claims made by unaccompanied minors in Canada – partner is Center for Refugee Studies, York University;
2. Either (1) a comparative study of provincial legislation and policies on disability or (2) a study of disability laws and policy in foreign jurisdictions or (3) a study of the treatment of particular sub-populations of people with disabilities (e.g., immigrants, refugees, aboriginal people, prisoners) (student interest will help us choosing between the two projects) – partner is DRPI (Disability Rights Promotion International), based in Europe and at York University's Centre for Health Policy;
3. The rights of an occupied people for land and natural resources in its traditional territory – partner is Canada Tibet Committee;
4. Either (1) Accountability of Canadian Companies for Their Actions Overseas or (2) Protection of Natural Water Bodies and Schedule 2 of Metal Mining Effluent Regulations – partner is Mining Watch Canada;
5. Partner Amnesty International Canada – project TBA.

CRT course offers students an opportunity to work as members of research teams linked to global partners with the goal of producing research papers on pressing or on-the-horizon problems and policy issues.

Students interested in the course must complete an application (available on the website) indicating their preferred project(s). Applications are due on August 19, 2009.

For more information about the course and the projects, please check course website <http://osgoode.yorku.ca/seckyarrow> or email Sasha Baglay at [sbaglay@osgoode.yorku.ca](mailto:sbaglay@osgoode.yorku.ca).

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): S. Baglay, Adjunct Professor

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

Prerequisite Courses: None. However, relevant courses (LLB or otherwise) and relevant experience may be the basis for preference in selection to participate in particular project.

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.

Collaborative Research Teams (CRT) course is offering the following research projects for 2009-10:

1. Either (1) Canadian and foreign policies with respect to "persons in limbo" or (2) analysis of adjudication of refugee claims made by unaccompanied minors in Canada – partner is Center for Refugee Studies, York University;
2. Either (1) a comparative study of provincial legislation and policies on disability or (2) a study of disability laws and policy in foreign jurisdictions or (3) a study of the treatment of particular sub-populations of people with disabilities (e.g., immigrants, refugees, aboriginal people, prisoners) (student interest will help us choosing between the two projects) – partner is DRPI (Disability Rights Promotion International), based in Europe and at York University's Centre for Health Policy;
3. The rights of an occupied people for land and natural resources in its traditional territory – partner is Canada Tibet Committee;
4. Either (1) Accountability of Canadian Companies for Their Actions Overseas or (2) Protection of Natural Water Bodies and Schedule 2 of Metal Mining Effluent Regulations – partner is Mining Watch Canada;
5. Partner Amnesty International Canada – project TBA.

CRT course offers students an opportunity to work as members of research teams linked to global partners with the goal of producing research papers on pressing or on-the-horizon problems and policy issues.

Students interested in the course must complete an application (available on the website) indicating their preferred project(s). Applications are due on August 19, 2009.

For more information about the course and the projects, please check course website <http://osgoode.yorku.ca/seckyarrow> or email Sasha Baglay at [sbaglay@osgoode.yorku.ca](mailto:sbaglay@osgoode.yorku.ca).

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): G. Turner, E. Roth and C. Anderson, Adjunct Professors

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

Prerequisite Courses: Taxation Law

Preferred Courses: none

Presentation: Lecture, discussion, case study problems, guest speakers

The globalization of trade and investment flows is having a profound effect on the practices and policies of income taxation. Many transactions have cross-border components that engage the international tax aspects of Canada's income tax system. This course provides students with an opportunity to study tax law in this global context. Specifically, students will examine the tax policy reflected in, and practical application of, the Canadian tax rules applicable to inbound and outbound investment flows and commercial activities, including: taxation of foreign-source income of Canadian residents and controlled foreign corporations, including foreign tax credits and the foreign affiliate system; taxation of Canadian-source income of non-residents; implications of tax treaties; and Canada's international anti-avoidance measures, including provisions relating to foreign accrual property income (FAPI), transfer pricing, thin capitalization, and treaty shopping.

The instructors will illustrate the application of the technical rules with examples of cross-border transactions drawn from their practice experience. Students will also consider emerging issues of interest including, for example, the recommendations of the Advisory Panel on Canada's system of international taxation, and the merits of recently enacted and proposed amendments to the international tax provisions of the Income Tax Act.

Evaluation: Option One: Open-book 3 hour final examination (100%)

Option Two: Open-book 3 hour final examination (50%) and major research paper (50%).

## **International Trade Regulation**

(2290.04) *Course*

Instructor(s): Professor R. Wai

Winter: 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; non-discrimination principles; trade law and non-trade objectives such as environmental protection; subsidies and countervailing duties; anti-dumping 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.

### **Investor Protection: Advanced Seminar**

(5410.04) *Seminar*

Instructor(s): Professors P. Puri & E. Waitzer

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

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: none

Presentation: Seminar, discussion, presentations

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

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

(i) actively explore this intersection of law, business and public policy and

(ii) interact with each other and develop mutual knowledge of the law and practice relating to investor rights and remedies.

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

Note: this seminar has been changed from 2 hours, 3 credits to 3 hours, 4 credits, subject to approval.

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

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

(3820.03) *Seminar*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: none

Presentation: Discussion

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. Last year we used the financial crisis as the central theme of the seminar, and we will do so again this year. Topics explored in this seminar may include valuation methodologies, capital markets and structured financing, executive compensation schemes, venture capital and private placements, regulation of financial institutions, pension plans, investor protection, strategic planning and the impact of the financial crisis on the manufacturing, transportation, retail, communications and service industries. Senior members of the business community and legal and accounting professionals will be invited from time-to-time to participate in the seminar.

\*NOTE: This seminar is mandatory for students in the 4th year of the Joint JD/MBA program.

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

### **Jurisprudence**

(2720.03) *Course*

Instructor(s): Professor F. Tanguay-Renaud

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

This seminar offers a critical introduction to some leading themes in contemporary analytic jurisprudence. Its approach is philosophical, not historical or sociological. Problems that may be considered include: theories of the nature of law and legal systems; the normative character of law; whether there is an obligation to obey the law; the relationships between law and power, law and justice, law and equality, and law and individual liberty; the rule of law; the nature of legal responsibility; as well as puzzles related to the nature of international law and to the transnational character of law.

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

**Labour Arbitration**

(5070.03) *Seminar*

Instructor(s): M. Lewis, Adjunct Professor

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

Prerequisite Courses: Labour Law

Preferred Courses: Evidence, Administrative Law

Presentation: Tutorial discussion, simulation, visitors

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

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

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

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

**Labour & Employment Law**

(2315.04) *Course*

Instructor(s): P. Chapman & L. Kanee, Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion, debate, guest speakers and films

The purpose of the course is to provide students with an overview and working knowledge of Canadian labour and employment law, including the common law individual contract of employment, statutory regulation of the workplace through minimum standards and other employment-related legislation, and collective bargaining law. The role of the Charter of Rights and Freedoms in labour and employment law will also be explored. Students will have an opportunity to consider the political and social values which underlie the various forms of workplace regulation, and to critically assess their effectiveness, having regard to a variety of current issues, including globalization, the changing face of the Canadian workforce, and changes in the nature of work itself.

Note: due to the schedules of the instructors this course will be taught over two days, Thursday afternoons and Friday mornings; readings and lectures will be organized to facilitate this format.

Evaluation: There are two options for evaluation: (1) by default, a 6.5 hour take-home examination, worth 100%; (2) by election, students can write a 2500-3000 word term paper worth 35%, and then write a shorter take-home exam worth 65%.

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

(5550.03) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: none

Presentation:

This seminar examines key elements of labour and employment law from a theoretical, legal and a policy perspective.

The seminar introduces theoretical perspectives for examining labour and employment law and problems. It will also focus on identifying and assessing the underlying goals of labour and employment 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 such as the *Status of the Artist Act* and non-union forms of worker representation are among the topics that may be examined.

Evaluation: 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: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

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

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

## **Land Use Planning**

(2320.03) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

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

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

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

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

Evaluation: Open book final examination for 100% of the final grade or a combination of a research paper of approximately 20 double-spaced pages for 50% and a scoped open book examination for 50% of the final grade. Subject to class size, presentations may be required.

### **Law of War**

(3730.03) *Seminar*

Instructor(s): Professor M. Mandel

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion

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

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

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

### **Law & Psychiatry**

(3240.03) *Seminar*

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

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

Prerequisite Courses: Criminal Law

Preferred Courses: none

Presentation: Discussion and Student Presentations

This seminar explores the legal framework and the 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, findings of "not criminally responsible" and Ontario Review Board dispositions. The civil system reviews issues arising from state institutional detention, as well as the law of treatment capacity and decision-making (including *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 cover both procedural and policy issues. Students are expected to actively participate via class discussion and a class presentation. Guest speakers will provide unique perspectives on many of the issues covered.

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



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

(5190.03) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar

This is a seminar course which analyses the relationship between law and social change in various Latin American countries. This year, the course will focus on the following topics: (1) Canadian Mining and Corporate Social Responsibility; (2) Constitutional Change and Indigenous Mobilization; (3) Social and Economic Rights in Action; (4) Gender, Race, and Reproductive Rights; and (5) Regional Challenges to Free Trade Agreements. These topics will be examined from a Latin American perspective, which means that, to the extent possible, we will be reading materials written by authors from the region. Although class discussions will be in English and the knowledge of Spanish is not required, each class will have readings in Spanish and English and students who are able to read Spanish will be encouraged to read the Spanish readings.

An objective of this 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. The course 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 open to Osgoode Hall Law School's LLB and graduate students, as well as to York graduate students from all disciplines. Students are expected to write and present a research paper, to participate in seminar discussions, and to participate in the course blog (<http://derechoycambio.blogspot.com>).

Evaluation: Students are required to submit a research paper for evaluation. Students will have the option to write their final paper in either English or Spanish. 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: Community Action Across Borders**

(2750M.03) *Course*

Instructor(s): F. Bhabha, Adjunct Professor

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

Prerequisite Courses: This seminar is open only to those students who participated in a summer ILP.

Preferred Courses: none

Presentation:

The law is increasingly being used as an instrument of social change in the globalized world. A central aim of this course is for students to *learn* how to make a difference: how to be a community-based lawyer on a global scale. It offers students the opportunity for skills training, hands-on experience, structured reflection and peer collaboration. It merges theory, doctrine and practice in a dynamic, comprehensive and multi-disciplinary setting.

The course emerges out of the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the developing world. Since 2006, Osgoode students have undertaken summer fellowships in places such as Uganda, Zambia, Kenya, the Philippines, India, Argentina, Kosovo and South Africa. The program is being run in the 2009-2010 as a pilot course with the expectation that it will be offered as a full course beginning in the 2010-2011 academic year. Demand will exceed availability and students will be expected to apply, and possibly to interview, for admission to the course.

Students will undertake a mandatory, intensive, pre-departure two-week training program in May. While abroad, they are required to submit weekly reports and write comments on the class blog, which is monitored by the instructor. On return, they are expected to write a paper incorporating research, findings and reflections from their experience abroad, and to present works in progress to their classmates in a series of eight class sessions convened between Thanksgiving and the end of the semester. Attendance at the presentations is mandatory. Papers are due at the end of the term.

Evaluation: Research/reflective paper (45%); Pre-departure Presentation (15%); Final Presentation (20%); Participation (20%).

### **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 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. The focus will be on the examination of contemporary discourse and practice within the field of law and development, understood as contextualized within political, economic, and social histories of global inequality.

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar /Lecture and discussion

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.

The seminar will be taught in an eleven-week period, beginning January 20, 2010. Each session will be 3 hours.

Evaluation: 80% for a research paper (this percentage will be divided into smaller research tasks that culminate in the final paper— 10% outline, 20% annotated bibliography, 50% actual research paper); 20% participation including a brief class presentation.

### **Lawyer as Negotiator**

(3960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 72

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 18, 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 receive a letter grade and be evaluated on their two final negotiations (30%); their weekly and final plans (30%); their negotiation reflections and a short paper analyzing and applying contemporary negotiation theory (30%) and class participation (10%).

### **Legal Drafting**

(2140.03) *Course*

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

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

Prerequisite Courses: Contracts

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 such as formal contracts, letter agreements, licenses, memoranda of understanding and legal opinions. Students analyze, review, prepare, present and discuss legal documents in the areas of corporate/commercial law, intellectual property law and other substantive law areas. The work includes commenting on the drafting of legal documents, revising legal documents, and selecting and adapting precedents. The overall emphasis is on modern legal drafting conventions and techniques.

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

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

(2404.04) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This course will focus on the legal frameworks (statutory and common law) governing health care delivery. Topics covered will fall into six general areas: federal and provincial jurisdiction over health care, civil liability of practitioners and institutions, professional self-regulation, health insurance and access to health services, regulation of hospitals and independent health facilities, and public health law. As part of these broad topics, students will also examine underlying ethical principles, substitute decision-making, privacy of health information, and discrimination in the provision of health services. The course will include consideration of the effect that underlying paradigms (for instance, relative to health, disability, and the role of health care providers) may have had in shaping political and legal responses.

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

### **Legal Politics**

(2570.03) *Course*

Instructor(s): Professor M. Mandel

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures and class discussion. The seminar will be taught in an eleven-week period, beginning January 19, 2010. Each session will be 3 hours.

This course examines the phenomenon of the Charter of Rights and Freedoms and how it has affected Canadian social and political life. It places the Charter in a historical and international context and has as its central theme the question of its "democratic" character. This course critically analyzes and evaluates the history and philosophy of the Charter and its impact on the major political controversies of the day, such as the French-English struggles inside and outside of Quebec, the powers of the police, refugee rights, union rights, business rights, Aboriginal rights, women's rights, gay and lesbian rights and equality in general. The attempts at constitutional change in the 1990's (Meech Lake and Charlottetown) also come in for scrutiny. The course treats law as "politics by other means" trying to uncover the political element in law as well as to grasp what it means for politics increasingly to take this legal form.

Evaluation: Evaluation is by major paper (75%), class participation (15%) and attendance (10%).

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

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

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

**Legal Values: Intellectual Property & Health Care**

(3591B.03) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: A course or seminar on intellectual property law or patent law.

Preferred Courses: None

Presentation: Discussion

This seminar aims to provide students with an understanding of the complexity of IP law and policy as it affects health care. A major focus will be medical patents, but the impact of trade-mark, copyright or other IP laws on health care delivery is also examined. Among the topics for consideration are how far health care delivery should be controlled by IP protection; IP regulation of generic pharmaceuticals; biotechnological patenting; parallel imports; and the effect of IP laws on the developing world. Although the Canadian health care system will be central to the discussion, the approach will be international and comparative.

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

**Legal Values: Legal Ethics**

(3590N.03) *Seminar*

Instructor(s): Professor A. Hutchinson

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar participation

This seminar will take a critical and constructive look at the professional responsibility of lawyers, legal ethics and the profession. The course will be problem and discussion-based and students will be expected to participate extensively.

Evaluation: 80% paper, 20% participation (to be discussed further in class).

**Legal Values: Legality & the Rule of Law**

(3591D.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, offered on a compressed basis, will explore the nature and value of the rule of law through a critical examination of some classical and contemporary writings.

Among the problems we will consider are the following: What features in a legal system contribute to realizing the rule of law? What is "legality"? What is the relationship between the rule of law and the rule of good law? Is it always a virtue, other things being equal, to apply valid legal rules? How far is the rule of law consistent with the indeterminacy of law or with discretionary decision-making? Is the rule of law, as E.P. Thompson once suggested, an "unqualified human good"? Should the rule of law ever be sacrificed for sake of other goods?

Required readings: Prepared course kit: materials will also be available online and on Reserve in the Law Library. For a sample of the literature we will explore, and as useful preparatory work, see Lon L. Fuller, *The Morality of Law*, revised edition, pp.46-91.

Evaluation: A brief research paper (80%), and a preliminary bibliographic note (20%). (Note that, as this seminar is being offered on a compressed basis, attendance is compulsory.)

## **Legal Values: Race and Gender in Corporate Law and Governance**

(3591A.03) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: Business Associations

Preferred Courses: none

Presentation: Lecture, discussion, student presentations

This seminar will explore the intersections of race, gender and corporate law/governance. To date, the confluence of these fields has garnered little attention. Traditionally, the disciplines have lived in remote houses and had few occasions to speak to one another and to establish points of mutual concern. And yet almost 25 years ago, one prominent Canadian academic argued that “the impacts of corporate cultures are not...marginal to the experiences of women” and bemoaned “the relationship between patriarchal culture and the development of business corporations.” And as further noted by another commentator, “[r]ace suffuses all bodies of law...even the purest of corporate law questions within the most unquestionably Anglo scholarly paradigm.”

In addressing these intersections, particular attention will be paid to issues such as the following:

1. Critiques of corporate law from the perspectives of critical race and feminist theory;
2. Corporate board composition and the implications of homogenous boards for organizational performance and social justice;
3. The argument that corporate law and culture may serve to facilitate corporate homogeneity and to undermine future diversification initiatives.
4. The role of shareholder voice and disclosure obligations under securities regulation in addressing existing barriers.
5. Considering available identity narratives in order to ascertain how racism/sexism manifests itself in the everyday lives of subordinated groups within the corporation; and
6. The developing world operations of the Canadian extractive industry and the argument that these firms are, in essence, agents of neocolonialism.

After completing this seminar, the successful student will have developed the theoretical and practical skills necessary to do the following:

1. Critically analyze how race and gender are constituted and contested in corporate law and governance;
2. Assess the strengths and weaknesses of dominant normative discourses and legal frameworks; and
3. Thoughtfully explore possibilities for change.

Evaluation: Evaluation: (i) Research paper (70%)

(ii) In-class presentations/participation (30%)

### **Legal Values: Reforming Intellectual Property**

(3591C.03) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: A course or seminar on intellectual property law or one of its elements (e.g., Patents, Copyright, Trade-marks)

Preferred Courses: None

Presentation: Discussion

This seminar aims to provide students with a deep understanding of current intellectual property legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated intellectual property code that is logically structured, user friendly, and attuned to the

needs of a modern economy. The seminar will first consider the justifications for IP and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming a field of IP law. They will write a preliminary memorandum on that field's shortcomings in the context of an integrated IP code, and how to address them.

After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Preliminary and final memoranda (30%); preliminary and final draft legislation (50%); participation (20%).

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

(5007.03) *Seminar*

Instructor(s): Associate Dean J. Mosher

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

Prerequisite Courses: Students must be in their final year

Preferred Courses: none

Presentation: Student presentations and discussion

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 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, communication interceptions, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.).Of great importance to this exercise is the Canadian Charter of Rights and Freedoms. Human rights protections are considered in a domestic and international context.

The seminar will be broken down into four phases, as follows:

(a) national security structures (CSIS, CSE, RCMP, provincial & municipal police, CIC, DFAIT, CBSA, Transport Canada, CRA, Federal Court etc);

(b) national security objectives (preventing threats to the security of Canada from terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, pandemics etc.);

(c) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Access and Privacy Acts, Canada Evidence Act, Security of Information Act etc.) considered in the context of the Canadian Charter of Rights and Freedoms, and International Conventions;

(d) national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.)

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

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

Evaluation: Research paper of approximately 30 pages on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). Papers must be submitted by the date 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 presentation and participation.

## **Patents**

(2330.04) *Course*

Instructor(s): Professor I. Mgbeoji

Winter: 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%).

## **Philosophical Foundations of Criminal Law**

(5690.03) *Seminar*

Instructor(s): Professor François Tanguay-Renaud

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

Prerequisite Courses: Criminal Law or permission of the instructor.

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

Presentation: Seminar, discussion

This seminar course aims to explore some central principles and doctrines underlying the criminal law through the lens of analytic philosophy. In particular, it investigates key ethical and political problems that criminal law raises using both analytical/descriptive and normative approaches to theorizing. The questions that may be explored in the course include: What is a crime and what behaviour should be criminalized? Should the criminal law draw a distinction between outcomes that are intended and those that are merely foreseen? Should it focus on culpability, consequences, or both? Should it differentiate between acts and omissions? Should criminal liability ever be imposed in the absence of fault or moral responsibility? What should count as a legitimate defence to criminal liability? Should we ever hold corporations and states criminally responsible? What is the role of the criminal trial and what are the conditions of its legitimacy? When is criminal punishment justified? The focus of the course is on the domestic criminal law of nation-states, but some philosophical issues arising in the context of international and transnational criminal law are also sometimes considered (especially when they offer interesting contrasts with domestic law).

Evaluation: 1. Two in-class presentations: 15% (7.5% each); 2. Class participation: 10% ; 3. Research paper: 75% - 10%: Short bibliographical note (due at mid-term) indicating the proposed topic, the main sources, and the student's proposed approach.

-65%: Research paper (up to 8,300 words).

## **Project Finance**

(5030.03) *Seminar*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: Business Associations and Commercial Law; or permission of the instructor.

Preferred Courses: Taxation of Business Enterprises

Presentation: Discussion and case studies

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. In the current economic crisis, understanding project finance is more important than ever. Governments have chosen, as a matter of economic policy, to correct the current downturn through investing in infrastructure development. Unless governments choose to finance this development directly, using public funds, then the main financing technique for this development will be one form or another of project financing.

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 the business case for using project finance in infrastructure development, complex legal agreements, advanced principles of corporate finance, and risk management techniques.

The seminar will analyse case studies of large-scale projects in various sectors of the economy, including the energy, telecommunications, transportation, health care and manufacturing sectors. Students will learn techniques for identifying and quantifying the risk involved in these projects, and the appropriate governance structures and contractual, legislative and regulatory frameworks for managing that risk.

The seminar will commence with a brief introduction to the business case for project finance, the players, sources of finance, taxation issues and the organizational structure of project companies. Then we will explore the context and legal framework for project financing by analyzing case studies of specific projects in different sectors of the economy. The main focus will be on contractual and governance structures.

Evaluation: Class Participation: 10%; In-class Test: 15%; Case Study: 75%.

## **Public International Law**

(2340.04) *Course*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers

Public International Law is the system of law 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 property as well as the legal arrangements available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees and Planning Act will be examined. Focus is on current legal issues, 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: 80

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 are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread "abuse" by economically motivated migrants. Still others suggest that refugee protection regimes distract from a deeper problematic: control over migration that serves to entrench global disparities in income, wealth and security.

This course offers students an opportunity to engage critically with these and other debates over refugee law at the level of theory, policy and practice. This critical engagement will occur through a detailed examination of refugee law instruments, institutions and jurisprudence in international and domestic forums.

Evaluation: Open-book examination (60%); 1500-2000 word case comment (30%); participation (10%).

## **Regulation of Competition**

(2350.03) *Course*

Instructor(s): M. Wood, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Policy makers around the world are increasingly recognizing the importance of regulating competition - not to "level the playing field" or out of concerns for distributional "fairness", but because of an understanding that anti-competitive conduct can destroy the benefits that competition provides. This course surveys Canadian competition laws with comparative analysis of US and EU law. Our aim is to understand both the substance of Canada's competition regulatory framework and the normative policy considerations that underpin the law. Key topics considered in detail are: (1) collusion among competitors; (2) mergers; and (3) abuse of dominance or monopolization.

Evaluation: Open-book examination

## **Resources Management**

(3490.03) *Seminar*

Instructor(s): A. Koehl and H. Wilkins, Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, guest speakers.

This seminar introduces students to natural resources law, with a specific focus on new and emerging issues and proposals for strengthening existing laws from a public interest perspective. Each week's seminar will focus on a specific component of natural resources law and include references to legal strategies, especially litigation opportunities, that each of these components of the law presents. Topics for discussion may include: a range of natural resource issues such as forests, water, and minerals; sustainability and resources (renewable and non-renewable); environmental assessment (provincial and federal) and approvals; Aboriginal resource law; climate change impacts; and compliance and enforcement.

Evaluation: The course evaluation has two components: research paper (20-25 pages) based on approved topic (75%); and class participation (25%)

## **Restitution**

(2360.04) *Course*

Instructor(s): Professor J. D. McCamus

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 A) *Course*

Instructor(s): D.H. Lastman, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a three-hour course that provides a detailed overview of securities regulation in Canada, with particular reference to Ontario. The course encourages an understanding of securities regulation through an appreciation of the underlying policy rationales.

The course coverage includes the objectives of securities regulation, principle concepts in the Securities Act (Ontario), registration requirements for persons trading in securities, prospectus requirement to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements (including ongoing disclosure by reporting issuers, insider trading and insider reporting) and take-over bid legislation.

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

**Securities Regulation**

(2620.04 P) *Course*

Instructor(s): Professor M. Condon

Winter: 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.



## **Small Business Enterprises**

(5630.03) *Seminar*

Instructor(s): P. Jason Kroft, Adjunct Professor

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

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

Preferred Courses: None

Presentation: Discussion; simulation and role-play; research and legal drafting assignments; research. Restricted to students in the Osgoode Business Clinic or subject to written permission of the Instructor which may be withheld at the discretion of the Instructor)

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

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

This course will equip students to understand and deal with the business and legal issues of common application to business enterprises of different sizes and from divergent industries by providing advanced coverage of topics that are dealt with tangentially in other courses, such as the law of agency and partnerships; choice of enterprise structure; common commercial agreements; partnership, joint venture and shareholders' agreements; purchase and sale of a business; business financing; advanced regulatory issues; and advising the failing business. We will also deal with business-related topics such as financial statements; basic accounting principles; general business principles and concepts; tax and financing issues for small or medium businesses; regulatory constraints; governance issues; and the broader constraints and pressures facing members of the business community. Focus will also be provided to the lawyer in the private practice environment as a business person and the considerations involved in developing and growing a business law practice.

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

Evaluation: Students in the seminar will receive a letter grade for a combination of assignments (2 x 10%), participation (20%) and research paper (60%).

### **Tax Law and Policy Colloquium**

(5330.03) *Seminar*

Instructor(s): Professor W. N. Brooks

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

Prerequisite Courses: Tax I and an advanced tax course

Preferred Courses: none

Presentation: The winter 2010 colloquium will be in a directed reading format.

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.

## **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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. Note: The seminar will be taught in an eleven-week period, beginning January 18, 2010. Each session will be 3 hours.

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

Governments pursue a broad range of social and economic objectives including the relief of poverty, economic security, family security, retirement security, access to health and education, social equality, the provision of culture and recreation activities, the efficient allocation of economic resources, full employment, and a growing and productive economy, to name only a few. In pursuit of these objectives 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 L. Philipps

Fall: 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 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: Lectures, 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 J. Li

Winter: 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 of Business Enterprises**

(4100.04) *Course*

Instructor(s): Professor W. N. Brooks

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

Prerequisite Courses: Tax I

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.

### **Theory and Practice of Mediation**

(5960.04) *Seminar*

Instructor(s): Professor F. Zemans

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

Prerequisite Courses: Dispute Settlement or Lawyer as Negotiator

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 four or 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 Practica in Small Claims Court,; Mediation Journal; and Class Presentations (30%); Final Mediation (20%); and Final Paper (50%).

### **Trademarks**

(2170.04) *Course*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This course is a study of the protection of 'trade identity' afforded by the exclusive right to use a mark that indicates the source of a product or service. In other words, the course offers students the opportunity to learn about the legal protection of the logos and brands that are such an essential feature of today's consumer culture, and so of modern marketing practices and the creation of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate trademark use and unfair competitive practices. Topics to be examined include the common law action for passing off, the criteria for trademark registration, the basis for opposing an application or expunging a registration, distinctiveness, use and infringement. As well as familiarizing students with the substantive law in the area, the course seeks to assess trademark law from the point of view of its normative justifications and policy objectives. We will inquire into the basis of the rights protected and their appropriate limits, and examine the law in light of the various interests at stake, from the entrepreneur's interest in preventing 'free-riding', to the competitor's interest in free competition and the consumer's interest in avoiding confusion.

Evaluation: Open-book examination (100%).

## **Transnational Corporations & Human Rights**

(3590T.03) *Seminar*

Instructor(s): Professor A. Dhir

Fall: 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): R. Grinberg, J. Rosenthal, J. Baichoo, Adjunct Professors

Fall: 4 credits; 3 hours; max. enrollment: 80

Prerequisite Courses: Evidence

Preferred Courses: none

Presentation: Student performances plus critique, demonstrations

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pretrial preparation and analysis of the case, opening statements, examination and cross-examination of witnesses, evidence issues, closing arguments, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers and Judges. At the end of the seminar, students conduct ½ day jury trials, with two student counsel acting on each side of the case.

Evaluation: Class presentations, final trials. Grade is on credit/no credit basis.

## **Trusts**

(2090.03) *Course*

Instructor(s): L. Kaufman, Adjunct Professor

Winter: 3 credits; 3 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.