



2012

Osgoode Syllabus of Courses and Seminars: 2012 - 2013

Office of Student Services

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/syllabi>

Recommended Citation

Office of Student Services, "Osgoode Syllabus of Courses and Seminars: 2012 - 2013" (2012). *Syllabi*. Paper 5.
<http://digitalcommons.osgoode.yorku.ca/syllabi/5>

This Article is brought to you for free and open access by the Course Materials and Syllabi at Osgoode Digital Commons. It has been accepted for inclusion in Syllabi by an authorized administrator of Osgoode Digital Commons.

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

OSGOODE SYLLABUS OF COURSES AND SEMINARS

**2012-2013
Fall / Winter**

The logo for Osgoode Hall Law School, featuring the word "OSGOODE" in white, uppercase letters on a red rectangular background.

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

OSGOODE SYLLABUS OF COURSES AND SEMINARS

2012-2013 Fall / Winter

Note:

This Syllabus and the Timetable provide information available as of June 2012 to enable upper-year students to complete a Study Plan for the 2012-2013 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of printing. However, Osgoode Hall Law School of York University reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

Prepared by the Programs & Records Office, Osgoode Hall Law School. June 2012.

TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	SESSIONAL DATES: 2012-2013.....	2
3.	ACADEMIC REQUIREMENTS	
	3.1 Notes on Course Registrations.....	3
	3.2 Upper Year Research and Writing Requirement.....	3
	3.3 Osgoode Public Interest Requirement.....	4
4.	ENROLMENT PROCEDURES	
	4.1 Course & Seminar Selection.....	4
	4.2 Course Codes.....	4
	4.3 Priority-based Enrolment.....	4
	4.4 Assigning Priorities.....	4
	4.5 Entering your course preferences.....	5
	4.6 After Enrolment	5
5.	PROPOSAL AND PERMISSION FORMS.....	5
6.	ADDITIONAL COURSE ENROLMENT OPTIONS	
	6.1 Supervised Research Papers.....	6
	6.2 Mooting	6
	6.3 Osgoode Hall Law Journal.....	7
	6.4 German Law Journal.....	7
	6.5 Instruction in Computer-assisted Legal Research.....	7
	6.6 Courses in Other Faculties of York University.....	8
	6.7 Graduate Studies.....	8
	6.8 Courses at Ryerson University: Yeates School of Graduate Studies	8
	6.9 Courses at the University of Toronto: Faculty of Law	8
7.	REGISTRATION STATUS CHANGE	
	7.1 Leave of Absence.....	8
	7.2 Letter of Permission.....	8
	7.3 Extended Time Program.....	8
	7.4 Withdrawal.....	8
8.	SUGGESTIVE SUBJECT- AREA CONCENTRATIONS.....	9
9.	CURRICULAR STREAMS	14
	9.1 International Comparative and Transnational Law Program.....	15
	9.2 Labour and Employment Law Program.....	17
	9.3 Program in Litigation Dispute Resolution and the Admin of Justice	17
	9.4 Tax Law Program.....	18

10.	CLINICAL & INTENSIVE PROGRAMS.....	18
	10.1 Advanced Business Law Workshop I – Corporate Finance & Governance	18
	10.2 Advanced Business Law Workshop II - Mergers & Acquisitions.....	19
	10.3 Anti-Discrimination Intensive Program	19
	10.4 Case Studies in Business Enterprises.....	20
	10.5 Collaborative Research Teams.....	21
	10.6 Community Legal Aid and Services Program.....	21
	10.7 Osgoode Business Clinic.....	22
	10.8 Innocence Project.....	22
	10.9 Intellectual Property Law & Technology Intensive Program	23
	10.10 Intensive Program in Criminal Law	23
	10.11 Intensive Program in Immigration and Refugee Law	24
	10.12 Intensive Program in Aboriginal Lands, Resources & Governments.....	24
	10.13 Intensive Program in Poverty Law at Parkdale.....	25
	10.14 Mediation Clinical Program.....	27
	10.15 Intensive Research Program.....	28
11.	JOINT DEGREE PROGRAMS	29
	11.1 JD/MBA Joint Program.....	29
	11.2 JD/MES Joint Program.....	30
	11.3 JD /MA (Phil) Joint Program.....	32
12.	JD/ BCL (Montreal) Degree Program.....	32
13.	EXCHANGE PROGRAMS.....	32
	13.1 How to Apply to Osgoode Exchanges.....	33
	13.2 York International Exchange Programs.....	33
14.	LAW SOCIETY INFORMATION.....	33
	14.1 Admission to the Practice of Law in Ontario.....	33
	14.2 Licensing Process Information.....	34
	14.3 The Importance of a Well-rounded Law School Curriculum.....	35
15.	FACULTY ON SABBATICAL OR LEAVE.....	35
16.	COURSE INFORMATION TABLES.....	35
17.	COURSE & SEMINAR DESCRIPTIONS.....	41

1. INTRODUCTION

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

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

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

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

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

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

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

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

Lorne Sossin, Dean

SESSIONAL DATES: 2012-2013

2012 Fall Term	
Monday, September 3	Labour Day – no classes, University closed
Tuesday, September 4	Classes begin
Tuesday, September 4 Monday, September 17	Course change period
Monday, October 8	Thanksgiving – no classes, University closed
Thursday, October 11	Deemed Monday – Thursday day and evening classes are cancelled. Monday classes will be held.
Monday, November 5- Friday, November 9	Reading Week for Upper Year students
Friday, December 7	Classes end
Monday, December 10	Seminar & Directed Research Papers due by 3:30 p.m. – papers must be submitted electronically through the online drop box (unless an earlier date is established by the course instructor).
Monday, December 10 to Friday, December 21	Examinations. Optional papers written for courses in which there is an examination are due on the day of the examination by 3:30 p.m. (unless an earlier date has been set by the instructor) Papers must be submitted electronically through the online drop box.
Saturday, December 22 to Tuesday, January 1	Christmas/Winter break. University closed.
2013 Winter Term	
Wednesday, January 2	University re-opens
Monday, January 7	Classes begin
Monday, January 7	Last day to submit Fall Term examination petitions
Monday, January 7 Friday, January 18	Course change period
Monday, February 18	Family Day – no classes, University closed
Monday, February 18 to Friday, February 22	Reading Week
Friday, March 29	Good Friday – no classes, University closed
Friday, April 12	Classes end
Monday, April 15	Seminar & Directed Research Papers due by 3:30 p.m. – papers must be submitted electronically through the online drop box (unless an earlier date is established by the course instructor).
Monday, April 15 to Friday, April 26	Examinations. Optional papers written for courses in which there is an examination are due on the day of the examination by 3:30 p.m., unless an earlier date has been set by the instructor. Papers must be submitted electronically through the online drop box.
Friday, May 3	Last day to submit Winter Term examination petitions

3. ACADEMIC REQUIREMENTS

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

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

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

3.1 Notes on Course Registrations

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

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

permission from each instructor. Please refer to the Student Handbook posted on MyOsgoode under the Documents and Publications tab for further details.

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

3.2 Upper Year Research and Writing Requirement

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

Upper Year Research Requirement (Academic Rule 3.6)

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

3.3 Osgoode Public Interest Requirement (OPIR)

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

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

4. ENROLMENT PROCEDURES

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

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

4.1 Course and Seminar Selections

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

With respect to your course selections:

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

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

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

4.2 Course Codes

Titles and numbers are allocated for every course and seminar:

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

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

4.3 Priority-based Enrolment

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

4.4 Assigning Priorities

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

A = highest priority letter
K = lowest priority letter

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

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

4.5 Entering your course preferences

Students enter their course preferences for Fall/Winter 2012-2013 online through the Law Select website. The enrolment dates are sent to students by email as well as posted on MyOsgoode. The Law Select website will be up in mid June and the website will be available 24 hours a day. Students may change their course preferences as much as they like until the 4:00 p.m. deadline on June 26th. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. Student Services will inform students of their course enrolments in mid July. The course enrolments from Law Select are automatically entered into the main university enrolment system by Student Services.

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

4.6 After Enrolment

1. Waiting Lists

All courses that have reached maximum enrolment will be waitlisted. You will be automatically added to a waiting list if you had assigned a letter priority to a course but did not secure a space. Students may monitor their position on both fall and winter term waitlists, as well as have the opportunity to add their name to any additional waitlist exclusively online. Students will be able to access the Law Select Waitlist site from the "Law Select: Waitlists" link on MyOsgoode under QuickLinks **beginning on September 4th. Further details on waitlist**

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

2. Course Changes and Confirming your Enrolment

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may also use the Registration Enrolment Module (REM) from Monday, July 23rd until Monday, September 17th 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 17th, and then reopens on January 7, 2013 until January 18, 2013.

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

5. PROPOSAL AND PERMISSION FORMS

Proposal and Permission Forms can be downloaded from Osgoode's website, and should be completed and faxed (416) 736-5618 or mailed to the Student Services Office by no later than the beginning of term. Note that some forms require the approval of the Assistant Dean, Students.

1. Intensive Research Proposal Form

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

2. Research Paper Approval Form

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

are to be submitted electronically in the online drop box.

3. *More Than Two Seminars Approval Form*

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

4. *Extra-Disciplinary Course Approval Form*

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

Information and Assistance

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

Students are also encouraged to consult with members of Faculty.

6.0 ADDITIONAL COURSE ENROLMENT OPTIONS

6.1 Supervised Research Papers (LW 6000.03)

A student may receive up to a total of nine hours of academic credit for three credit hour research papers under the supervision of full-time faculty members, during their second and third years. Research papers will normally carry a credit value of three credit hours, but the Assistant Dean or Associate Dean may, in the appropriate case, grant permission for a student to pursue a research paper that carries a credit value of two or four credit hours. Students who are interested in undertaking a research project must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

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

submitted electronically through the online drop box.

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

6.2 Mooting

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

Professor F. Bhabha, Program Director

Each year competitive mootings bring together students from law schools across Canada and around the world to hone their advocacy and dispute resolution skills in simulated domestic and international courts, tribunals and other settings. Osgoode has one of the most comprehensive and successful mootings programs of any law school in Canada. Consistent with Osgoode's commitment to experiential education, the mootings program offers simulated experience in a variety of types of lawyering, from appellate court work to trial advocacy, arbitration, mediation and negotiation.

These skills 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 various locations across Canada and around the world. Participation in the mootings program gives students the opportunity to delve deeply into a particular area of law and hone a wide range of legal research, writing, advocacy and dispute resolution skills in a collaborative, small group-setting, under academic guidance and direction.

The lawyering skills competitions for which Osgoode students may receive credit varies from year to year. Some teams are selected via a consolidated tryout process each spring, while others have their own selection processes. The consolidated tryouts cover the Corporate/Securities, Gale, Jessup, Labour Arbitration, Laskin and Wilson competitions.

Teams selected via separate processes include the Arnup Cup trial advocacy competition (selected via the Trial Practice course), Copenhagen international climate change treaty negotiation competition (selected via the Climate Change seminar), Hague International Criminal Trial Competition, IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (Professor K. McNeil) 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 bi-weekly Appellate Advocacy Workshop in the Fall term. This workshop allows members of Osgoode's upper year, five credit, research-based appellate moot court teams to connect the theory and practice of lawyering through a combination of readings, discussion, demonstrations, practice exercises, 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 provides a framework for maximizing the learning potential in lawyering simulations. Students will read about different approaches to oral and written advocacy; learn how to formulate a case theory and develop legal arguments; hone their research, writing, editing and oral skills; and prepare for their respective competitions. The workshop carries no academic credit of its own, but students are required to complete it to receive the two ungraded credits for mootings.

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

Walsh Family Law Moot (New moot - 2012)

The Association of Family and Conciliation Courts, Ontario Chapter (AFCC-O) is pleased to announce that a family law moot has been established for Ontario's law schools. This will be the only family law moot that exists in Canada.

Requirements of the Walsh Family Moot:

The Walsh moot is a competitive moot for 2nd and 3rd year students. The Family Law course is a co-requisite or pre-requisite.

6.3 Osgoode Hall Law Journal

LW 8010.04

Professor S. Wood, Editor-in-Chief

Academic Rule 7(a) (Part 1 and 2) allows four credit hours in each of the upper years for the work undertaken by senior student editors of the Osgoode Hall Law Journal. The four hour credit is treated as a seminar for enrolment purposes.

Though the work is not graded, prescribed tasks must be undertaken for senior editors to qualify for Law Journal credits. One year's work as an associate editor is a prerequisite for appointment to a senior editorial position; the process to select senior editors for the upcoming academic year takes place towards the end of the winter semester.

6.4 German Law Journal

LW 8010A.04, LW 8010A.02

Professor P. Zumbansen, Editor-in-Chief

2 hrs / week; Credits: 1st year ('Junior Editor') – none, 2nd or 3rd year ('Senior Editor') – up to 4 credits

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

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

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

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

6.6 Courses in Other Faculties of York University

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

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

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

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

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

6.7 Graduate Studies

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

6.8 Courses at Ryerson University: Yeates School of Graduate Studies

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

6.9 Courses at the University of Toronto: Faculty of Law

Places are guaranteed for three Osgoode Hall Law School students in each of a limited number

of prescribed University of Toronto courses offered through the Exchange Program. More detailed information will be included in the July Information Package. These courses are considered seminars for enrolment purposes and the grade will be reported as Credit or No credit.

7. REGISTRATION STATUS CHANGE

7.1 Leave of Absence

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

7.2 Letter of Permission

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

7.3 Extended Time Program

The Extended Time Program allows a limited number of students, whose life circumstances prevent them from engaging in a full-time study program, to reduce their courses to approximately one-half of the required course load. Reasons for acceptance into this program would include, but are not limited to pregnancy and child birth; family obligations such as child care, care of the elderly, ill or disabled family members; temporary or long-term student illness or disability; and extreme financial hardship. Written requests by current students to participate in the Extended Time Program must be made to the Assistant Dean, Students.

7.4 Withdrawal

See information on course changes and on leaves of absence.

8. SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2012-2013 Fall / Winter

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

- Only the courses & seminars on offer for the 2012/2013 academic session are included.
- In general, only mandatory first year courses and available upper year offerings are included; however, those first year perspective option courses that are open to upper year students have also been included.
- The courses & seminars contained in each subjective-area map are arranged on 2, 3 or 4 different levels, as the case may be, and in the sequence in which you may wish to complete them.
- The suggestive subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

1. ABORIGINAL LAW

Level One:

Indigenous Peoples and the Law
Property Law
State and Citizen

Level Two:

Comparative Law: Indigenous Legal Traditions
International Human Rights Law

Native Rights
Resources Management

Level Three:

Intensive Program in Aboriginal Lands, Resources and Government

2. BUSINESS LAW

Level One:

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

Level Two:

Corporate Governance
Course of a Transaction
Investor Protection Seminar
Regulation of Competition
Securities Regulation

Level Three:

Advanced Business Law Workshop I and II
Advanced Securities
Art of the Deal
Case Studies in Business Enterprises
Joint JD/MBA Seminar (joint program students only)

3. CONSTITUTIONAL AND ADMINISTRATIVE LAW

Level One:

Administrative Law
State and Citizen

Level Two:

Constitutional Litigation
Disability and the Law
Discrimination and the Law
Freedom of Expression & the Press
Law and Religion in Legal, Social & Political Contexts
Law and Rights Seminar
Legal Values: Information and Privacy

National Security Law in Canada
Native Rights
U.S. Constitutional Law

Level Three:

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

**4. CONTRACTS AND COMMERCIAL
LAW**

Level One:

Contracts

Level Two:

Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Contracts II
International Business Transactions
International Trade Regulation
Restitution

Level Three:

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

Level Four:

Art of the Deal
Osgoode Business Clinic

5. CRIMINAL LAW

Level One:

Criminal Law

Level Two:

Criminal Procedure
Evidence

International Criminal Law

Level Three:

Administration of Criminal Justice:
Sentencing
Administration of Criminal Justice:
Youth Justice
Criminal Law II: Advocacy & the
Criminal Trial
Criminal Law II: Ethical Issues
Criminal Law II: Sexual Offences
Evidence and Proof: Theory and
Practice
Forensic Science and the Law
History of Criminal Law & Its
Administration
International Dispute Resolution:
Advocacy in the Int'l Criminal Court
Trial Advocacy

Level Four:

Criminal Law Intensive
Innocence Project

6. DISPUTE RESOLUTION

Level One:

Legal Process

Level Two:

Civil Procedure II
Dispute Settlement
Dispute Settlement: Dispute
Resolution in the Securities &
Corporate Context
International Dispute Resolution:
Advocacy in the International
Criminal Court
International Dispute Resolution:
International Commercial Arbitration
International Dispute Resolution: Vis
Moot
Lawyer as Negotiator
Theory and Practice of Mediation
Trial Advocacy

Level Three:

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

Level Four:

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

7. ENVIRONMENTAL LAW

Level One:

Environmental Law

Level Two:

Land Development and Commercial
Real Estate Problems
Land Use Planning (alternate years
FES and Osgoode)
Patents
Resources Management

Level Three:

Intensive Program in Aboriginal
Lands, Resources and Government

8. FAMILY LAW

Level One:

Contracts
Criminal Law
Law, Gender & Equality
Property Law

Level Two:

Business Associations
Conflicts of Law
Dispute Settlement
Estates
Family Law I
Health Law
Immigration
Law and Religion in Legal, Social &
Political Contexts
Law, Gender & Equality
Lawyer as Negotiator
Refugee Law
Taxation Law
Trusts

Level Three:

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

Level Four:

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

9. HEALTH LAW

Level One:

Health Law
Environmental Law
Patents

Level Two:

Directed Reading: CAMH
Disability and the Law
Law and Psychiatry
Legal Governance of Health Care
Medical/Legal Seminar

10. HUMAN RIGHTS LAW

Level One:

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

Level Two:

Administration of Civil Justice: Class
Actions
Comparative Law: Women's Rights
in Africa
Constitutional Litigation
Disability and the Law
Law and Psychiatry
Law and Religion in Legal, Social &
Political Contexts
Jewish Law
Law and Rights Seminar
Law of War
Legal Values: Race and Gender in
Corporate Law & Governance
Transnational Corporations and
Human Rights

Level Three:

Anti-Discrimination Intensive
Program
CLASP Intensive

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

11. INTELLECTUAL PROPERTY LAW

Level One:

Copyright
Intellectual Property
Patents
Trademarks

Level Two:

Entertainment and Sports Law
Intellectual Property Theory
Legal Values: Copyright in the
Digital Age
Legal Values: Information and
Privacy
Legal Values: Reforming Copyright
& Design Law
Legal Values: Reforming Patent &
Trade-mark Law

Level Three:

Intellectual Property and
Technology Intensive

12. LABOUR LAW

Level One:

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

Level Two:

Labour Arbitration

Level Three:

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

Level Four:

Labour and Employment Law and
Policy Colloquium

13. LEGAL THEORY

Level One:

Jurisprudence

Level Two:

Disability and the Law
Law, Gender and Equality
Legal Politics
Legal Values: Law and Literature
Legal Values: Legal Ethics
Western Legal Histories

14. NATURAL RESOURCES AND THE LAW

Level One:

Environmental Law
Native Rights

Level Two:

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

Level Three:

Intensive Program in Lands,
Resources and Government

15. PROPERTY LAW

Level One:

Property Law

Level Two:

Estates
Intellectual Property Law
Trusts

Level Three:

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

16. REGULATORY LAW

Level One:

State & Citizen: Constitutional Law
Administrative Law

Level Two:

Bankruptcy and Insolvency
Comparative Law
Communications Law

Conflict of Laws
Corporate Governance
Environmental Law
Health Law
Immigration
Insurance Law
Intensive Legal Research & Writing
Land Use Planning (alternate years
FES and Osgoode)
Law and Film
Legal Drafting
National Security Law in Canada
Native Rights
Refugee Law
Regulation of Competition
Regulation of Financial Institutions
Securities Regulation

Level Three:

Advanced Securities
CLASP Intensive
Immigration and Refugee Law
Intensive
Intensive Program in Poverty Law
Intensive Program in Aboriginal
Lands, Resources and Government
Investor Protection Seminar
Medical/Legal Seminar

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

Level One:

Collective Bargaining Law
Environmental Law
Family Law I
Immigration Law
Labour and Employment Law
Law and Social Change: Public
Inquiries in Canada
Law, Gender and Equality
Legal Values: Legal Ethics
Native Rights
Refugee Law

Level Two:

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

Level Three:

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

18. TAXATION LAW

Level One:

Taxation as an Instrument of Social
and Economic Policy
Taxation Law

Level Two:

International Taxation
Taxation of Business Enterprises
Tax Lawyering

Level Three:

Advanced Corporate Tax
Taxation Policy: Tax & Distributive
Justice

Level Four:

Tax Law and Policy Colloquium

19. TRANSNATIONAL LAW

Level One:

Ethical Lawyering in a Global
Community
Globalization and the Law

Level Two:

Conflict of Laws
Immigration
Public International Law
Refugee Law
Transnational Corporations and
Human Rights
U.S. Constitutional Law

Level Two:

Comparative Law: Women's Rights
in Africa

Level Three:

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

Level Four:

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

an organized sequence of courses in particular subject areas, the curricular streams will challenge students to undertake truly advanced work on difficult and complex legal problems. This will enable students to build cumulatively on the skills and knowledge they have acquired in other law school courses, to develop sufficient expertise in the subject area so that they can confidently challenge underlying concepts and assumptions, and to collaborate intellectually in the subject area with scholars, public policy analysts and practitioners. Another purpose of the curricular streams is to ensure that within a coherent course of studies, students are exposed to the significant theories, principles, conceptual frameworks and tools of policy analysis needed for the serious study of the law and to the full range of important lawyering skills such as problem solving, legal analysis and reasoning, legal research, factual investigation, communication skills, and recognizing and resolving problems of professional responsibility. Also, a capstone course in each curricular stream will enable students to engage in a major exercise of research and writing that will consolidate, deepen and enrich their understanding of the law.

9.0 CURRICULAR STREAMS

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

Osgoode Hall Law School has a rich, diverse and fully elective upper-year curriculum. Within this curriculum, students are generally able to plan a course of studies that enables them to pursue their special interests, that is consistent with their individual learning styles, and that ensures they obtain an excellent and comprehensive legal education. The purpose of organizing some of the upper-year courses into streams is to provide more structure to aspects of the upper year curriculum and to allow certain curriculum goals to be pursued more systematically. By providing

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>.

9.1 International, Comparative and Transnational Law Program (“ICT Program”)

2012-2013 Convenor – Professor Ikechi Mgbeoji

Introductory Remarks

The world is changing rapidly and, with it, the nature of both governance and the practice of law. In the past decade, Osgoode, along with several other of the world’s leading law schools, has led the way worldwide in ‘globalizing’ its curriculum in response to these changes, both through curriculum offerings available to all students and through the specialized study represented by the ICT Program. In 2002-03, Osgoode became the first law school to offer a Globalization and the Law course in its first year curriculum; it is the mandatory foundations course for ICT Program students while also open as a Perspectives Option to all first year students. Osgoode again assumed global legal education leadership when it introduced, in 2008-09, the Ethical Lawyering in a Global Community course as mandatory for all first year students.

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

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

- editorial work (for credit) with the *German Law Journal*.

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

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

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

ICT Program Overview

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

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

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

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

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

ICT Program Experiential Opportunities

In the **Documents & Publications section of MyOsgoode** is a non-exhaustive list of ‘experiential’ opportunities related to the ICT Program. Students must participate in at least one. This list is general and applies to opportunities that will usually be available at some point during a student’s three years at Osgoode, although some will not necessarily be available in any given year. In any case of doubt as to whether an activity satisfies this requirement, students must seek confirmation from the ICT Convenor.

Further Rules and Considerations

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

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

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

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

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

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

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

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

10-credit ceiling: As a general principle, no more than 10 ICT credits may be accorded for any given course or program. Thus, the Intensives indicated as ICT courses in the list found on MyOsgoode (Immigration and Refugee Law; Aboriginal Lands & Resources; and Parkdale - Immigration) have their ICT credits

capped at 10. The same principle applies where a student has constructed an individualized Directed Research Program.

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

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

Convenor – Professor E. Tucker

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

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

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

Labour Law, or other seminar approved by the convenor.

3. The LELP capstone course: Labour and Employment Law and Policy Colloquium.

4. An experiential component that can be satisfied by participation in the Ministry of Labour Summer Coop Program; a semester in the Parkdale Community Legal Services workers' rights division; 40 hours of volunteer work that is labour and employment law related (e.g. work at Toronto Workers' Health and Safety Legal Clinic); or other arrangement approved by the convenor.

5. Two labour and employment-related courses, including Administrative Law, Immigration Law, Evidence, Entertainment and Sports Law, Lawyer as Negotiator, Disability and the Law, Globalization and the Law, Discrimination Law, Constitutional Litigation, or other course approved by the convenor.

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

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

Convenor - Professor P. Emond

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

To receive the LDA accreditation, students must:

1. take the course in Evidence (3 or 4);

2. take one course that includes substantial instruction in alternative dispute resolution (Dispute Settlement (3), Labour Arbitration (3), Lawyer as Negotiator (4), Theory & Practice of Mediation (4));
3. take one course that includes substantial instruction in either witness examination or written advocacy (Trial Practice Seminar (4), Constitutional Litigation (3), International Dispute Resolution (3); Labour Arbitration (3), Legal Drafting (3), Mooting (3), Innocence Project (4), Community and Legal Aid Services Program (3)
4. take one course that includes substantial doctrinal or critical study in a subject related to Litigation, Dispute Resolution and the Administration of Justice including: Administration of Civil Justice (3), Administration of Criminal Justice (3), Advanced Evidence Problems (3), Civil Procedure II (3), Conflict of Laws (4), Criminal Law II (3), Criminal Procedure (4), International Dispute Resolution (3), Environmental Advocacy (3), International Courts and Tribunals (4), Legal Profession (3),
5. take the LDA Colloquium (3); and
6. complete a minimum of 25 academic credits in LDA Program courses in total, including those courses taken in accordance with the requirements in the above paragraphs.

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

9.4 Tax Law Program ("Tax Program")

Convenor - Professor Jinyan Li

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

students who might be considering a career relating to the practice of tax law but also generally to those interested in developing these skills in the context of tax law.

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

1. the foundational seminar, Tax Lawyering (3)
2. the foundational course, Tax I (4);
3. the survey course, Taxation of Business Enterprises (4);
4. one of the following two policy seminars, either Tax Law as an Instrument of Economic and Social Policy (3) or Tax Policy (3);
5. one of the following three advanced seminars, Advanced Corporate Tax (3), Estate Planning (3), or Tax Planning (3);
6. the Tax Law Program capstone course, Tax Law and Policy Colloquium (3); and
7. overall, a minimum of 23 academic credits in Tax Program courses. In addition to the courses mentioned above, credits can be earned by taking the following courses: Taxation of Wealth Transfers (4), International Tax (4), a special topic course that will be offered from time to time, and an independent research paper on a tax-related topic.

The *Convenor* has the discretion to waive a requirement mentioned in 1 to 6 above.

10.0 CLINICAL & INTENSIVE PROGRAMS

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

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

The Advanced Corporate Finance Workshop draws together various aspects of corporate and securities law involving corporate finance transactions. Through an interactive workshop format, students will gain insights into the practical aspects of structuring, negotiating and executing bank financings and transactions in the capital markets. Both in-class exercises and assignments will emphasize practice skills and strategic considerations. Students will also

develop insight into the broader theoretical and ethical considerations that confront a business lawyer. The workshop is conducted by Carol Pennycook, Jim Reid and other partners at Davies Ward Phillips & Vineberg LLP.

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

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

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

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2012. ABLW II - Mergers & Acquisitions will be offered in January 2013.

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

Director: Ms. Patricia Olasker,
Adjunct Professor

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

The workshop will focus on mergers and acquisitions, with an emphasis on public companies and will examine take-over bids; defences; corporate reorganizations; going private and related party transactions; and related aspects of tax, competition law and corporate governance. Seminars include

classroom lectures, guest lectures, student-led presentations and problem-solving exercises. Evaluation will be based on three assignments, such as preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in merger and acquisition transactions, and class participation. The program has no major research paper or exam.

ABLW II – Mergers & Acquisitions accepts 16 students who will receive five credits over one semester. Pre-requisites: Business Associations and Securities Regulation. Recommended Course: Commercial Law and Taxation of Business Enterprises. With special permission Securities Regulation may be taken concurrently. The program will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP.

Demonstrated academic performance based on law school grades to date will be an important selection factor. Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2012. ABLW II - Mergers & Acquisitions will be offered in January 2013.

10.3 Anti-Discrimination Intensive Program

(LW 7900.10, 7910.02, 7920.03)

Director: Professor Bruce Ryder

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

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

The Program begins with a week of intensive training (in conjunction with Parkdale students) at the end of August to prepare students for their placement at the Centre. During their placements

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

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

Requirements:

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

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

10.4 Case Studies in Business Enterprises (LW 5630.03)

Instructor: P. Jason Kroft, Adjunct Professor

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

Preferred Courses: None

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

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

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

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

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

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

10.5 Collaborative Research Teams (CRTs):

LW 5610.03, LW 5615.04

Not offered 2012/13

Supervised Research

Prerequisite Courses: depends on the research

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

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

Students may receive research-for-credit for work done as part of a Collaborative Research Team (CRT) on themes related to domestic, international, comparative and/or transnational law. Students based at Osgoode may work as members of research teams linked to global partners with the goal of producing interlocking research papers on pressing or on-the-horizon problems and policy issues. Each CRT normally consists of two to four students, but on occasion can be larger (in 2001-02, one team consisted of 7 students). It is emphasized that CRTs do not involve a placement abroad, although it is not precluded that the opportunity may arise for one or more CRT members to follow up on the project results with the global partner, either in the following summer or after graduation.

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

10.6 Community Legal Aid and Services Program

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

Marian MacGregor, Clinic Director; Richard Ferriss, Review Counsel; Natasha Persaud, Review Counsel; Cornelia Mazgorean, Review Counsel; Christine Sinclair, Community Outreach Counselor; Pat Case, Adjunct Professor – Seminar Instructor

The Community and Legal Aid Services Programme (CLASP) is a community service provided by Osgoode students. CLASP provides a combination of individual advocacy, community development (with an emphasis on the Jane-Finch community), law reform and clinical education for law students who will be able to bring alternative lawyering skills and a social justice perspective to their future work. To further this goal, CLASP prioritizes service to four disadvantaged communities that have been historically denied meaningful access to the legal system: persons living with mental health barriers, youth, female survivors of domestic violence, and members of the Jany-Finch community. 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 20 student "division leaders" who work in the clinic, under the supervision of four lawyers and one outreach coordinator, for a full year (summer and academic year). During the academic year, these students facilitate the involvement of approximately 150 – 200 volunteer law students. Students are encouraged to become involved as volunteers in all aspects of CLASP's services, including casework, community outreach and as intake volunteers (answering questions and taking applications).

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

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

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

10.7 Osgoode Business Clinic

LW 7600.02 (Fall) & 7610.02 (Winter)

Director, Stan Benda, Adjunct Professor

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

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

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

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

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

10.8 Innocence Project

LW 7140.03 (Fall), LW 7140.06 (Winter)

Acting Director: A. Thakore, Adjunct Professor

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

The Innocence Project will involve work over two terms. Students will work on a directed research project of three credit hours in the first term and a clinical program of six credit hours in the second term for a total of nine credits. Students will be selected on the basis of an interview conducted with the two Directors of the Project.

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

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

Forensic Testing
The Law of Interrogation
The Law and the Flaws of Eyewitness Identification
Analyzing Circumstantial Evidence
Professional Conduct: Crown Disclosure, Ineffective Assistance of Counsel
Exculpatory Evidence and Evidence of "Other Suspects"

Overreaching Prosecution (including evaluation of opening and closing addresses to the jury)
Change of Venue and Challenge for Cause
Jail House Confession and the Use of Informants

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

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

LW 7400.09, LW 7410.03 and LW 7420.03

Director: Professor G. D'Agostino

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

Program Outline

The IP Intensive provides students with training in intellectual property law (patents, trademarks, copyright, industrial designs, trade secrets, etc.), technology, computer and Internet law, privacy and other areas. The first two weeks of classes feature workshops and lectures from prominent members of the IP community. These classes cover a range of topics aimed at teaching students fundamental aspects of substantive and procedural law applied in the day-to-day practice of IP law. Students are expected to participate in a variety of IP Osgoode events and projects as coordinated by the Director of the program.

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

Student Evaluation

The evaluation will be comprised of the following components:

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

3 credits/letter graded: A seminar presentation & workshop supplemented with visual aids/handouts – 40% of final mark; 2 research-

based short papers to be published in blog format (1 blog post, max of 750 words and 1 response/comment, max of 250 words) – 20% of final mark; class seminar leader (introducing topic, speaker and facilitating discussion) – 20% of final mark, and class participation – 20% of final mark

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

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

Please note that the major research paper will satisfy the Upper Year Writing Requirement.

Pre-Requisites

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

10.10 Intensive Program in Criminal Law

LW 7100.03, LW 7110.03 and LW 7120.09

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

LW 7100.03, LW 7110.03 and LW 7120.09

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

Program Outline

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

- A 10-week placement with a specially selected member of the judiciary at the Ontario Court of Justice or with Crown Counsel, or with Defence Counsel. During these placements students are

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

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

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

10.11 Intensive Program in Immigration and Refugee Law

LW 7300.04, LW 7310.04, LW 7320.03 and LW7330.04

Director: S. Baglay, Adjunct Professor

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

The program exposes students to a challenging series of clinical placements, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of international migration. The program’s objective is to assist students to critically assess the

underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

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

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

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

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

Requirements:

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

10.12 Intensive Program in Aboriginal Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

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

1. The Program

The program is the only one of its kind in North America. It combines a rigorous academic experience with challenging placements in the field in Aboriginal law or environmental law. A full

term worth 15 credits is awarded. This course will be of particular interest to students interested in Aboriginal law, environmental law, constitutional law and public policy.

2. *In the Classroom: The first phase*

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

3. *In the Field: The second phase*

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

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

4. *Evaluation: The third phase*

A variety of evaluative methods are used. Two papers (a written presentation regarding the student's placement experience and a major legal research paper) are prepared during the

term, for which letter grades are awarded. Comments from the placement sponsor, the student presentation to the class and the daily journal kept during the placement are considered by the director, who then prepares a written evaluation which is attached to the transcript of the student.

10.13 Intensive Program in Poverty Law at Parkdale Community Legal Services

LW 7000.03, LW 7000.12

Academic Director, Professor J. Mosher

1. Background

The Intensive Program in Poverty Law places 20 students for an entire semester in the poverty law context of an operating community legal Clinic, Parkdale Community Legal Services (PCLS), in downtown Toronto. PCLS was established in 1971 as the first community-based legal aid clinic in Ontario. Osgoode students were instrumental in establishing the Clinic and since its inception, have been an integral part of PCLS. The students accepted into the Intensive Program in Poverty Law will join over 1,500 members of the legal profession, including practising lawyers, law professors, and judges, who have participated in this enriching and challenging experience as part of their legal education.

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

2. Learning Objectives

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

- critically evaluate law's role in reproducing poverty and as a resource to help eradicate poverty
- assess various models of poverty law practice
- describe and explain the 'gap' between law on the books and law in action

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

3. Assignment to a Division

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

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

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

4. Responsibilities at the Clinic

At PCLS, students

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

5. Support for Student Learning

The environment at PCLS is deeply collaborative and enormously supportive. The permanent staff at the Clinic includes a Clinic Director, four staff lawyers, seven community legal workers (CLWs), two articling students and five support staff. In addition to the permanent staff, the Academic

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

6. Credits

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

7. Introductory Clinic-based Skills Week

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

8. Term Dates

A semester at PCLS starts early and always extends to the last day of the exam period at Osgoode Hall Law School. Students are expected to be in attendance at PCLS between these dates. There is a 'reading week' in each of the Fall and Winter semesters, however the timing of this week is staggered so that the Clinic is able to continue to be accessible to the community throughout each semester.

9. In-house Clinic Orientation

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

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

10. Workload & Hours of Work

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

The program is a full-time, full-term commitment. Each student handles a caseload of approximately 15 active files. In addition, students spend a good deal of time on intake and in offering summary advice to clients or referring them to appropriate agencies or services. Students are expected as well to become involved in the Clinic's change-oriented work.

11. Acceptance and Withdrawal

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

12. Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for 20 summer student positions. The Clinic's ability to offer summer work to students is dependent upon receipt of this funding. Assuming the same level of funding as prior years, students who accept a position in the Program will be eligible for summer employment at the Clinic (if they have indicated their interest in it on the application form). The Clinic hires 12-16 new

students who will be entering the academic program in the next academic year (half of these being students who are coming in the Fall, and half those coming to the Clinic in the Winter); four to eight positions are reserved for students who have already completed the Program. This is done so that there will always be a core of experienced students at the Clinic who are able to assist the new students.

PCLS is committed to employment equity, and will give priority to applicants who are members of traditionally disadvantaged sectors of our society, where competence is equal. The Clinic may also consider students' career goals and current financial need. Students are advised that typically PCLS is only able to offer relatively modest summer salaries.

10.14 Mediation Clinical Program

LW 7810.03 (Fall),

LW 7800.04 (Winter), 7810.02 (Winter)

Academic Director, TBA

This full-year, 9 credit hour program, bridges mediation theory and practice, while actively engaging students in the provision of conflict prevention and resolution services through the Osgoode Mediation Centre. Students participate in a weekly three-hour seminar that focuses on class discussion of the recent dispute resolution literature, including the utility of mediation in civil and criminal disputes, mediation advocacy, access to justice, community mediation issues, as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute system design. The seminar includes a major research paper (20-25 pages) addressing one or more theoretical issues with observations based on the students' practice experience. Students also participate in an intensive mediation skills training program, including significant interactions among faculty, coaches and students. Students are encouraged to reflect on their experiences and articulate their emotional and intellectual responses to the situations they encounter. Under the guidance and direction of the Mediation Clinic Director, students will engage in a combination of court-related and community mediation services, including community outreach (e.g., ADR training and education of community groups and elementary/secondary school students); community engagement projects; developing and applying dispute resolution design and implementation skills in the community; promoting mediation and the services of the Mediation Centre to potential community user groups; and conducting several community mediations. During the Mediation Intensive, students are responsible for

completing a community engagement project, usually carried out by a team of 2-3, designed by the students and approved by the Clinic Director. Students will also be responsible for conflict resolution skills training throughout the year at a local public school (Director will assign students to the schools), and potentially the resolution of disputes that arise at the schools. Students will keep a reflective journal on their mediation practice activities throughout the course.

Grading and Evaluation

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

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

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

10.15 Intensive Research Program LW 7020.00

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

Notes

1. A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which may extend through his or her second and third years.

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

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

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

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

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

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

11.1 JD/MBA Joint Program

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

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

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

studies, a small number of students completing their first year of either program are considered for admission to the Joint program, upon appropriate application to the other Faculty.

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

Graduation Requirements:

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

The Academic Program:

Year 1

EITHER

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

OR

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

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

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

YEAR 2

- the Year 1 required program in the other school

YEARS 3 AND 4

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

Note:

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

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

- at least 45 academic credits of Osgoode Hall Law School courses
- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)

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

FEE SCHEDULE:

Fees must be paid as follows:

Year 1 or 2 in Schulich

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

For further information and details about the progress of courses over the three year and four year program, please visit Schulich.yorku.ca/MBAJD and select "Planning My MBA/JD > Study Options" on The Schulich.

11.2 JD/MES Joint Program

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

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

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

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

Admissions

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

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

The Academic Program

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

Students in the MES program progress through three stages:

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

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

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

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

Sequence of Study

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

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

OPTION B, Start at Osgoode: Students register full time in the JD First Year Program for the Fall and Winter terms.

They have the Spring/Summer term free.

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

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

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

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

Completion

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

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

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

Graduate Student Status

Once students are registered in the MES portion of the Joint Program, they attain graduate student

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

Fees

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

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

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

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

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

The joint Juris Doctor/Master of Arts in Philosophy (JD/MA) program, offered by Osgoode Hall Law School and the Department of Philosophy at York University, provides students with the opportunity to develop skills and acquire knowledge at the intersection of the naturally related disciplines of law and philosophy. It is the only program of its kind in Canada, and draws on Osgoode's existing strength in legal theory and the Department of Philosophy's recognized strength in moral, political, and legal philosophy. The program is ideal for students who wish to pursue either further post-graduate study and ultimately an academic career, or opportunities in a variety of careers in legal practice. Students must apply and be admitted separately to both the JD and MA programs, indicating their interest in the dual program. In the first year of the program students will complete the first year of the JD program. In the second year they will

enter the MA program on a full-time basis and complete the coursework component of the MA degree. In the third and fourth years students will return to the JD program, but also take an additional graduate course in philosophy, as well as complete a major research paper on some topic at the intersection of law and philosophy, jointly supervised by a faculty member in the law program and a faculty member in the philosophy program. Successful completion of the dual program will be validated by the issuance of two parchments, one for the JD and one for the MA, and transcripts issued in relation to the two programs will include a clear statement of the nature of the dual program.

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

12. JD/BCL Degree Program

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

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

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

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

13. EXCHANGE PROGRAMS

Law students around the globe, and especially in Europe and North America, have come to regard the opportunity to study abroad or at another

institution as an important way of enriching their law school experience. Osgoode has joined the front rank of law schools that offer this wonderful opportunity to their students.

Osgoode has identified many opportunities for study abroad in over 14 countries. In addition, students may apply for a Letter of Permission if they wish to propose a study-abroad program at a university which is not on the exchange list. Opportunities fall into four categories:

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

13.1 How to Apply to Osgoode Exchanges

International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode has been building on its international ties with universities around the globe to create opportunities of international study for Osgoode students. 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 Kent (England), University of Copenhagen (Denmark), University of Amsterdam, Vrije University (Holland), Maastricht University (Netherlands), Trinity College Dublin and University College Dublin (Ireland), St. Gallen University (Switzerland), Bucerius Law School (Germany), Aix-en-Marseilles (France), University of Luxembourg, Monash University (Australia), National University of Singapore, University of Hong Kong (China), National Law School of India (Bangalore), Jindal University (Delhi), Waseda University (Japan), University of Montreal.

Details of international and exchange programs and linkages to other Web sites can be found on the Osgoode Hall Law School homepage (www.yorku.ca/osgoode/international) For more information and assistance, you may contact Karen Willoughby, International & Academic Programs Coordinator, Student Services at karenw@osgoode.yorku.ca. The application deadline falls in early January for the following

academic year. Applicants should be in good academic standing and have a minimum B average in their law studies. An information session on exchange opportunities is held in November.

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

13.2 York International Exchange Programs

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

14. LAW SOCIETY INFORMATION

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

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

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

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

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

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

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

14.2 Licensing Process Information

The Licensing Process

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

Structure

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

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

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

Registration

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

The Licensing Examinations

The Licensing Examinations will consist of a self-study Barrister Examination and a self-study Solicitor Examination. The Licensing Examinations are based on validated entry-level competencies, which have been defined by the legal profession through a rigorous development and validation process. A competency is defined as the knowledge, skill, ability, attitude or judgment required for entry-level practice. The competencies tested are:

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

The Barrister Examination will assess competencies in the following categories:

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

The Solicitor Examination will assess competencies in the following categories:

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

It is expected that each examination will be approximately 7 hours in length with an hour and a half (1.5) break. The Law Society will provide you with the necessary reference materials to study for the examinations. You will be permitted to mark the materials and bring them to the examinations. The examinations will also be available in French.

The Articling Term

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

14.3 *The Importance of a Well-rounded Law School Curriculum*

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

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

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

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

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

15. FACULTY ON SABBATICAL/LEAVE

Professor M. Beare – Fall and Winter terms
Professor M. Condon - Fall and Winter terms
Professor S. Gavigan – Fall and Winter terms
Professor J. Li – Winter term
Professor O. Okafor – Winter term
Professor C. Scott – Fall and Winter terms
Professor D. Scott – Fall and Winter terms
Professor G. Van Harten – Fall term
Professor D. Vaver – Winter term
Professor A. Young – Fall and Winter terms

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

16. COURSE INFORMATION TABLES

Course Information Tables

The following tables list the courses and seminars offered in the 2012-2013 academic session. The enrolment figures in the tables are useful when attempting to letter prioritize your course selections. These figures represent the course enrolment and demand the last term the course was taught by that specific instructor. The **initial demand** indicates the number of students that assigned a letter priority to that particular course or seminar. The **final** enrolment figure indicates the number of students who were enrolled in that course at the end of the add/drop period. Please note that enrolment demand fluctuates and the figures presented may not accurately reflect future results.

Note:

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

2012 Fall Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Gover/ Gonsalves/ Van Niejenhuis	A	4	2010	4	W12	21	95	44
Bankruptcy & Insolvency Law	Ben-Ishai		4	2430	4	F09	48	95	79
Business Associations	Zumbansen	B	4	2020	4	F11	N/A	95	47
Business Associations	Waitzer/Fransen	A	4	2020	4	F11	167	95	Full
Commercial Law	Geva	A	4	2030	4	F11	36	65	43
Communications Law	Engelhart/ Dinsmore/ Abramson		4	2005	4	F11	21	50	15
Conflict of Laws	Walker		4	2040	4	F10	62	95	73
Copyright	Craig		4	2870	4	F09	59	95	88
Criminal Law II: Ethical Issues	Brown/ Di Luca		3	2240B	3	F11	14	95	15
Criminal Law II: Sexual Offences	Klukach/ Chapman		3	2240E	3	F10	18	95	16
Criminal Procedure	Libman	A	4	2690	4	F11	42	95	32
Environmental Law	Wood		4	2880	4	F09	32	80	32
Estates	Black	A	4	2050	4	W12	155	95	Full
Evidence	Pilkington	A	4	2490	4	F10	100	75	Full
Evidence	Breen/ Flumerfelt	B	4	2490	4	N/A	N/A	75	N/A
Family Law I	Mossman	A	4	2060	4	W12	65	85	81
Family Law I	Mykitiuk	B	4	2060	4	F11	31	85	33
History of Criminal Law & its Administration	Hay		3	2047	3	F11	7	20	10
Immigration Law	Rehaag		4	4270	4	F11	52	80	56
Insurance Law	Campisi		4	2280	4	F11	32	95	58
International Taxation	Li		4	4150	4	F11	13	40	14
International Trade Regulation	Wai		4	2290	4	W11	26	50	18
Labour & Employment Law	Tucker		4	2315	4	F11	61	95	71
Land Use Planning	Mascarin/ Hare		3	2320	3	F11	11	75	10
Law & Social Change: Community Action Across Borders	Bhabha		3	2750M	3	F11	18	20	19
Native Rights	McNeil		4	2110	4	F11	27	50	31
Patents	Mgbeoji		4	2330	4	F11	27	95	31
Real Estate Transactions	Carter	B	4	2070	4	F11	46	65	56
Real Estate Transactions	Rosenblatt	A	4	2070	4	F11	65	65	Full
Refugee Law	Rehaag		4	2470	4	F11	19	80	27
Restitution	McCamus		4	2360	4	F11	46	95	50
Securities Regulation	Lastman	A	3	2620	3	F11	114	95	Full
Taxation Law	Brooks	A	4	2080	4	F11	88	95	88
Taxation Law	Edgar	B	4	2080	4	F11	40	95	50
Trusts	Esposito	A	4	2090	4	W12	49	60	55

2012 Fall Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Walker		2	3010A	3	N/A	N/A	20	N/A
Administration of Criminal Justice: Sentencing	Crosbie		2	5010C	3	F11	8	20	12
Administration of Criminal Justice: Youth Justice	Bessner		2	5010B	3	N/A	N/A	20	N/A
Advanced Corporate Tax	Li		2	5210	3	W11	8	20	8
Children And The Law	Kierstead/ Mang		2	5230	3	F11	24	20	18
Comparative Law: African Women's Human Rights	Archampong		2	3040V	3	New	N/A	20	N/A
Constitutional Litigation	Lokan/ Dassios	A	2	3630	3	F11	7	20	13
Course of a Transaction: Following a Business Acquisition from Start to Finish	Swan/ Nelligan		2	5020	3	F10	30	20	15
Discrimination & the Law	Faraday		2	3300	3	N/A	N/A	20	N/A
Dispute Settlement	Fleischmann/ Caplan	A	2	3980	3	F11	19	20	16
Entertainment & Sports Law	Selznick	A	2	3840	3	F11	27	20	Full
Family Law II - Family Law Policy	Mossman		2	5120	3	W12	19	20	15
Health Law	Gilmour		2	3004	3	F11	37	20	Full
Intellectual Property Theory	Craig		2	5430	3	W12	9	20	7
Intensive Legal Research & Writing	Davis		2	3920	3	F11	19	20	17
International Dispute Resolution: Advocacy in the International Criminal Court	Adler		2	3007C	3	F11	6	20	6
International Dispute Resolution: Vis Moot	Walker		2	3007A	3	F11	6	16	Full
International Human Rights Law	Saberi	A	3	3440	4	N/A	N/A	20	N/A
Labour and Employment Law and Policy Colloquium	Tucker		2	5550	3	W12	9	20	7
Labour Arbitration	Kearsey,Parmar		2	5070	3	N/A	N/A	20	N/A
Law of War	Mandel		2	3730	3	F11	13	20	14
Law & Psychiatry	Perez/ Bryan		2	3240	3	W12	16	20	16
Lawyer as Negotiator	Zemans		3	3960	4	F11	99	64	Full
Legal Values: Legal Ethics	Farrow		2	3590N	3	W12	N/A	20	N/A
Legal Values: Reforming Copyright & Design Law	Vaver		2	3591G	3	F10	10	20	10
Legal Values: Reforming Patent & Trade-mark Law	Vaver		2	3591F	3	F11	5	20	8
Medical/Legal Seminar	Brock/ Carlisle		3	3180	3	W10	15	20	15
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey		2	3008	3	F11	6	20	13
Regulation of Financial Institutions	Ben-Ishai		2	3930	3	N/A	N/A	20	N/A
Tax Law and Policy Colloquium	Li		2	5330	3	W11	5	20	5
Taxation Policy: Tax and Distributive Justice	Brooks		2	5220A	3	New	N/A	20	N/A
Theory and Practice of Mediation	Zemans		3	5960	4	F11	18	16	13
Trial Advocacy	Rosenthal/ Grinberg		3	5270	4	F11	131	80	Full

2013 Winter Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	P	4	2010	4	F11	158	95	94
Administrative Law	TBA	Q	4	2010	4	N/A	N/A	95	N/A
Banking & Negotiable Instruments	Geva		4	2420	4	W12	16	95	17
Business Associations	Crofts	P	4	2020	4	W12	51	95	70
Civil Procedure II	Watson		3	2230	3	W12	67	75	62
Collective Bargaining Law	Slinn		4	2515	4	W12	29	95	35
Commercial Law	Johnson	Q	4	2030	4	W12	37	65	41
Commercial Law	Dhir	P	4	2030	4	W12	97	65	57
Comparative Law	Drummond		4	2004	4	W12	15	50	10
Contracts II	Swan		3	2460	3	W12	56	95	27
Criminal Law II: Advocacy & the Criminal Trial	Greene,Trehearne		3	2240J	3	W12	21	95	20
Criminal Procedure	Libman	P	4	2690	4	W12	32	95	37
Disability & the Law	Mykitiuk		3	4905	3	W11	10	25	5
Estates	Black	P	4	2050	4	W12	155	95	92
Evidence	Berger	P	4	2490	4	W12	82	75	Full
Evidence	Bessner	Q	4	2490	4	N/A	N/A	75	N/A
Family Law I	Drummond	P	4	2060	4	F11	35	85	33
Globalization & the Law	McKay	P	3	2008	3	W12	2	20: 5 upper, 15 1st year	N/A
Individual Employment Relationship	Slinn		4	2550	4	F11	38	95	46
Intellectual Property	Sookman/ Mason/ Glover		3	2970	3	W12	59	95	53
International Business Transactions	Gastle		3	2890	3	W12	25	95	30
International Criminal Law	Mandel		4	2440	4	W12	23	95	24
Jurisprudence	Tanguay-Renaud		3	2720	3	W12	9	25	5
Law & Social Change: Public Inquiries in Canada	Bessner		3	2750U	3	New	N/A	20; 5 upper, 15 1st year	N/A
Legal Drafting	Benda/Shin Doi		3	2140	3	W12	73	75	72
Legal Governance of Health Care	Gilmour		4	2404	4	W12	36	50	39
Legal Politics	Mandel		3	2570	3	W12	4	20: 5 upper,15-1st year	Full
Public International Law	Saberi		4	2340	4	N/A	N/A	95	N/A
Real Estate Transactions	Perell	P	3	2070	3	W12	40	95	60
Regulation Of Competition	Rosner		3	2350	3	N/A	N/A	80	N/A
Securities Regulation	Cattanach/ Wiens	P	4	2620	4	W12	35	95	38
Taxation Law	Frankovic	P	4	2080	4	W12	72	95	86
Taxation of Business Enterprises	Edgar		4	4100	4	W12	37	95	44
Trademarks	Craig		4	2170	4	W12	56	95	88
Trusts	Haigh	P	4	2090	4	W09	49	95	82
U.S. Constitutional Law	Cameron		4	2520	4	W12	35	95	33

2013 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	W12	9	20	12
Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	N. Finkelstein, J. Finkelstein, Podolny		2	3010D	3	W12	5	20	11
Advanced Securities	Dublin		2	5280	3	W12	8	20	6
Comparative Law: Indigenous Legal Traditions	Boisselle		2	3040P	3	New	N/A	20	N/A
Comparative Law: UN, Peace & Security	Thome		2	3040T	3	W12	14	20	14
Constitutional Litigation	Charney	P	2	3630	3	W12	25	20	18
Contract Remedies	Burr, M. Johnson, McCaig		3	3050	4	W12	32	20	19
Corporate Governance	Puri		2	5170	3	F08	19	20	18
Directed Reading: CAMH Collaborative Research Course/Selected Topics in Mental Health & Justice	Sossin, N. Martin			6000K	3	New	N/A	10	N/A
Dispute Settlement: Dispute Resolution in the Securities & Corporate Context	Ritchie		2	3980C	3	New	N/A	20	N/A
Entertainment & Sports Law	Duarte	P	2	3840	3	W12	41	20	15
Evidence and Proof: Theory and Practice	Stribopoulos		3	5440	4	W12	32	15	Full
Forensic Science & the Law	Federico/ Rondinelli		2	3690	3	W12	6	10	8
Freedom of Expression and the Press	Cameron/ Bredt		2	3002	3	W12	12	20	17
ICT Colloquium	Mgbeoji		2	5810	3	F06	N/A	20	N/A
Indigenous Peoples & the Law	Imai		3	3390	3	N/A	N/A	20; 6 upper, 14 1st year	N/A
International Dispute Resolution: International Commercial Arbitration	Walker		6	3007D	3	New	N/A	20	N/A
International Human Rights Law	Utyasheva	P	3	3440	4	W12	16	20	12
Investor Protection: Advanced Seminar	Waitzer, McNish		3	5410	4	W12	21	20	17
Jewish Law	Richler		3	3770	3	F10	8	20: 5 upper, 15 1st year	6
Joint JD/MBA Seminar	Johnson		2	3820	3	W12	30	20	Full
Land Development & Commercial Real Estate Problems	Gross		2	5160	3	W12	14	20	11
Law & Film	Buchanan		2	3200	3	New	N/A	20	N/A
Law & Religion in Legal, Social, and Political Perspective	Berger		3	3160	3	F11	6	20	15
Law & Rights	Slattery		2	3450	3	W12	10	20	16
Law, Gender, Equality	Lawrence		3	3039	3	W12	6	20: 5 upper, 15 1st year	15
Legal Values: Copyright in the Digital Age	Craig		2	3590K	3	W07	23	20	18
Legal Values: Information and Privacy	Hargreaves		2	3590E	3	N/A	N/A	20	N/A
Legal Values: Law & Literature	Sutherland		2	3590V	3	W11	21	20	Full
Legal Values: Legal Ethics	Anand		2	3590N	3	N/A	N/A	20	N/A
Legal Values: Race and Gender in Corporate Law and Governance	Dhir		2	3591A	3	W12	6	20	3
Litigation Dispute Resolution and the Administration of Justice Colloquium	Emond		2	5007	3	W09	8	20	8
Monetary, Payment & Settlement Systems	Geva		2	3075	3	New	N/A	20	N/A
Resources Management	Koehl/ Wilkins		2	3490	3	W12	12	20	12

Tax As Instrument Of Social & Economic Policy	Edgar	P	3	3006	3	W12	3	20: 5 upper, 15 1st year	3
Tax Lawyering	Samtani/ Kutyan		2	3370	3	N/A	N/A	20	N/A
The Art of the Deal	Waitzer		3	5100	4	W12	45	10	Full
Transnational Corporations & Human Rights	Dhir		2	3590T	3	F09	18	20	19
Western Legal Histories	Hay		2	6601	3	W12	5	20	4

Administration of Civil Justice: Class Actions

(3010A.03) *Seminar*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Discussion, student presentations, guest speakers

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

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

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

Administration of Civil Justice: Estate Litigation

(3010B.03) *Seminar*

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

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

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: None

Presentation: Presentation: Discussion, lectures, student presentations

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

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

Evaluation: Research paper (8,000 words) - 70% of final grade

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

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

(3010D.03) *Seminar*

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

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities, Bankruptcy & Insolvency

Presentation: Lecture, class discussion, student presentations

This seminar is strongly recommended for those considering a career in corporate law or commercial litigation. Business leaders making decisions concerning corporate transactions frequently turn to legal counsel for advice on the litigation and regulatory risks they face and the economic value of these risks. The risks include court challenges and regulatory proceedings commenced under Securities Act (Ontario), Companies Creditors Arrangement Act, Competition Act, Investment Canada Act, Broadcasting Act, Telecommunications Act and other legislation. The seminar will survey the various analytical tools available to counsel for assessing specific kinds of legal, political and regulatory risk.

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

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

Administration of Criminal Justice: Sentencing

(5010C.03) *Seminar*

Instructor(s): K. Crosbie, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, participation

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

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

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

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

Administration of Criminal Justice: Youth Justice

(5010B.03) *Seminar*

Instructor(s): R. Bessner, Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, class discussion and student participation

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

Evaluation: Class Attendance-10 %; Participation-20% Research paper -70% (8000 words excluding footnotes and bibliography). Research paper topic must be approved by the instructor.

Administrative Law

(2010.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

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

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

Administrative Law

(2010.04 P) *Course*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

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

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

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 Q) *Course*

Instructor(s):

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture

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: 100% final examination.

Advanced Corporate Tax

(5210.03) *Seminar*

Instructor(s): Professor J. Li

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

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

Preferred Courses: none

Presentation: Discussion, lectures, problems, guest speakers

This seminar is designed to provide students with a "hands on" experience in developing their knowledge in tax law and professional skills in problem solving, presentation and communication, active listening, team work and managing ethical dilemmas. Two tax practitioners: Ms. Gabrielle Richards, partner of McCarthy Tétrault LLP and Mr. Steven Baum, Partner of Wilson & Partners LLP, a law firm affiliated with PricewaterhouseCoopers LLP will be guest lecturers.

After an introduction about tax planning, ethics, and the general anti-avoidance rule (GAAR), the seminar will focus on a case study that involves creating a business, financing the business, growing the business overseas, and then selling the business to non-resident investors. In addition, the seminar will cover tax avoidance and other "hot" corporate tax issues.

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

Evaluation: 80% for written work that can take the form of a written assignment or a research paper, 20% for class participation. The research paper can be submitted in satisfaction of the upper year writing requirement

Advanced Securities

(5280.03) *Seminar*

Instructor(s): J. Dublin, Adjunct Professor

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

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: None

Presentation: Discussion, student presentations

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

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

Banking & Negotiable Instruments

(2420.04) *Course*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

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

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

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

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

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

Bankruptcy & Insolvency Law

(2430.04) *Course*

Instructor(s): Professor S. Ben-Ishai

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

Prerequisite Courses: Commercial Law

Preferred Courses: Business Associations

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 with option to write a Paper for 30%.

Business Associations

(2020.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, problem solving, discussion

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

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

Business Associations

(2020.04 B) *Course*

Instructor(s): Professor P. Zumbansen

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

The course will focus primarily on the Canadian business corporation, although there will be a brief examination of several non-corporate forms of carrying on business ventures including sole proprietorships, (general) partnerships, limited partnerships, and limited liability partnerships. After a basic introduction to these, the course will study the business corporation, emphasizing, in particular, corporations incorporated under the federal Canada Business Corporations Act and Ontario's Business Corporations Act. The course will canvass such topics as the fundamental characteristics of the corporation; the mechanics of incorporation; disregarding the corporate entity; personal liability of corporate directors and officers; pre-incorporation contracts; contracts between the corporation and outside parties; tort and criminal liability of corporations; corporate governance; shareholder agreements, shareholder remedies as well as a brief introduction to corporate finance. Reference will also be made to theoretical approaches to the study of the corporation in light of the fact that corporate law has become one of the central areas of regulatory governance today.

Teaching Format: This course is taught making use of the Socratic method to encourage active class participation so that students learn early to express themselves in a clear and concise manner. While Students are encouraged to participate in class, they are free to "pass" when addressed directly. Individual classes might have to be rescheduled in observance of religious holidays.

Required Material: Harris/ Daniels/ Iacobucci/ Lee/ MacIntosh/ Puri & Ziegel, Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 5th ed. 2011. Students will need the newest edition of the Canadian Business Corporation Act, which can be obtained online at no cost. The Casebook will be made available through MDC. Where references are made to the Ontario Business Corporations Act, we will access the Act online.

Evaluation: **Evaluation:** 100% open book final examination.

Business Associations

(2020.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, 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, corporate social responsibility, and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

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

Children And The Law

(5230.03) *Seminar*

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

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

Prerequisite Courses: none

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

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 concepts of childhood and emancipation; child custody; international adoption and immigration issues for children; child labour; child welfare, protection and the limits of parental autonomy; and children's interaction with the education system.

Evaluation: Research paper (75%); class participation (10%); presentation (15%).

Civil Procedure II

(2230.03) *Course*

Instructor(s): M. Watson, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

Evaluation: Open-book examination.

Collective Bargaining Law

(2515.04) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

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

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

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

Commercial Law

(2030.04 A) *Course*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

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

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

Commercial Law

(2030.04 P) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

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

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

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

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

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

Commercial Law

(2030.04 Q) *Course*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lecture, discussion, podcasts

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

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

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

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

Communications Law

(2005.04) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, mock hearing

This course will examine law, policy and regulations concerning broadcasting (radio and television) the Internet and telecommunications. Of particular interest in broadcasting are questions about access, Canadian content, and the implications of competition and new services. In telecommunications and the Internet, topics will include competition, the regulation of wireless services, network neutrality, wholesale services and infrastructure deployment. Other topics include New Media, horizontal and vertical ownership concentration, privacy, lawful access and legislative and institutional reform.

Evaluation: Three short tests (2 pages each, 10% for each test with the best two counting), class attendance and preparation of an written and oral intervention in a mock CRTC hearing.

Comparative Law

(2004.04) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, films, small group work

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

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

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

Comparative Law: African Women's Human Rights

(3040V.03) *Seminar*

Instructor(s): E. Archampong; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Time devoted to active student participation, in addition to lectures and discussions.

This seminar examines the role of equality theory and human rights law in the promotion and protection of the rights of women and girls in Africa. We will attempt to understand the application of equality theory in seeking to achieve "real" rights for women. We will also examine the nature, function and effectiveness of relevant international conventions (such as CEDAW), regional instruments (such as the African Charter and Women's Protocol) and state laws impacting African women's rights. We will grapple with the application of these laws in the context of the colonial history and customary law and practice of African countries, as well as underlying economic, socio-cultural and political factors on the African continent and at a global level. We will focus on specific human rights challenges faced by African women such as their land rights, relation to the environment, issues relating to girl children, women's poverty and socio-economic rights, violence against women and women's health in Africa. We will explore how human rights law can be applied to achieve concrete change for women/girls, and use case studies to explore the strengths and weaknesses of using legal advocacy as a human rights tool. We will draw comparisons with the law and experience in Canada where appropriate. Throughout the course, we will engage equality and human rights theory in examining African women's human rights claims and violations.

Evaluation: Evaluation: Participation (20%); final paper (80%).

Comparative Law: Indigenous Legal Traditions

(3040P.03) *Seminar*

Instructor(s): Professor A. Boisselle

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar Presentation: Seminar, with a student participation component (i.e. primarily discussion-based and interactive instead of lecture-based). Class time may involve class exercises and activities, and may include a film and a discussion with a guest speaker, as available.

This seminar will introduce students to the non-state legal orders of several indigenous peoples with an emphasis on the Anishinabek, Cree, Gitksan and Coast Salish. Using a transsystemic pedagogical model and a wide range of reading materials (legal cases, methodology, pedagogy, anthropology, theory) students will critically explore the theories and practices of indigenous legal traditions through analysis and substantive treatment of: indigenous sources of law; oral histories and traditions (as legal archive); legal cases and precedent; modes of reasoning and interpretation; and authority and legitimacy.

Evaluation: Each student will complete a research paper on a topic of their choice, worth 60% of their final grade. The remaining 40% of the grade will be based on class participation, on a short (5 pages) written reflection and on a class presentation.

Comparative Law: UN, Peace & Security

(3040T.03) *Seminar*

Instructor(s): D. Thorne; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, role play exercises

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

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

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

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

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

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

To this end, at certain junctures throughout the term, students will be presented with brief exercises and practical simulations, which they will have the opportunity to prepare, and role play with their classmates, so as to more directly engage with, and deepen their understanding of, the practices of the United Nations. In particular, the class will culminate in an extensive Security Council simulation role play exercise.

Evaluation: This seminar will utilize a variety of evaluation methods, with the final grade being derived from a combination of class participation (15%), written/role play exercises (35%), and a mandatory research paper (50%). Please note that the precise weighting of these elements may be subject to change prior to the commencement of the course.

Conflict of Laws

(2040.04) *Course*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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

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

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

Evaluation: In-course assignments and open-book final examination.

Constitutional Litigation

(3630.03 A) *Seminar*

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

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

Prerequisite Courses: Constitutional Law

Preferred Courses: none

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

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

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

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

Constitutional Litigation

(3630.03 P) *Seminar*

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

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

Prerequisite Courses: Civil Procedure I, Constitutional Law

Preferred Courses: None

Presentation: Student presentations and discussion.

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

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

Evaluation: Class participation and attendance (20%); factum and moot or research paper (80%). Students are encouraged to participate in the moot, but have the option of writing a paper of 8,000 - 9,000 words.

Contract Remedies

(3050.04) *Seminar*

Instructor(s): C. Burr, M. Johnson, K. McCaig; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: none

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

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

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

Contracts II

(2460.03) *Course*

Instructor(s): A. Swan; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Discussion, lectures

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

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

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

- (i) the "anatomy" of common commercial agreements;
- (ii) interpretation of contracts;
- (iii) the practical problems created by the third party beneficiary rule;
- (iv) the features of and methods for dealing with the modern Canadian law of exemption clauses;
- (v) the drafting techniques available to deal with the endemic problems which arise in long-term contracts when one party's performance does not meet the contractual standard required or endogenous or exogenous shocks to the relation occur;
- (vi) the control of contract power; and
- (vii) illegality.

A significant aspect of the examination of these issues will be on what a solicitor can do to avoid problems for his or her client. Students will be expected to draft simple agreements or parts of agreements. The course is not a course on drafting but it will, of necessity, expose students to some of the problems of drafting agreements and the alternative forms that the competent solicitor has to know.

The material for the course will consist of:

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

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

Copyright

(2870.04) *Course*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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 Governance

(5170.03) *Seminar*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation

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

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

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

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

(5020.03) *Seminar*

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

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

Prerequisite Courses: Anti-requisite - not open to students who have taken or are taking Contracts II.

Preferred Courses: none

Presentation: Seminar, Discussion.

The purpose of this course is to take students through a common business transaction and the creation of three common business relations 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 or relation, the settlement of the terms of the documents to the final closing of the transaction.

The course will be an intensive examination of the role of the solicitors involved in bringing the transaction to a successful completion and in creating the various relations. The transaction will be an asset purchase agreement (a business acquisition agreement). The three relations will probably be: a shareholders' agreement; a distribution agreement; and a licence agreement. (We reserve the right to substitute some other transaction or relation for those listed.)

While students will be expected to understand generally the effect of the Income Tax Act and several other acts on a business transaction or relation, the focus of the course will be on the nature of the transaction or relation and the solicitor's role in achieving his or her client's goals. 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 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.

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 exam worth 60 marks.

Criminal Law II: Advocacy & the Criminal Trial

(2240J.03) *Course*

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

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

Prerequisite Courses: Evidence

Preferred Courses: none

Presentation: lectures and discussions

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

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

Criminal Law II: Ethical Issues

(2240B.03) *Course*

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

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

Prerequisite Courses: Criminal Law I

Preferred Courses: none

Presentation: Lecture, discussion

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

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

Criminal Law II: Sexual Offences

(2240E.03) *Course*

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

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

Prerequisite Courses: Criminal Law I

Preferred Courses: none

Presentation: Discussion, lectures

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

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

Criminal Procedure

(2690.04 A) *Course*

Instructor(s): R. Libman, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

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

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

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

Criminal Procedure

(2690.04 P) *Course*

Instructor(s): R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

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

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

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

Directed Reading: CAMH Collaborative Research Course/Selected Topics in Mental Health & Justice

(6000K.03) *Seminar*

Instructor(s): Professor L. Sossin, Dean & N. Martin; Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: One or more of Health Law, Disability and the Law, Law and Psychiatry, Legal Governance of Health Care, Medical/Legal Seminar

Presentation: Independent research, discussion and student participation

The Centre for Addiction and Mental Health (CAMH) is Canada's largest mental health and addiction teaching hospital, as well as one of the world's leading research centres in the area of addiction and mental health. This course will explore the intersection of law and mental health in regulatory, administrative justice, law reform and advocacy contexts.

The CAMH Collaborative Research Course is an independent research initiative, jointly supervised by Nyranne Martin, Senior Legal Counsel to CAMH, and members of the Osgoode faculty, coordinated by Dean Lorne Sossin.

The group will meet with Osgoode faculty and CAMH lawyers and officials at the start of the term to receive background materials, select topics, and then discuss issues relating to addiction and mental health including policy issues, regulatory issues, issues of legal process and law reform. Students will also participate in a basic orientation of CAMH and an inter-professional session with other students from various health care disciplines. The group will meet several times (both at CAMH and Osgoode) during the term to present work-in-progress and receive feedback.

Depending on the topic, papers may take the form of research memoranda, options papers, and so on.

Students may work individually or in teams, depending on the topics and the number of students involved. Students who enroll in the course will need to have their research topics approved by the instructor(s).

Evaluation: Evaluation will be based on the written research (70%), the presentation of that research (20%) and participation in the group sessions (10%). These papers qualify for the upper year research requirement.

Disability & the Law

(4905.03) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: interactive discussions, student presentations,

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

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

Evaluation: Class Participation: 10%, Research Paper: 65%, Class Presentation: 25%. OR Class Participation: 10%, three 8-10 page reflection papers: 65%, Class Presentation: 25%.

Discrimination & the Law

(3300.03) *Seminar*

Instructor(s): F. Faraday; Adjunct Professor

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 27 years since, the equality rights in the *Charter* have been a focus for the hopes and aspirations of many disadvantaged groups. Section 15 has also been a site of intense political and legal contestations, as well as persistent judicial anxieties. Some sustained law reform campaigns, fuelled by litigation or the threat of litigation, have enjoyed remarkable success that would not have been possible absent s.15 of the *Charter*. Moreover, Canadian equality jurisprudence has inspired scholars and judges around the world.

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

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

Evaluation: Research paper of at least 8,000 words (not including footnotes or bibliography) on a topic, approved by the instructor, relating to any aspect of anti-discrimination law (65%); short written comment on readings (5%); written feedback on another student's paper outline (5%); participation in seminar discussions (15%); class presentation based on research paper (10%).

Dispute Settlement

(3980.03 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: *Taught intensively in 9 classes of 3 hours duration. Classroom lectures, 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 in the context of the legal environment. The course focuses on the theory and practice of ADR, with an emphasis on mediation. We examine readings drawn from the growing body of theoretical literature in the area, beginning with an understanding of legal theory and the language of law, a necessary foundation for ADR study. The course will then explore and address key issues arising from ADR practice, such as: conflict, negotiation styles, and issues affecting mediation: confidentiality and privilege, neutrality, impartiality, mediator orientations and styles, ethical issues, communication, and the role of power and culture.

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, including one in-class presentation based on assigned readings (25%) and a 20-page written paper on a pre-approved ADR topic relevant to the seminar content (75%). Please note: Given the extent to which the course relies on full class participation in discussions and simulated exercises, attendance at all classes is mandatory.

Dispute Settlement: Dispute Resolution in the Securities & Corporate Context

(3980C.03) *Seminar*

Instructor(s): L. Ritchie, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Business Associations, Securities Regulation

Presentation: Discussion, presentation and guest lectures

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

The seminar will try to highlight not only on the causes and outcomes of disputes, but methods and strategies employed to respond to them. Examples of the range of topics and subject areas to be explored will include control/proxy battles, hostile take-over bids, crisis management in the context of alleged corporate misconduct (e.g. accounting fraud and public statement misrepresentation), insider trading, market manipulation, and public company governance matters. The seminar will place emphasis current matters of interest and legal and policy developments in Canada and the United States, including legal and structural reform. It should be relevant to students interested in business and securities litigation, as well as corporate solicitor matters and corporate and securities policy issues. It should provide some ambit for students to have input into the particular areas of focus within the seminar class room discussion, through individual presentations and discussion leadership.

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

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

Entertainment & Sports Law

(3840.03 A) *Seminar*

Instructor(s): S. Selznick; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar - Lecture, discussion

This seminar course comprises two components:

1. Entertainment Law

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

2. Sports Law

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

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

Entertainment & Sports Law

(3840.03 P) *Seminar*

Instructor(s): T. Duarte, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

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

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

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

Evaluation: Class participation (10%), assignments based on class and reading materials (20%), and a research paper (70%).

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 the law and politics of environmental protection in Canada, with a focus on federal and Ontario law. Major issues and contemporary developments in environmental law are brought to life via guest lectures, videos, news stories and scenarios drawn from real-world environmental controversies. 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, environmental groups and First Nations. The course is structured roughly to follow the course casebook, Doelle & Tollefson, *Environmental Law: Cases, Notes and Materials*. Topics typically include international environmental law; the emergence of modern environmental law; ecology, uncertainty and the precautionary principle; common law approaches; federalism; municipal environmental powers; indigenous peoples and environmental law; environmental justice; command regulation (including regulatory approvals, compliance and enforcement); economic instruments and other regulatory tools; toxic substances regulation; air pollution regulation; public participation; environmental rights; judicial review; environmental impact assessment; parks and protected areas; and species protection. We take up several major federal environmental statutes, including the Fisheries Act, Canadian Environmental Protection Act, Canadian Environmental Assessment Act and Species at Risk Act, as well as such key provincial statutes as the Ontario Environmental Protection Act and Environmental Bill of Rights. Throughout the course, we use cross-cutting issues like climate change to understand complex legal and policy problems. The course is 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.

This survey course does not cover many important environmental law issues. It provides a springboard for exploring such issues in more detail in other courses. For example, forestry, mining and other natural resource management issues are covered in Resources Management. International environmental issues are covered in detail in International Environmental Law. Issues related to the generation and use of energy are covered in Energy Law. Environmental land use issues are covered in Land Use Planning. Environmental litigation before administrative tribunals is covered in Environmental Advocacy. Climate Change law is addressed comprehensively in the Climate Change Law seminar. And the relationship of aboriginal peoples to the environment is covered, to varying degrees, in numerous courses related to aboriginal law, including Native Rights and the Intensive Program in Aboriginal Lands, Resources and First Nations Government.

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

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

Estates

(2050.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

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

Evidence

(2490.04 A) *Course*

Instructor(s): Professor M. L. Pilkington

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

Prerequisite Courses: First year courses

Preferred Courses: Students who intend to study Criminal Procedure may find it useful to do so concurrently with Evidence.

Presentation: Lecture; discussion; 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 (solicitor-client, spousal, work-product, public-interest, and case-by-case privilege) ; means of proof (*viva voce* evidence, affidavits, 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) formulating, substantiating and responding to objections on evidentiary grounds; (3) applying evidence law in solicitor's work, and (4) understanding the values inherent in evidence law, the initiatives for its reform, and the impact of those initiatives.

Powerpoint slides will be provided in advance of class to assist students in preparing the assigned readings. Classes will be organized around questions and problems arising from the materials and slides.

Evaluation: **Mid-term examination** (in class); short answer; open book; worth 25% of the final grade.

Final examination on the whole course; problem analysis; policy analysis; and (possibly) short answer; open book; worth 75% of the final grade.

Option to write a case comment for 20% of the final grade (factored into the other means of assessment). Students will work in pairs, select a case recommended by or otherwise approved by the instructor, submit a draft for discussion with the instructor, and submit a final revised case comment.

Possible option of participating in non-credit workshops on examination and cross-examination.

Evidence

(2490.04 B) Course

Instructor(s): T. Breen, & R. Flumerfelt; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, In-Class Problems

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

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

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

Evidence

(2490.04 P) Course

Instructor(s): Professor B. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving.

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

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

Evidence

(2490.04 Q) *Course*

Instructor(s): R. Bessner; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, problem-solving

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

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

Evidence and Proof: Theory and Practice

(5440.04) *Seminar*

Instructor(s): Professor J. Stribopoulos

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

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Seminar

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

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

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

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

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

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and problem-solving

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

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

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

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

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

*This is not a research assignment. A critical case comment (2000-2500 words, and focused on cases related to but outside the course syllabus) may be submitted on specified dates during the semester, from a list of suggested cases provided by the instructor; OR students may write an essay about themes in family law (in relation to specified cases discussed in the course) during an additional 50 minutes of the final examination.

Family Law I

(2060.04 B) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures and discussion

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

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

In addition to providing a core grounding in the relevant legislation and case law, the course is taught from a critical and policy-oriented perspective. The course emphasizes the role of law in defining and enforcing family arrangements, and the rights and responsibilities of family members. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario

Evaluation: This course will have a sit-down final examination worth 75% of the final grade scheduled during the regular exam period. In addition, students will complete a short (1250 words) take-home policy question worth 25% of the final grade. This component of the evaluation will be distributed near the end of term and will be due on the day of the final exam.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: lecture and discussion

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

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

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

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

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

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

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

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

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

Family Law II - Family Law Policy

(5120.03) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Discussion, problems, and student presentations

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

Evaluation: Students are expected to be present for classes, to read the assigned materials, and to participate in class discussions. Students will be expected to make brief presentations on one or more of the assigned materials during the seminar, and to submit on a credit/no credit basis at least one reflection paper (3 pages double spaced) on the assigned readings for one week prior to or during week six of the semester (to be reviewed with feedback about writing issues). The major evaluation for the seminar is a research essay that examines a policy issue in family law (substantive or process issues are acceptable), identifies problems with current legal principles, explores policy options for reforming the issue, and provides a critical assessment for family law reform. The research essay should, if possible, link seminar materials and discussion to the research essay topic, and should include legal as well as comparative and/or interdisciplinary literature as sources. It is expected that the research essay will engage with academic literature and public policy research. The essay must be at least 8000 words in length, and the seminar evaluation will thus meet the 2012-13 Upper Year Writing Requirement.

Forensic Science & the Law

(3690.03) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

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

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

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

Freedom of Expression and the Press

(3002.03) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion

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

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

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

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): J. McKay, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar – primarily student-led, student-centred discussion of assigned readings. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2013. Each session will be 3 hours.

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

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

Health Law

(3004.03) *Seminar*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: none

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

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

Evaluation: Research paper: 85%; Class presentation: 10%; Participation: 5%.

History of Criminal Law & its Administration

(2047.03) *Course*

Instructor(s): Professor D. Hay

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

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

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

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

ICT Colloquium

(5810.03) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

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

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

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

For the 2012-2013 Colloquium, these themes will be pursued through a combination of (a) scene-setting readings on transnational law and legal process and (b) both readings and a web-based project on the theme of 'transnational legal accountability versus impunity' with respect to three case studies that the instructor has been researching at the intersection of transnational human rights, crime and security, namely: the events of 2011 in Libya, and the subsequent rule-of-law situation; the killing of Osama Bin Laden and the subsequent issues of law arising therefrom; and various human rights, crime and security dimensions of Canada's policy and practice of transferring detainees in Afghanistan to a risk of torture at the hands of intelligence authorities of that state.

Evaluation: 1. *Attendance* (5%)

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

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

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

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

Immigration Law

(4270.04) *Course*

Instructor(s): Professor S. Rehaag

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

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

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

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

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

The course will be taught in an experiential learning format. Rather than simply learning the relevant rules and applying them on an examination at the end of term, students will instead complete five of assignments throughout the term. Four assignments will require students to prepare the kinds of documents that lawyers working in this field use on a daily basis. The fifth assignment is a reflective journal, which will provide students an opportunity to critically reflect on what they have learned through the assignments and through the readings/classes.

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

Indigenous Peoples & the Law

(3390.03) *Seminar*

Instructor(s): Professor S. Imai

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar

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

On Friday January 18, we will try to organize an all day field trip to the Six Nations reserve for those who can attend. We will learn about their land claims and the protest at Caledonia.

Evaluation: For the upper year students, the evaluation will be based on class participation (10%); a bibliography and outline (15%) a research paper of at least 8000 words excluding notes, bibliography and appendices (75%).

Individual Employment Relationship

(2550.04) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

This is an introductory course in the law governing the individual employment relationship, which regulates the working lives of the approximately two-thirds of Canadian employees who are not unionized. The goal of the course is to provide students with an overview and working knowledge of the principles, theory and law surrounding regulation of the individual employee-employer relationship. Main topics addressed in the course include: the fundamentals of forming an employment contract, express and implied employment contract terms, employee and employer rights and obligations, wrongful dismissal, constructive dismissal, and restrictive covenants.

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

Insurance Law

(2280.04) *Course*

Instructor(s): J. Campisi; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: 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 for part of the final grade.

Intellectual Property

(2970.03) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussion

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

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

The learning objectives of the course are as follows:

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

Evaluation: 100% open book exam.

Intellectual Property Theory

(5430.03) *Seminar*

Instructor(s): Professor C. Craig

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%).

Intensive Legal Research & Writing

(3920.03) *Seminar*

Instructor(s): Professor J. Davis

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, skills-development exercises

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

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

International Business Transactions

(2890.03) *Course*

Instructor(s): C. Gastle, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course examines the legal structure of business transactions that cross national boundaries. It reviews the nature of transnational commercial law and the concept of the *lex Mercatoria*. The course deals with the Convention on the International Sale of Goods, International Transportation of Goods (Bills of Lading), International Finance (Letters of Credit), International Insurance, International Cross-Border Relationships (e.g., Licensing issues), and Corporate Social Responsibility with a concentration on the mining industry. It also deals with the importance of international commercial arbitration in the development of transnational commercial law and the practical implications arising from its role as the primary dispute settlement mechanism for international business transactions. This course intersects with international business regulation and the World Trade Organization as border measures that form one element of an international business transaction.

Evaluation: Open-book examination.

International Criminal Law

(2440.04) *Course*

Instructor(s): Professor M. Mandel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers

This course is about the intersection of international law and criminal law, in other words the international law aspects of criminal law and the criminal law aspects of international law. The course covers international crimes, such as crimes against peace, crimes against humanity and war crimes, as well as domestic crimes with a transnational aspect, i.e. crimes that take place in more than one country. It deals with the various types of jurisdiction (from territorial jurisdiction to universal jurisdiction), immunities from jurisdiction (such as diplomatic immunity and official act immunity), and international co-operation in the enforcement of criminal law (most importantly, extradition to and from Canada). The course will also give the student an opportunity to study the law, practice, procedure and functioning of some selected international courts and tribunals such as, for example, the International Court of Justice, the International Criminal Court, and the International Criminal Tribunals for Rwanda and the former Yugoslavia.

The course also explores the theory of international criminal law and the role played by it in times of peace and times of war.

Evaluation: *Option 1* : 100% open-book examination; *Option 2* : 50% examination and 50% research paper. Research papers are due on the day of examination in the course.

International Dispute Resolution: Advocacy in the International Criminal Court

(3007C.03) *Seminar*

Instructor(s): L. Adler, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: International Criminal Law and / or other advanced International law courses

Presentation: Moot presentations, discussions,

The focus of this advanced seminar is two-fold:

- a. to pick a three-person team to represent Osgoode, at an all expense paid moot in New York City and in the International Criminal Court at The Hague, and
- b. to give participating students an in-depth view of the law, practice, procedure and functioning of selected international courts and tribunals that now permeate the international criminal legal system, together with the various international resolutions, treaties and conventions that underline their legitimacy and authority.

Following introductory sessions providing background on the relevant principles and concepts of international criminal law, particularly the Statute of Rome and the Rules and Regulations of the ICC, students will prepare and present written and oral submissions on the various issues arising in the case set for the International Criminal Court Moot to be held in New York and The Hague in January and April of 2013. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for the ICC Moot will be selected during the term, based on the quality of the written and oral presentations throughout the term. In the five years in which Osgoode has participated in the ICC Moot, we have excelled in the Competition, which brings together schools from around the world, winning in 2010 and placing as 2nd runner-up in 2008, 2011 and 2012 as well as winning individual awards and winning overall at the Pace University (Americas/Caribbean Regionals) in 2010 and 2012. The greatest achievement, though, has been the strong representation of the best of Osgoode's collegiality and team spirit all of which are fostered in the seminar!

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

International Dispute Resolution: International Commercial Arbitration

(3007D.03) *Seminar*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussions, demonstrations, workshop exercises. Seminar will be taught intensively on Fridays from January 18th to February 15th, 10:30-4:30.

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

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

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

Evaluation: Reflective journal entries, final exercise outlines, class participation.

International Dispute Resolution: Vis Moot

(3007A.03) *Seminar*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Student presentations and discussions

This seminar focuses on the arbitration of international commercial disputes under the UN Convention on the International Sale of Goods (CISG). Following three introductory sessions on international commercial arbitration, the UNCITRAL Model Law, and the CISG, students prepare and present written and oral submissions on the various issues arising in the case set for the Willem C. Vis International Commercial Arbitration Moot. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy in a topical approach to international commercial law and arbitration.

The Osgoode Team for the Vis Moot is selected at the end of November based on the quality of the written and oral presentations throughout the term. Osgoode has excelled in the competition, winning the 11th Moot in 2004 and many oralist and memoranda prizes in other years, in no small measure due to the collegial engagement fostered in the Seminar.

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

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

International Human Rights Law

(3440.04 A) *Seminar*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussions with active student participation.

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

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

International Human Rights Law

(3440.04 P) *Seminar*

Instructor(s): L. Utyasheva, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to active student participation, in addition to lectures and discussions.

In this seminar, we will attempt to understand the role of international law (as well as other modes of regulation and other forms of normativity) in the promotion and protection of human and peoples' rights the world over. We will grapple with the histories and policies that are relevant to the international legal protection of human and peoples' rights. We will seek to locate, engage, and understand the underlying economic, socio-cultural and political forces that have shaped, and continue to shape, both international human rights law and the world in which it operates. We will also examine the various global-level and regional-level international normative texts (e.g. treaties), processes, and institutions that have been established to advance the cause of the international protection of human and peoples' rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples' rights. Finally, we will focus on the practice of international human rights activism by states, groups, and individuals and on the question of the possibility of the enthronement of a cosmopolitan international human rights ethos, of a "multicultural universality". Throughout we will engage human rights theory through the exploration of concrete human rights claims and violations.

Evaluation: Participation (20%); final paper (80%).

International Taxation

(4150.04) *Course*

Instructor(s): Professor J. Li

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

Prerequisite Courses: Taxation Law

Preferred Courses: none

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

This course is taught like a seminar, featuring discussions, guest lectures, and case studies. In the Fall 2012, John Tobin, partner at Torys, will be a guest lecturer in this course.

The aims at providing students with a learning experience that combines technical knowledge with policy and practical considerations. Students are treated as forthcoming legal professionals, and are expected to learn how to learn, how to communicate, and how to perform at a professional level. The overall objective is to help students learn some fundamental knowledge and skills to prepare them for a legal career in tax or other fields. These skills include working with complex and constantly changing statutory law, problem solving, writing at a novice professional level, collaborative work, and managing ethical issues in international tax planning.

International tax is important for lawyers working in a small and open country such as Canada because globalization is having a profound effect on the practices and policies of income taxation and on the ways Canadian corporations doing business. This course covers both domestic law and tax treaties in respect of the taxation of cross-border transactions. Specific issues include jurisdiction to tax, non-residents investing in Canada; cross-border services; Canadian investing offshore; the foreign affiliate system, foreign tax credit, electronic commerce; and transfer pricing. Canadian as well as foreign tax cases are studied in this course.

Evaluation: 20% for class participation (attendance, presentation, discussions in class); 80% for a take-home exam during the Exam Period.

International Trade Regulation

(2290.04) *Course*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course surveys the laws of international trade regulation from a Canadian perspective. The course addresses public international law regimes and examples of domestic public law affecting the conduct of international trade to and from Canada, with a particular focus on the World Trade Organization and the General Agreement on Tariffs and Trade. 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; 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): Professor E. Waitzer & J. McNish; Adjunct Professor

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

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: None

Presentation: Seminar, discussion, presentations

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

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

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

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

Evaluation: 1) class participation and collaboration: 15%;

2) class presentation: 25% and

3) paper: 60%.

Jewish Law

(3770.03) *Seminar*

Instructor(s): J. Richler, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion. The seminar begins the week of January 21, 2013.

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

Evaluation: Research paper and class participation.

Joint JD/MBA Seminar

(3820.03) *Seminar*

Instructor(s): Professor T. Johnson

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

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: None

Presentation: Discussion

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. In order to achieve this objective we canvass a broad range of topics from both perspectives, and visit several businesses on-site to discuss business models and challenges with top executives.

For the last three years we have used the financial crisis as the focal theme of the seminar, and we may do so again this year. Topics explored in this seminar may include valuation methodologies, capital markets and structured financing, traditional regulation of the financial services sector, innovative financing techniques and the shadow banking system, rating agencies, executive compensation schemes, venture capital, private placements and strategic planning. We will also explore the impact of the financial crisis on the manufacturing, transportation, retail, communications and service industries, and examine some of the financial sector reforms that have been implemented in various jurisdictions. Senior members of the business community and legal and accounting professionals will be invited from time-to-time to participate in the seminar.

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

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

Jurisprudence

(2720.03) *Course*

Instructor(s): Professor F. Tanguay-Renaud

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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

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

Labour and Employment Law and Policy Colloquium

(5550.03) *Seminar*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: Students must have taken one of Labour and Employment Law; Collective Bargaining Law, or Individual Contract of Employment.

Preferred Courses: None

Presentation: Class discussion, student presentations

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

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. Theoretical perspectives will include neoclassical economics and common interest, institutional economics and pluralism, behavioural economic and civic republicanism, and Marxist political economy and critical legal theory. Attention will be given to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant workers), vertical and horizontal disintegration of production, increased labour force participation by women, and the problems experienced by young workers. The implications of these and other trends for minimum labour standards, collective bargaining and the common law contract of employment will be considered. The role of constitutional and international law may also be considered. Topics will vary depending on the instructor's and the students' research interests.

Evaluation: 1. Major research paper (70%), paper presentation (20%), commentary on a set of readings (10%).

Labour Arbitration

(5070.03) *Seminar*

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

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

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

Preferred Courses: Collective Bargaining Law

Presentation: Tutorial discussion, simulation, visitors

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

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

Labour & Employment Law

(2315.04) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion

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

Evaluation: All students must write the final examination. Students may opt to undertake an additional form of evaluation (research paper, case comment, etc.) for up to 75% percent of the final grade with the final examination counting for the remainder. The value of the additional form of evaluation will be determined on the basis of discussions between between the instructor and student and will be based on the length and complexity of the project. The additional form of evaluation could meet the Upper Year Research and Writing Requirement, provided that it counts for at least 60% of the final grade and is at least 8,000 words in length. For students not undertaking an additional form of evaluation, the exam counts for 100% of the final grade.

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): J. Marscarin & K. Hare; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, discussion, formal student presentations

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

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

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

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

Evaluation: 1. Group in-class presentation with supporting paper – 40% of final grade and

2. (a) Open book final examination - 60% of the final grade or (b) Research paper (20 double-spaced pages) - 60% of final grade.

Law of War

(3730.03) *Seminar*

Instructor(s): Professor M. Mandel

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion

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

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

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

Law & Film

(3200.03) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

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

This course will use the interdisciplinary encounter between law and film as a lens through which to examine key legal/cultural concepts such as justice, judgment, vengeance, retribution, memory, and desire. In this workshop, we will develop critical skills to assess, analyze and better understand the cultural mechanisms through which the meanings and institutions of law are understood, interpreted and constantly re-negotiated. We will study legal power by examining the ways in which questions of law, honour, dignity and justice are represented in popular cultural narratives.

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

Law & Psychiatry

(3240.03) *Seminar*

Instructor(s): K. Bryan & M. Perez; Adjunct Professors

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 policy considerations linking law and psychiatry in both the civil and criminal contexts. One portion of the course focuses on the criminal justice system and mental health: fitness assessments, findings of "not criminally responsible", Ontario Review Board dispositions, and mental health courts. The civil law portion of the course reviews issues arising from state institutional detention, mandatory community treatment, as well as the law of treatment capacity and substitute decision-making. Additional topics include: financial capacity and powers of attorney, guardianship, capacity to instruct counsel, ethical responsibilities of counsel when representing clients with mental health issues, criminalization of persons with mental illness, use of seclusion and restraint, sexual expression within institutional settings, and the use of psychiatric expert evidence in legal proceedings (dangerousness assessments).

Typical seminars will cover substantive law and statutory provisions, as well as policy issues. Students are expected to actively participate via class discussion and a class presentation. Guest speakers will provide unique perspectives on several topics.

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

Law & Religion in Legal, Social, and Political Perspective

(3160.03) *Seminar*

Instructor(s):

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Short Lecture, Student Participation

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

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

Law & Rights

(3450.03) *Seminar*

Instructor(s): Professor B. Slattery

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar participation

The Universal Declaration of Human Rights of 1948 declares that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Yet some have argued that the concept of universal human rights is a relatively recent development in human history, coming to prominence only in the 18th century, and that it lacks deep roots in the history of human societies worldwide. Others have gone on to suggest that the modern conception of human rights is the exclusive product of European culture, philosophy and religion, and as such is not always well-suited to peoples of other cultures, traditions and faiths.

These arguments pose challenging and important issues for anyone interested in the multi-cultural origins and dimensions of human rights. This seminar examines them in an open-ended way. It considers readings from a variety of disciplines – including history, philosophy, anthropology, religion and law – and explores the contributions of diverse cultural and religious traditions to the modern conception of human rights.

Evaluation: Research paper (approx. 80%) and participation (approx. 20%), as explained in class.

Law & Social Change: Community Action Across Borders

(2750M.03) *Course*

Instructor(s): Professor F. Bhabha

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

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

Preferred Courses: none

Presentation: Seminar

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

The course works in tandem with the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the developing world. Since 2006, Osgoode students have undertaken summer fellowships in places such as Uganda, Zambia, Kenya, the Philippines, India, Argentina, Kosovo and South Africa.

Prior to their departure, students participate in a week-long intensive program in May, which includes mandatory sessions with the course instructor. While abroad, they submit weekly reports and write comments on the class blog, which is reviewed by the instructor.

On return, student participation in the weekly seminar focuses on writing a term paper incorporating research, findings and reflections based on their experience abroad, and presenting works in progress to their classmates. Papers are due at the end of the term.

Evaluation: Research/reflective paper (60%); Presentation (20%); Participation (20%).

Law & Social Change: Public Inquiries in Canada

(2750U.03) *Course*

Instructor(s): R. Bessner; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Public inquiries in Canada are considered by many to be an important instrument of government and in particular, useful to investigate concerns relating to systemic and institutional misconduct. Health issues such as the safety of the blood supply system, explosions in mines, police conduct, child abuse, wrongful convictions, and Aboriginal issues, are some of the subjects that have been examined in Canadian public inquiries. Recent inquiries include The Commission of Inquiry into Certain Allegations Respecting Business and Financial Dealings between Karlheinz Schreiber and the Right Honourable Brian Mulroney, the Air India Inquiry, the Maher Arar Inquiry, the Ipperwash Inquiry, the Inquiry into Pediatric Pathology in Ontario, and the Missing Women Commission of Inquiry ("Pickton Inquiry").

This seminar will discuss the purposes and value of public inquiries, the different types of inquiries, and the differences between public inquiries and civil and criminal trials. We will study inquisitorial and adversarial processes, the role of the Commissioner, Commission Counsel as well as other parties involved in the Inquiry. The provisions of Public Inquiry statutes in Canada such as the power to summon witnesses, search powers, and powers to punish for contempt will be explored. Constitutional issues will be canvassed as well as the rules of fairness and protections to witnesses. Proposals for reform as well as alternatives to public inquiries will be discussed. Comparison of Canadian public inquiries will be made with commissions and inquiries in other jurisdictions (eg: United States 9/11 Commission, Australia, New Zealand).

Evaluation: Class Participation: 10%, Attendance-5%, Class Presentation- 10% , Research paper- 75 % (20 pages excluding bibliography and footnotes). Topic to be approved by instructor Outline of paper-Pass/Fail.

Lawyer as Negotiator

(3960.04) *Seminar*

Instructor(s): Professor F. Zemans

Fall: 4 credits; 3 hours; max. enrollment: 64

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups, with experienced negotiators as coaches and faculty. Students will receive a letter grade.

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through negotiation and mediation. Lawyer as Negotiation is designed to familiarize students with contemporary negotiation theory and practice and specifically how theory informs the development of effective and strategic negotiations. Students will participate in some large class and seminar based lectures and discussions, that will introduce and critique contemporary theory and practice of representative negotiation. Students are expected to prepare plans and to participate in weekly negotiations simulations as well as in two graded negotiations at the end of term. Students will be coached and received critiques from experienced negotiators and are encouraged to reflect on and discuss their weekly negotiations in a small working group of either 8 or 16.

The first part of the course will be an Intensive Negotiation Workshop introduce students to distributive and integrative bargaining as well as to the importance of developing a negotiation strategy and a details plan and strategy for each mediation. The latter part of the course will focus on the importance of communication, integrity, power, gender, and culture representative negotiations.

Evaluation: Students will receive a final letter grade based on their two final negotiations (40%); their weekly and final plans (20%); a short reflective paper that applies contemporary negotiation theory (20%); and class participation including their negotiation reflections (20%).

Law, Gender, Equality

(3039.03) *Seminar*

Instructor(s): Professor S. Lawrence

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style discussion/debate guided by set questions/topics. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2013. Each session will be 3 hours.

This course focuses on how law and gender operate in two thematic areas: the way we manage/interpret appearance, and restrictions on access to spaces and groups in which we learn, work and play. How does law participate in or disrupt the ways that gendered expectations shape our lives? How do aspects of identity and experience other than gender play into these processes? What can we expect from law and how can we pursue these expectations? Through readings, visitors, group discussion, and individual research and writing, we will explore how to analyse gender (in)equality and the ways that law promotes and thwarts our choices and actions.

Through these two main areas of inquiry – the regulation of appearance and single gender spaces – students in this course will develop and apply a critical approach to examining law's role in supporting or challenging particular visions of masculinity and femininity, an approach which is alert to counterarguments, and attentive to the ways that phenomena other than sex/gender, in particular race and sexual orientation, are implicated in the situations we examine.

We will consider each week's readings not only in terms of substantive content, but also in terms of the research and writing process as students develop or refine the skills necessary to identify an interesting research problem, find secondary literature which addresses the problem, and write and revise a research paper which attempts to resolve the question posed. The course will include a brief introduction to feminist/gender analysis of law in order to outline the analytic tools. It is appropriate for students with various levels of experience with gender/feminist studies – including "none".

Evaluation: Students will be asked to write a paper of between 4000 and 6000 words (inclusive of footnotes) on a relatively narrow subject area. The paper should provide explanation and discussion of a gender related legal controversy, which allows the application of the kinds of analyses we have used in the class. There will be graduated assignments leading to the paper – for instance, outline, thesis statement, annotated list of sources, peer review exercise, etc. Students will have some choice in the type of preparation which best suits them (for instance, outline or abstract). These graduated exercises are intended to assist in time management and lead directly to the paper and are flexible in the sense that they ought not comprise any "extra" work. Peer review exercises may comprise some portion of the graduated assignments.

Four graduated assignments leading to the paper:

Topic + [short annotated bibliography or more extensive preliminary reference list]

Statement of research question

Outline or description of paper

Five pages, either an expanded outline or part of draft.

Total 20%

Final paper: 55%

Overall, the paper is worth 75% as in all Perspective Option courses.

All students will be expected to participate in class discussion. Students will be assigned particular responsibility to provide short blog style written commentary on the readings at least twice in the semester.

Legal Drafting

(2140.03) *Course*

Instructor(s): J. Shin-Doi & S. Benda; Adjunct Professors

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

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion

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

Evaluation: Two take home assignments: 50% and 50% ; the second assignment involves drafting a complete formal contract or key portions of a contract or both.

Legal Governance of Health Care

(2404.04) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

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

Evaluation: 100% final exam, or 50% final exam and 50% essay (20-25 pages).

Legal Politics

(2570.03) *Course*

Instructor(s): Professor M. Mandel

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2013. Each session will be 3 hours.

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

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

Legal Values: Copyright in the Digital Age

(3590K.03) *Seminar*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: Copyright Law

Preferred Courses: none

Presentation: Discussion, student presentations

For creators and publishers of original works, new technology from the printing press to the phonograph to the blank cassette to the VCR has posed both new opportunities and new challenges. For the most part, copyright law has evolved to address these challenges. But how well do traditional copyright principles, developed in the heyday of the printing press, apply in the digital millennium?

Building on the introductory course in Copyright Law, the objective of this new course is to examine some of the many issues and problems that the law must confront in this age of information and technological innovation. The question of copyright in the digital world implicates, in addition to the letter and spirit of the Canadian Copyright Act, issues of international law, policy, economics and new technology. Among the topics to be considered:

- The evolving nature of authorship and copyright
- Cultural democracy and the Internet
- Technological protection, anti-circumvention, and digital rights management
- Digital music: file-sharing, peer-to-peer technology
- Moral rights and the Internet
- Internet retransmission of broadcast signals (iCrave TV and Jump TV)
- Copyright in computer software
- Online licensing
- Canada's international copyright obligations (TRIPS, WIPO treaties)
- Canadian copyright reform from a comparative perspective (considering the US and Australia)
- The digitization of cultural artefacts
- Fair dealing in the digital era.

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

Legal Values: Information and Privacy

(3590E.03) *Seminar*

Instructor(s): S. Hargreaves; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, class discussion

This seminar will examine the law relating to personal privacy. This will involve the discussion of both the conceptual or theoretical meaning of privacy, as well as study of the applicable legal materials. We shall ask why humans seek privacy, and discuss what it means to call something 'private'. We shall review and question the values that privacy is intended to further, and critically question the social effects the traditional divide between 'public' and 'private' has had, particularly in the area of the family. We will study both the relevant privacy legislation in Canada as it pertains to the personal information of individuals held by both commercial organizations and the state, as well as the existence of privacy-related statutory and common law torts. Comparisons will be drawn to similar laws in other countries in an effort to help us question the appropriateness of the Canadian approach. We will consider privacy issues that arise in a variety of areas, including consumer/information privacy, medical and genetic privacy, and workplace privacy.

Evaluation: Research paper (80%) and class participation (presentations, discussions) (20%).

Legal Values: Law & Literature

(3590V.03) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations.

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

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

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

Legal Values: Legal Ethics

(3590N.03) *Seminar*

Instructor(s): Professor T. C. W. Farrow

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar Presentation

This seminar is designed to provide students with the opportunity to think imaginatively and critically about issues in legal ethics and professionalism, particularly in the context of a great trial or other legal process; as well as to help students understand the basic ethical and professional contexts in which those issues can and do arise today. In particular, the course has two main goals. First, the course introduces students to ethics and professional responsibility in the legal profession. Our focus, through readings, in-class problem-based discussions and exercises, will be both conceptual and practical. Students will be expected to participate extensively. Second, the course is also designed to provide students with an opportunity to work collaboratively in groups and to focus on a particular great trial or legal process (historical or current) by researching some primary materials, identifying a particularly noteworthy ethical or professional issue, and presenting the issue in a team-based in-class oral setting.

The basic course materials will likely include: Alice Woolley *et al.*, eds., *Lawyers' Ethics and Professional Regulation* (Toronto: LexisNexis, 2008) (a new edition of which is forthcoming); various codes of professional conduct; and other selected materials.

Evaluation: Evaluation for this course is based on three main components: class participation, worth 10% of the overall course grade (this element of the course grade will be based on a combination of participation elements); an in-class group presentation of an ethical aspect of a great trial or other legal process, worth 20% of the overall course grade; and an independent research paper (that may or may not be based on the topic of a group assignment), worth 70% of the overall course grade.

Legal Values: Legal Ethics

(3590N.03) *Seminar*

Instructor(s): R. Anand; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

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

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

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

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

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

Legal Values: Race and Gender in Corporate Law and Governance

(3591A.03) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: Business Associations

Preferred Courses: None

Presentation: Lecture, discussion, student presentations

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

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

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

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

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

Business Associations is a prerequisite. However, students who do not meet this requirement are eligible to enroll provided they obtain the instructor's permission in advance, complete the prerequisite waiver form and complete a set of background readings to be assigned by the instructor.

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

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

Evaluation: i) Research paper (70%)

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

Legal Values: Reforming Copyright & Design Law

(3591G.03) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: none

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

Presentation: Seminar, discussion

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

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

Legal Values: Reforming Patent & Trade-mark Law

(3591F.03) *Seminar*

Instructor(s): Professor D. Vaver

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

Prerequisite Courses: none

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

Presentation: Seminar, discussion

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

Evaluation: Draft and final memoranda, the final memorandum being at least 8000 words (65 %); preliminary and final draft legislation (35%).

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03) *Seminar*

Instructor(s): Professor P. Emond

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

Prerequisite Courses: Students must be in their final year

Preferred Courses: none

Presentation: Student presentations and discussion

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, guest speakers

The management of personal injury cases from initial client interview to trial, basic medical information, expert medical witness, confidentiality, demonstrative evidence, the medical negligence case, the regulatory framework, the Coroner System, hospital visit, and attendance at a personal injury discovery. Prominent guest speakers attend many classes affording students the opportunity to understand real life litigation.

The nature of this seminar is such that attendance at all sessions is mandatory. This, of course, is subject to excuse based on illness or compelling compassionate grounds, notice of which has been communicated to the instructors, prior to the session. Since, "participation" is part of the evaluation process, unexcused absences are unacceptable and will be taken into account for evaluation purposes. In the instructors' view, the early sessions of the seminar are the most important from the perspective of potentially useful information that students may attain from this seminar. Because of this, please note, that persons on the waiting list for this seminar are not only permitted but are required, for the purposes of the "participation" evaluation rule explained above, to attend the first two sessions of the seminar (i.e. the sessions which take place during the "drop" period.)

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

Monetary, Payment & Settlement Systems

(3075.03) *Seminar*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: Co-requisite - One of Commercial Law, Business Associations, or Banking & Negotiable Instruments.

Preferred Courses: None

Presentation: Class discussion, presentations

The seminar is on selected major legal aspects of money, payment, and clearing and settlement systems from a Canadian and international perspective. It addresses basic concepts of money and payment, the design and structure of the monetary and payment systems, and the various elements of the infrastructure designed to accommodate the payment and settlement of commercial and financial transactions.

This seminar covers monetary and payment and settlement systems, an area which has come to dominate headlines, in which rapid changes have been introduced by technologies and globalization, and which has not been covered adequately, if at all, in the curriculum. The Euro crisis and the recent Task Force Payment Systems Review in Canada point at the timeliness of the subject. The seminar particularly complements (but not duplicate) the banking and negotiable instruments course.

The seminar covers principal areas pertaining to the law that governs money and payment systems with particular (albeit not exclusive) emphasis on monetary and financial stability. It addresses primarily public law aspects and provides only a brief overview of the private law that governs payment by various non-cash payment methods.

Specifically, the seminar covers: (i) The domestic monetary system: currency, the banking system, central banking and monetary policy; (ii) International monetary system: the IMF, foreign exchange regimes, and currency unions; (iii) Payment and the implementation of the payment obligation; (iv) The domestic payment system: concepts, structures, access, public policy objectives, and governance; (v) Principal payment streams such as retail and wholesale payment systems; and (vi) Systematically important payment systems: LVTS design, risk, regulation and monetary and financial stability.

Evaluation: Evaluation will be on the basis of 8000 words (text) independent research paper, submitted at the end of the term, on a topic selected by the student and approved in advance by the instructor (by the middle of the term). At the instructor's discretion, this grade may be adjusted by:

1. Half a mark that may be taken away or added (e.g. from B to B+ and vice versa) for a class presentation of a weekly reading assignment as designated by the instructor (usually on a subject not related to the research paper, once or twice during the term); and
2. Up to one full mark (e.g. from B to C or C to B) that may be taken away or added for class participation (including attendance).

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

(3008.03) *Seminar*

Instructor(s): R. Atkey; Adjunct Professor

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

Prerequisite Courses: Canadian Constitutional Law and Criminal Law

Preferred Courses: 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, espionage etc.);

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

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

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

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

Evaluation: Research paper of approximately 20 pages on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). This will not satisfy the Upper Year Writing Requirement. Papers must be submitted by the date specified by the law school for all seminars (usually the beginning of the exam period). Papers will be valued 75% of a student's mark. The remaining 25% will be assigned by the instructor based on class presentation and participation.

Native Rights

(2110.04) *Course*

Instructor(s): Professor K. McNeil

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This course will provide a critical survey of the law as it relates to Aboriginal peoples of Canada. Topics will include: the historical context and constitutional framework; Aboriginal rights and title; self-government; treaties and treaty rights; the Indian Act; Inuit rights; Métis rights; and the authority and obligations of the federal and provincial governments.

This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments. It is also recommended for students who plan to take the advanced seminar on First Nations and the Law.

Evaluation: Open book exam worth 50% of final grade. Short paper worth 50% of final grade.

Patents

(2330.04) *Course*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

This course deals with the law of patents in Canada. Patent law is one of the main headings of intellectual property law (along with copyrights and trademarks); trade secrets arise from a combination of contracts, equity and property law. The regime of patents protects inventions by granting inventors a limited monopoly of twenty years in exchange for disclosing the invention to society. The essential justification of the patent system is that it enables and rewards innovation. Arguments may also be made that patents afford a secure means by which inventions may be put to commercial use by investors. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of both primary and subsidiary regulations of Canadian patent law. The course will also locate developments in Canadian patent law in the context of international and regional transformations in the field. In this context, the course will explore contemporary controversies over the expansion of patent rights in biotechnology (from patenting mousetraps to patenting mice), and the shift from copyright protection to patent protection for computer programs. It is expected that at the end course, students would have a solid understanding of Canadian patent law as well as how international developments shape and influence Canadian patent law

Evaluation: Open-book examination (80%). Two blog postings for IPOsgoode (20%)

Public International Law

(2340.04) *Course*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussion

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

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

Real Estate Transactions

(2070.03 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

This fundamental course examines the legal structure and the legal problems and remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. Topics include conveyancing practice, vendor and purchaser remedies, the Planning Act and mortgage remedies.

Evaluation: Evaluation: Option 1: 100% open-book examination. Option 2: 50% open-book examination AND 50% essay (maximum 20 pages excluding bibliography). Essay due by date of course examination.

Real Estate Transactions

(2070.04 A) *Course*

Instructor(s): R. Rosenblatt, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

The purpose of this course is to expose for examination the principal legal, ethical and practical problems in commercial and residential transactions respecting property as well as the legal arrangements available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees and Planning Act will be examined. Focus is on current legal issues, the role of the lawyer including the lawyer's obligations and ethical considerations.

Evaluation: Open-book examination; 50% paper option.

Real Estate Transactions

(2070.04 B) *Course*

Instructor(s): C. Carter; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Evaluation: Open-book examination; 25% optional paper.

Refugee Law

(2470.04) *Course*

Instructor(s): Professor S. Rehaag

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

Prerequisite Courses: None

Preferred Courses: Administrative Law; Immigration Law

Presentation: Lectures and discussion

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

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

Evaluation: Open-book examination (60%); 2,000 - 2,500 word written assignment (30%); participation (10%).

Regulation Of Competition

(2350.03) *Course*

Instructor(s): D. Rosner; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

Evaluation: Open-book examination.

Regulation of Financial Institutions

(3930.03) *Seminar*

Instructor(s): Professor Stephanie Ben-Ishai

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

Prerequisite Courses: Business Associations

Preferred Courses: Commercial Law; Banking and Negotiable Instruments

Presentation: Lecture, discussion, possibly a few guest lecturers

This year the course will focus on the financial services industry and the public interest.

The course proceeds on the basis that any debate on the financial services industry is not reducible to merely a technical discussion on the best regulatory and business practices, although this is an essential to any thoroughgoing approach. Rather, this course is based on the premise that any analysis of the financial services industry should involve an exploration of the contentious terrain of broader social visions and ambitions. Taking a comparative and transnational approach, this course will examine the organization, nature and performance of the financial services industry. Further, this course will examine the standards by which corporations are judged as performing appropriately and successfully.

Among the subjects considered are: financial crisis; socially responsible investment; the impact of the financial services industry on the environment; the intersection of the financial services industry and marginalized groups; shareholder activism; consumer credit and the public interest; and financial literacy.

This seminar will be taught through class-led discussion, presentation and guest speakers.

Evaluation: Research paper worth 70% and participation/presentation worth 30%.

Resources Management

(3490.03) *Seminar*

Instructor(s): A. Koehl & H. Wilkins; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers.

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

Evaluation: The course evaluation has two components: research paper (8,000 words) based on approved topic (75%); and class participation (25%).

Restitution

(2360.04) *Course*

Instructor(s): Professor J. D. McCamus

Fall: 4 credits; 4 hours; max. enrollment: 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 50 percent of the grade (not in substitution for the examination) also available.

Securities Regulation

(2620.04 P) *Course*

Instructor(s): R. Cattanach & A. Wiens; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

This is a four hour course in which we will deliver an overview of securities regulation in Canada from a practical perspective. We will review in detail the Ontario Securities Act, regulations and policies, and will reference securities regulations in other jurisdictions as well. We will study certain key securities regulatory concepts, including: the meaning of terms such as "security", "trade" and "distribution"; primary and secondary distribution of securities; prospectus offerings; private placement exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; capital pool companies; continuous and timely disclosure; takeover bid legislation; mergers and acquisitions; primary and secondary market civil liability; and regulatory enforcement issues.

Evaluation: 100% open book examination.

Tax As Instrument Of Social & Economic Policy

(3006.03 P) *Seminar*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2013. Each session will be 3 hours.

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

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

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

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

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

Tax Law and Policy Colloquium

(5330.03) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: Tax I and an advanced tax course

Preferred Courses: none

Presentation: The Fall 2012 colloquium may take the form of directed reading, classroom work and/or team research project

This 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.

Depending on the interests of the students, this seminar will provide students with the following options: (a) to continue to explore a research area that s/he is interested in or has written a paper on for an earlier course and to produce a publishable paper; (b) to conduct new research (doctrinal or empirical) in an area of tax law or policy that may lead to a high-quality paper; (c) to examine some recent developments in tax law, practice, and policy.

The format of the seminar is flexible. It can be a combination of classroom work, team research, and directed individual research. The exact combination will depend on the interests of the students. The classroom work will focus on the study and discussion of seminal work on tax policy or cutting-edge tax ideas, as well as presenting draft papers by students. Team research may involve an empirical study of jurisprudence in a specific area of tax law (e.g., SCC cases in the area of tax abuse or corporate shams, or international cases on transfer pricing). Directed individual research will allow a student to deepen research in a specific area.

Evaluation: Students will be evaluated on the basis of their performance in the classroom (20% of total evaluation), as well as a paper (80% of total evaluation). This paper may take the form of an article publishable in a law journal or a sophisticated research memorandum (8000 words). The paper can be written in satisfaction of the Upper Year Writing Requirement.

Tax Lawyering

(3370.03) *Seminar*

Instructor(s): P. Samtani & J. Kutyan; Adjunct Professors

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

Prerequisite Courses: Taxation Law (pre or co-requisite)

Preferred Courses: none

Presentation: Group discussion of seminar materials and problems; research lab sessions; individual or team presentations

This seminar is open to all students, but required for those who wish to complete the Tax Law Program and strongly recommended for those interested in participating in the Donald G. H. Bowman National Tax Moot. The purpose of the seminar is to step back from the substantive content of tax law to examine the procedures and skills involved in working as a tax lawyer in various settings, whether in tax planning or tax controversy. The seminar is structured around topics that are central to the practice of tax and will focus on the progression of a federal income tax dispute from the planning stages through to litigation. Through the use of case studies, students will learn about the basic structure of a tax appeal and will gain familiarity with the procedures for litigating the appeal, from the perspective of the Crown and the taxpayer.

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

Taxation Law

(2080.04 A) *Course*

Instructor(s): Professor N. Brooks

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, problems, discussion

This course surveys most aspects of the taxation of the individual: the concept of residency; amounts that must be included in income for tax purposes; the deduction of business and personal expenses; and the taxation of capital gains.

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

Evaluation: Open book examination. Optional 50% paper, due on the first day of examinations.

Taxation Law

(2080.04 B) *Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture; problems, discussion

The focus of Taxation Law is the federal Income Tax Act. Students will be introduced to the core principles and policy choices that inform the income tax in Canada. The majority of the course will centre on the definition of the tax base, although there will also be some consideration of jurisdiction, the tax unit, tax period, and tax rates.

Students will see how policy choices are operationalized in legislation and will learn how to analyze and apply a complex federal statute. It aims at helping students to develop skills of statutory interpretation, drafting, and problem solving. It also aims at helping students learn some basic technical tax law and to understand the underlying tax policy and principles.

Evaluation: 100 % examination (3-hour open book); or alternatively, 50% examination, 50% paper due on the first day of examinations.

Taxation Law

(2080.04 P) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

This course surveys most aspects of the taxation of the individual: the concept of residency; amounts that must be included in income for tax purposes; the deduction of business and personal expenses; the taxation of capital gains; and tax avoidance.

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

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

Taxation of Business Enterprises

(4100.04) *Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: Tax I

Preferred Courses: None

Presentation: Lectures and discussion

This course examines the federal income tax treatment of resident corporations and their shareholders. It also deals, to a limited extent, with the income tax treatment of partnerships and their members. It considers the basic income tax concerns of business enterprises: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and associated companies; remuneration of the owner manager; transferring assets to a corporation; statutory amalgamations, arrangements, and continuations; liquidations; and demergers and reorganizations of capital.

Evaluation: Open-book examination (3 hours).

Taxation Policy: Tax and Distributive Justice

(5220A.03) *Seminar*

Instructor(s): Professor N. Brooks

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: lectures, discussion and student presentation

The growing inequality in income and wealth is one of Canada's most pressing moral, social and economic issues. Evidence of rising inequality is everywhere. The share of national income captured by the top 1% has doubled since 1980, from 7% to 14%, and the top 1% now own 35% of all household wealth, more than the bottom 90% combined. The Occupy Wall Street movement and their slogan "we are the 99%" have put the problem of growing economic inequality squarely on the political and public policy agenda. How should the law respond?

This seminar is a broad interdisciplinary look at the policy problems posed by growing inequality and the possible legal responses to it, most notably the use of the tax system.

It will examine a range of issues relating to the recent explosion in top incomes such as the following

- How much has inequality increased? How should it be measured? Who are members of the top 1%? What are the causes of growing inequality?
- Why should the law be concerned about the overall distribution of economic resources in society as opposed to simply ensuring that poverty is alleviated and the standard of living of the typical family continues to grow? What do contemporary theories of distributive justice have to contribute to this debate? What are the social and economic costs of inequality? Does inequality itself reduce opportunities for social mobility and endanger widely held political values?
- How compelling are the objections to attempting to achieve increased equality? What about the moral objection -- the rich deserve their income and wealth and it is equivalent to theft to take their property from them for redistributive purposes? The instrumental objection -- will attempting to reduce inequality diminish incentives to work, save, invest, and start new businesses and ultimately reduce the material standard of living of all Canadians? The futility objection -- is there little the law can do to change market outcomes without unintended consequences?
- What policy instruments can be used to achieve a more equal distribution of income and wealth? What would be the characteristics of a tax system designed to achieve a more equal distribution of income and wealth.

The seminar will examine these and a host of related issues, from all disciplinary and political perspectives, and will review the relevant leading contemporary articles and books. Background reading for the seminar will include *The Trouble with Billionaires* by Linda McQuaig and Neil Brooks (Penguin, 2011).

Evaluation: A final research paper about 30 pages in length.

The Art of the Deal

(5100.04) *Seminar*

Instructor(s): Professor E. Waitzer

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

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: none

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

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

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

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

Theory and Practice of Mediation

(5960.04) *Seminar*

Instructor(s): Professor Frederick Zemans

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

Prerequisite Courses: None

Preferred Courses: ADR Perspective Option and Lawyer as Negotiator

Presentation: Seminars, mediation practice

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

The seminar includes i) an Intensive Mediation Workshop, skills training and introduction to court-annexed mediation and mediation advocacy; ii) weekly seminars and discussion and critique of course readings; iii) three or four supervised co-mediation at North York Small Claims Court; and iv) a major research paper on issue(s) discussed in the seminar and confronted in students mediations. Students may opt to satisfy the Upper Year Research & Writing Requirement. The seminar will examine the utility of mediation in civil disputes; ethical and professional responsibility issues that arise in a multicultural society; analyze the issues that students have encountered in their mediations; and explore the role, utility, and impact of mediation in civil disputes in the Small Claims Court context.

Evaluation: Intensive Mediation Workshop, Mediation Practicum in Small Claims Court and Class Participation 20%; Cultural and Ethical Mediation Reflections 20%; Final Co-Mediations and Mediation Advocacy (20%) and Final Paper 40% or 60%. (Students writing a major research paper (8,000 words) will not be required to write the culture and ethics reflections.)

Trademarks

(2170.04) *Course*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

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

Evaluation: Open-book examination (100%).

Transnational Corporations & Human Rights

(3590T.03) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student presentations

Nike's use of child labour; Goldcorp's operations in Guatemala; 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 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 work of the former U.N. Special Representative on Business and Human Rights); 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.

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

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

Evaluation: (i) Research paper (70%)

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

Trial Advocacy

(5270.04) *Seminar*

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

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

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

Preferred Courses: none

Presentation: Student performances plus critique, demonstrations

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

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

Trusts

(2090.04 A) *Course*

Instructor(s): E. Esposito; Adjunct Professor

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

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

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

Evaluation: 100% open-book examination.

Trusts

(2090.04 P) *Course*

Instructor(s): Professor R. Haigh

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

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

Evaluation: Open-book examination.

U.S. Constitutional Law

(2520.04) *Course*

Instructor(s): Professor J. Cameron

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

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

Evaluation: One final take home examination [75%] and one optional in course assignment [25%].

Western Legal Histories

(6601.03) *Seminar*

Instructor(s): Professor D. Hay

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

Prerequisite Courses: Permission of the instructor is required for enrolment in this Graduate level seminar.

Preferred Courses: none

Presentation: Seminar

Law grows out of past law; law changes by escaping (or rediscovering) past law. Particularly in common law countries, law is in constant and paradoxical dialogue with history as well as current issues. The seminar explores the deep roots of legal systems, precedent, the authority of 'elders', custom and context, and a selection of substantive doctrines. Research interests of seminar members help determine which substantive areas (from criminal, evidence, labour, contract, tort, family law) are emphasised in any given year. The approach is interdisciplinary and comparative, designed for students in either law or history, bringing the perspectives of both disciplines to the seminar. The seminar is cross-listed in the graduate programs of Law, History, and Socio-Legal Studies; it is also open to JD students (with permission of the instructor).

Evaluation: Presentation of research/participation: 30% (Presentation of research in progress; critique of some course readings; general participation). Research paper of about 8,000 words: 70%.