



2015

Osgoode Syllabus of Courses and Seminars: 2015 - 2016

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OSGOODE SYLLABUS

Enrolment Information & Academic Requirements

2015-2016
Fall / Winter

This Syllabus and the Timetable provide information available as of June 2015 to enable upper-year students to complete a Study Plan for the 2015-2016 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of printing. However, Osgoode Hall Law School of York University reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

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1. ACADEMIC REQUIREMENTS

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

STUDENTS GRADUATING CLASS OF 2016 (or later) and students admitted into 1st year Fall 2012 or later - (requirements 1.1A – 1.5A)

1. Successfully complete a minimum of 60 credit hours over second and third years;
2. In each of 2nd and 3rd year, successfully complete a seminar, course or other option satisfying the Upper Year Research & Writing Requirement (see 3.1A for details);
3. Complete the 40 hour Osgoode Public Interest Requirement (see 3.2A for details);
4. Complete a course or seminar that satisfies the Praxicum requirement (see 3.3A for details);
5. Complete the Fiduciary Relationships in Commercial Context requirement (see 3.4A for details);
6. Complete the Principles of Administrative Law requirement (see 3.5A for details);
7. Enrol in between 13 and 17 credit hours each term;
8. May not take more than two seminars per term;

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

1.1A Upper Year Research and Writing Requirement

All students must complete two (2) upper year research papers pursuant to Rule A 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. In each of their 2nd and 3rd years, students are required to declare which course, seminar or other option satisfies the requirement. Students will be advised of the dates to declare (or amend) a declaration during the fall term.

Upper Year Research Requirement (Academic Rule A.3.6)

- a. Students will be required, in each of second and third year, to successfully complete one of the following:
 - i. a seminar or designated course in which the student writes a research paper as the primary mode of evaluation;
 - ii. a research paper under Rule 4.4;
 - iii. a Research Program under Rule 4.5; or
 - iv. a major writing requirement in a Joint

Program involving Osgoode Hall Law School and another faculty or department of the University.

- b. For the purposes of this Rule:
 - i. “seminar” includes a seminar taken in another faculty or department of the University under Rule 4.9 or, with the permission of the Assistant Dean, Students or the Associate Dean, in another University;
 - ii. “designated course” means a course or Intensive Program designated by the Assistant Dean, Students or the Associate Dean;
 - iii. a research paper constitutes the “primary mode of evaluation” when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;
 - v. a “research paper” means a paper at least 7,000 words in length, excluding notes, bibliography and appendices.

1.2A Osgoode Public Interest Requirement (OPIR)

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

Detailed information on the OPIR is found at www.osgoode.yorku.ca/opir

1.3A Praxicum Requirement

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

Praxicum Requirement (Academic Rule A.3.8)

- a. In either second or third year, each student shall successfully complete a praxicum designated course.
- b. For the purposes of this Rule, “designated” means a seminar, course or Intensive Program designated as meeting the praxicum requirement.
- c. Prior to filing of plans of study under Rule 3.2, the Programs & Records Office shall publish a list of seminars and designated courses fulfilling the praxicum requirement offered at Osgoode Hall Law School in the next academic year.

1.4A Fiduciary Relationships in Commercial Context

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

Fiduciary Relationships in Commercial Context (Academic Rule A.3.9)

As a condition of graduation, each student shall successfully complete either Business Associations (LW 2020.04) or the not for credit online module “Fiduciary Relationships in Commercial Context”

1.5A Principles of Administrative Law

In order to satisfy the accreditation requirements of the Federation of Law Societies of Canada, each student must demonstrate an understanding of the principles of public law in Canada, including the principles of Canadian administrative law. These principles are not necessarily covered in the mandatory first year curriculum. Accordingly, each student must complete either Administrative Law or the not-for-credit module “Principles of Canadian Administrative Law”. Students are required to declare completion of this requirement.

Principles of Administrative Law (Academic Rule A.3.9)

As a condition of graduation, each student shall successfully complete Administrative Law (LW 2010.04) or take the not-for-credit “Principles of Canadian Administrative Law Lecture”.

Notes on Course Registrations

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

6. Students must have taken all specified prerequisites for 4000-level courses and 5000-level seminars.

Students are expected to ensure that they are informed on the various regulations concerning academic dishonesty, in particular that it is a serious academic offence (i.e. cheating) to submit the same or substantially the same paper to satisfy the requirements of more than one course without receiving the prior written permission from each instructor. Please refer to the Student Handbook posted on MyOsgoode for further details.

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

2. 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.

2.1 Course and Seminar Selections

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

With respect to your course selections:

1. Select the courses/seminars you wish to take and list them for each term in order of preference.
2. You may select up to 17 credits per term. This is the maximum allowable credits per term.
3. Students may choose to list possible substitutes in case their selected courses have been in previous high demand. This is certainly not required. The course change period will begin during the third week of July and

students will have the opportunity at that point to amend their course enrolments. Please note that "substitutes" receive the lowest priority after all the letter priorities are assigned.

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

2.2 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.

2.3 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.

2.4 Assigning Priorities

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

Each student receives one "A" priority letter, one "B" etc. for the entire year.

A = highest priority letter
K = lowest priority letter

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

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

2.5 Entering your Course Preferences

Students enter their course preferences for Fall/Winter 2015-2016 online through the Law Select website from June 22nd to June 30th. The Law Select website will be available 24 hours a day. Students may change their course preferences as much as they like until the deadline. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. The Programs & Records Office will inform students of their course enrolments in mid-July. The course enrolments from Law Select are automatically entered into the main university enrolment system by the Programs & Records Office.

2.6 After Enrolment

1. Waiting Lists

All courses that have reached maximum enrolment will be waitlisted. You will be automatically added to a waiting list if you had assigned a letter priority to a course but did not secure a space. Students may monitor their position on both fall and winter term waitlists, as well as have the opportunity to add their name to any additional waitlist exclusively online. Students will be able to access the Law Select Waitlist site from the "Law Select: Waitlists" link on MyOsgoode **beginning on August 31st. Further details on waitlist procedures will be sent to all students in mid to late August.**

2. Course Changes and Confirming your Enrolment

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may also use REM from Monday, July 27th until Monday, September 14th to amend their course enrolments. REM is available 24 hours a day, seven days a week to drop or add any course or seminar. The system is available to Osgoode students up to and including September 14th, and then reopens on January 4, 2016 until January 15, 2016.

After viewing their course enrolments and confirming their intent to register on the REM, students are required to submit the enrolment deposit online. Registration is complete once full academic fees (or the first installment of fees) have been paid.

Full details on fees payment and deadlines are available on the Financial Services website.

3. PROPOSAL AND PERMISSION FORMS

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

1. Intensive Research Proposal Form

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

2. Research Paper Approval Form

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

3. *More Than Two Seminars Approval Form*

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

4. *Extra-Disciplinary Course Approval Form*

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

Information and Assistance

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

Students are also encouraged to consult with members of Faculty.

4.0 ADDITIONAL COURSE ENROLMENT OPTIONS

4.1 Supervised Research Papers
(LW 6000.03)

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

The necessary forms for the Supervised Research Papers are found on the MyJD site and should be scanned and uploaded into MyJD. **Note: the due date for research papers is the first day of examinations. Papers are submitted electronically through the online drop box.**

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

4.2 Mooting
LW 6020, 6021 and 6022

Professor F. Bhabha, Program Director
Each year competitive mooting brings together students from law schools across Canada and around the world to hone their advocacy and dispute resolution skills in simulated domestic and international courts, tribunals and other settings. Osgoode has one of the most comprehensive and successful mooting programs of any law school in Canada. Consistent with Osgoode's commitment to experiential education, the mooting program offers simulated experience in a variety of types of lawyering, from appellate court work to trial advocacy, arbitration, mediation, negotiation and client counselling. These skills competitions cover a wide range of subjects, including aboriginal, administrative, corporate, criminal, constitutional, class actions, environmental, family, taxation, international, labour, and securities law. Many competitions involve domestic law, while an increasing number raise issues of private or public international law. Some are held in Toronto while others are held in various locations across Canada and around the world. Participation in the mooting and lawyering skills competition program gives students the opportunity to delve deeply into a particular area of law and hone a wide range of legal research, writing, advocacy and dispute resolution skills in a collaborative, small group-setting, under academic guidance and direction.

The competitions for which Osgoode students may receive credit varies from year to year. Some teams are selected via a consolidated tryout process each spring, while others have their own selection processes through the school year. The consolidated tryouts cover the following competitions:

- Davies (Corporate/Securities)
- Bowman (Tax)
- Walsh (Family)
- Fox (Intellectual Property)
- Gale (Constitutional)
- Jessup (Public International)
- Julius Alexander Isaac Diversity
- Matthews Dinsdale Clark (Labour Arbitration)
- Laskin (Administrative) and Wilson (Equality) competitions.

Teams selected via separate processes include:

- Arnup Cup and the Ontario Trial Lawyer's Association Cup trial advocacy

- competitions (selected via the Trial Practice course)
- Hague International Criminal Trial Competition (selected via the International Dispute Resolution: Advocacy in the International Criminal Court seminar)
- IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans)
- Kawaskimhon National Aboriginal Law Moot (selected by Professor A. Boisselle)

The number and type of credits (graded vs. ungraded) vary between competitions, depending on the nature and scope of the academic work involved.

Appellate Advocacy Workshop (LW 6022.02) and the Praxicum Requirement

Members of the Corporate/Securities, Bowman Tax, Fox IP, Jessup, Gale, Laskin, Diversity, Walsh and Wilson teams are required to attend the Appellate Advocacy Workshop, which convenes on occasional Wednesdays throughout the school year. This workshop allows members of Osgoode's upper year, five credit, research-based appellate moot court teams to connect the theory and practice of lawyering through a combination of readings, discussion, demonstrations, practice exercises, a guided visit to the Ontario Court of Appeal and guest appearances by coaches, faculty members and other legal practitioners. The workshop provides a framework for maximizing the learning potential in lawyering simulations. Students will read about different approaches to oral and written advocacy; learn how to formulate a case theory and develop legal arguments; hone their research, writing, editing and oral skills; and prepare for their respective competitions. The workshop is worth two ungraded credits.

Students who have been selected for moot teams will pre enrol in the 3 credit moot and the workshop in the Lawselect system. The Appellate Advocacy Workshop is scheduled in the timetable and moot students may not enrol in a course that conflicts with the workshop.

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

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

Academic Rule A. 4.1 allows four credit hours in each of the upper years for the work undertaken by senior student editors of the Osgoode Hall Law Journal. The four hour credit is treated as a seminar for enrolment purposes. Though the work is not graded, prescribed tasks must be undertaken for senior editors to qualify for Law Journal credits. One year's work as an associate editor is a prerequisite for appointment to a senior editorial position; the process to select senior editors for the upcoming academic year takes place towards the end of the winter semester.

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

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

4.5 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.

4.6 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 level.

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

To enrol, Osgoode students must complete the *Extra-Disciplinary Course Approval Form* found on MyJD and have the form approved by both Faculties concerned. The completed form should then be scanned and uploaded through MyJD link.

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

4.7 Courses at Ryerson University: Yeates School of Graduate Studies

Places are guaranteed for five Osgoode Hall Law School students in a limited number of prescribed courses at the Yeates School of Graduate Studies, Ryerson University through the Reciprocity Arrangement between the two Universities. More detailed information will be included in the July Information Package. These courses are considered seminars for enrolment purposes and the grade will be reported as Credit or No credit.

4.8 Courses at the University of Toronto: Faculty of Law

Places are guaranteed for three Osgoode Hall Law School students in each of a limited number of prescribed University of Toronto courses offered through the Exchange Program. More detailed information will be included in the July Information Package. These courses are

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

5. REGISTRATION STATUS CHANGE

5.1 Leave of Absence

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

After completion of the first year of JD studies, a student may request and receive, on a *pro forma* basis, one leave of absence of not more than two consecutive semesters. A request outside the scope of the aforementioned may be granted only in the most exceptional circumstances. Written applications, with documentation, should be submitted to the Assistant Dean, Students.

5.2 Letter of Permission

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

5.3 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.

5.4 Withdrawal

See information on course changes and on leaves of absence.

6. SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2015-2016

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

- Only the courses & seminars on offer for the 2015/2016 academic session are included.
- In general, only mandatory first year courses and available upper year offerings are included; however, those first year perspective option courses that are open to upper year students have also been included.
- The courses & seminars contained in each subjective-area map are arranged on 2, 3 or 4 different levels, as the case may be, and in the sequence in which you may wish to complete them.
- The suggestive subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

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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 2015/2016 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:

Banking, Payments and Negotiable Instruments
Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Immigration
Intellectual Property Law
International Business Transactions
Litigator's Guide to Debtor /Creditor Law
Real Estate Transactions

Level Two:

Advanced Securities
Advanced Torts
Corporate Finance
Corporate Governance
Governance of the International Financial System
International Investment Law
Investor Protection Seminar
Real Estate Finance
Regulation of Competition
Securities Regulation
U.S. Securities Regulation

Level Three:

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

Level Four:

Advanced Business Law Workshop I and II

3. CONSTITUTIONAL AND ADMINISTRATIVE LAW

Level One:

Administrative Law
State and Citizen

Level Two:

Civil Liberties
Constitutional Litigation
Disability and the Law
National Security Law in Canada
Native Rights

Level Three:

CLASP Intensive

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

4. CONTRACTS AND COMMERCIAL LAW

Level One:

Contracts

Level Two:

Bankruptcy and Insolvency Law
Banking, Payments and Negotiable Instruments
Business Associations
Commercial Law
Contracts II
International Business Transactions Law and Economics
Legal Drafting
Litigator's Guide to Debtor /Creditor Law
Restitution
Statutory Interpretation

Level Three:

Administration of Civil Justice:
Assessing Risk in Commercial Litigation
Advanced Torts
Case Studies in Business Enterprises
Contract Remedies
Copyright Law
Entertainment and Sports Law
Insurance Law
Legal Values: Current Issues in Reproduction
Patents
Trademarks

Level Four:

Osgoode Business Clinic

5. CRIMINAL LAW

Level One:

Criminal Law

Level Two:

Criminal Procedure
Debtor-Creditor
Evidence

International Criminal Law

Level Three:

Administration of Criminal Justice:
Regulatory Offences
Administration of Criminal Justice:
Sentencing
Administration of Criminal Justice:
Wrongful Conviction
Administration of Criminal Law:
Justice 360
Criminal Law II: Ethical Issues
Criminal Law II: Homicide
Criminal Law II: Youth Justice
Evidence and Proof: Theory and
Practice
Forensic Science and the Law
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
International Dispute Resolution:
Advocacy in the International
Criminal Court
Lawyer as Negotiator
Theory and Practice of Mediation
Trial Advocacy

Level Three:

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

Level Four:

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

7. ENVIRONMENTAL LAW

Level One:

Environmental Law

Level Two:

Climate Change
International Environmental Law:
Protection of the Global
Environment
Land Development and Commercial
Real Estate Problems
Land Use Planning (alternate years
FES and Osgoode)
Municipal Law
Patents
Resources Management

Level Three:

Environmental Justice and
Sustainability (EJS) Clinical
Program
Intensive Program in Aboriginal
Lands, Resources and Government

8. FAMILY LAW

Level One:

Contracts
Criminal Law
Law, Gender & Equality
Property Law

Level Two:

Business Associations
Conflict of Laws
Dispute Settlement
Estates
Family Law I
Health Law
Immigration
Law, Gender and Equality
Lawyer as Negotiator
Refugee Law
Sexuality and the Law
Taxation Law
Trusts

Level Three:

Administration of Justice: Estate
Litigation
Children and the Law: Child
Protection
Children and the Law: Child
Protection Externship

Directed Reading: Theories & Practice of Feminist Advocacy
Family Law II: Family Law Policy
Legal Values: Current Issues in Reproduction

Level Four:

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

9. HEALTH LAW

Level One:

Health Law
Environmental Law
Patents

Level Two:

Disability and the Law
Law and Psychiatry
Legal Governance of Health Care

Level Three:

Disability Intensive Program

10. HUMAN RIGHTS LAW

Level One:

Immigration Law
International Human Rights
National Security Law in Canada
Refugee Law

Level Two:

Administration of Civil Justice: Class Actions
Constitutional Litigation
Disability and the Law
Law and Development
Law and Poverty
Law and Psychiatry
Law and Social Change: Critical Race Theory
Legal Values: Jurisdictional Immunities
Legal Values: Race and Gender
Legal Values: Theory and Practice of Human Rights

Transnational Corporations and Human Rights

Level Three:

Anti-Discrimination Intensive Program
CLASP Intensive
Criminal Law Intensive
Directed Reading: Clinics
Directed Reading: Theories & Practice of Feminist Advocacy
Disability Intensive Program
Innocence Project
Intensive Program in Aboriginal Lands, Resources and Government
Intensive Program in Poverty Law

11. INTELLECTUAL PROPERTY LAW

Level One:

Copyright
Intellectual Property
Patents
Trademarks

Level Two:

Comparative Law: Privacy and Access to Information
Entertainment and Sports Law
Intellectual Property Theory
Legal Values: Commercializing Intellectual Property

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)

Level Four:

Labour and Employment Law and
Policy Colloquium

Land Use Planning (alternate years
FES and Osgoode)
Real Estate Finance

13. LEGAL THEORY

Level One:

Jurisprudence
Legal Theory Seminar (Year One)

Level Two:

Chinese Law
Comparative Law: Islamic Law
Disability and the Law
History of Canadian Law
Judgment and Decision Making
Law and Social Change: Policing
Legal Values: Law and Literature
Legal Values: Law, Ethics and
Social Media
Legal Values: Legal Ethics
Practice Management: Critical
Perspectives

**14. NATURAL RESOURCES AND THE
LAW**

Level One:

Environmental Law
Native Rights

Level Two:

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

Level Three:

Intensive Program in Lands,
Resources and Government

15. PROPERTY LAW

Level One:

Property Law

Level Two:

Estates
Real Estate Transactions
Trusts

Level Three:

Administration of Civil Justice:
Estate Litigation
Land Development and Commercial
Real Estate Problems

16. REGULATORY LAW

Level One:

State and Citizen: Constitutional Law
Administrative Law

Level Two:

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

Level Three:

Advanced Securities
CLASP Intensive Program
Intensive Program in Poverty Law
Intensive Program in Aboriginal
Lands, Resources and Government

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

Level One:

Collective Bargaining Law
Comparative Law: Islamic Law
Environmental Law
Family Law I
Immigration Law

Labour and Employment Law
Law and Social Change: Critical
Race Theory
Legal Values: Legal Ethics
Native Rights
Refugee Law

Level Two:

Charters and Principles of
Fundamental Justice
Civil Liberties
Criminal Law II: Youth Justice
Directed Reading: Theories &
Practice of Feminist Advocacy
Law, Gender and Equality
Law and Social Change: Community
Action across Borders (ILP students
only)
Legal Values: Current Issues in
Reproduction
Legal Values: Race and Gender
Sexuality and the Law

Level Three:

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

18. TAXATION LAW

Level One:

Taxation Law
Legal Values: Wealth, Death and
the Lawyer (Year One)

Level Two:

International Taxation
Pension Law
Tax Policy
Tax as Instrument
Tax of Wealth
Tax Lawyering
Taxation of Business Enterprises

Level Three:

Advanced Corporate Tax

Tax Colloquium

19. TRANSNATIONAL LAW

Level One:

Ethical Lawyering in a Global
Community
Globalization and the Law

Level Two:

Comparative Law: Introduction to
Israeli Law
Conflict of Laws
Governance of the International
Financial System
Immigration
International Investment Law
Legal Values: Jurisdictional
Immunities
Legal Values: UN, Governance and
State Building
Law and International Development
Public International Law
Refugee Law
Transnational Corporations and
Human Rights

Level Three:

Exchange Programs with Foreign
Universities
International Business Transactions
International Criminal Law
International Human Rights Law
International Taxation
Law and Development
Law and Social Change: Community
Action across Borders (ILP students
only)
National Security Law in Canada
Summer Abroad Programs

Level Four:

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

7.0 CURRICULAR STREAMS

In 2001-2002, Osgoode Hall Law School introduced a significant innovation in the upper-year curriculum. Students have the opportunity to concentrate their studies in a particular subject area of the curriculum. This year, curricular

streams are being offered in the following four subject areas:

- International, Comparative and Transnational Law
- Litigation, Dispute Resolution and the Administration of Justice
- Tax Law
- Labour and Employment Law

It is not imagined that all, or even most, students will elect to enrol in one of the streams being offered this year. All students, whether enrolled in a stream or not, will have equal access to all courses offered in the upper-year curriculum. However, those students with a particular interest in one of the subject areas covered by the offered streams may wish to consider enrolling.

Osgoode Hall Law School has a rich, diverse and fully elective upper-year curriculum. Within this curriculum, students are generally able to plan a course of studies that enables them to pursue their special interests, that is consistent with their individual learning styles, and that ensures they obtain an excellent and comprehensive legal education. The purpose of organizing some of the upper-year courses into streams is to provide more structure to aspects of the upper year curriculum and to allow certain curriculum goals to be pursued more systematically. By providing an organized sequence of courses in particular subject areas, the curricular streams will challenge students to undertake truly advanced work on difficult and complex legal problems. This will enable students to build cumulatively on the skills and knowledge they have acquired in other law school courses, to develop sufficient expertise in the subject area so that they can confidently challenge underlying concepts and assumptions, and to collaborate intellectually in the subject area with scholars, public policy analysts and practitioners. Another purpose of the curricular streams is to ensure that within a coherent course of studies, students are exposed to the significant theories, principles, conceptual frameworks and tools of policy analysis needed for the serious study of the law and to the full range of important lawyering skills such as problem solving, legal analysis and reasoning, legal research, factual investigation, communication skills, and recognizing and resolving problems of professional responsibility. Also, a capstone course in each curricular stream will enable students to engage in a major exercise of research and writing that will consolidate, deepen and enrich their understanding of the law.

Students who elect to enter into one of the curricular streams should indicate their choice on

the appropriate election form when they file their course selections for second and third year. The course of studies of those students who elect to enrol in a curricular stream will be reviewed by the faculty member who is designated as the convener of the relevant curricular stream. Students can elect to enter into a stream at any time (so long as they can fulfill the basic requirements). However, they are encouraged to elect into the stream on the earliest possible occasion. The convener of each stream will organize a meeting of all students who have elected into the stream at the beginning of the Fall semester to discuss curriculum matters related to the stream, answer questions about the particular curriculum stream, and receive student suggestions and comments. Students who successfully complete the requirements of a stream will have this indicated on their transcript.

The faculty convener of each program stream is responsible for administering the regulations governing the stream and has a broad discretion to grant partial credits for courses not designated as program courses, to allow credits for courses taken as part of an exchange or letter-of-permission visit to another institution, to permit a course to be taken out of the normal sequence, and to recommend to the Assistant Dean, Students that a student be allowed to take more than two seminars in a semester.

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

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

2015 - 2106 Convenor – Professor R. Wai

Introductory Remarks

The world is changing rapidly and, with it, the nature of both the governance and the practice of law. For more than a decade, Osgoode, along with several other of the world's leading law schools, has led the way 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 2001-02, Osgoode initiated its ICT Program offering a program specialization through a series of linked curricular offerings. At that time, Osgoode also 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 – new ones continually being developed – that are 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 programs, such as those in Italy and Malaysia in partnership with Monash University and that in Jerusalem in partnership with Hebrew University;
- experiential (and even teaching) opportunities with partners outside Canada (for example, through the Teach-in-China Program and the International Legal Partnership).

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

In tandem with introducing such curricular opportunities in Osgoode’s own programme, 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 the law faculties at Osgoode, American University in Washington DC, Queen Mary University of London, Université de Montréal, Bar-Ilan (Israel), National University of Singapore, Erasmus (Netherlands) 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 opens up a world of career opportunities beyond Canada’s borders and, more generally, that promotes the kind of creative 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 (second year students who have not done so can take this course with permission of the ICT Convenor in second year for purposes of joining the ICT Program);
- in second year, take two of three ICT pillar courses: Public International Law, Conflict of Laws (also known as Private International Law), and/or Comparative Law;
- in third year, take the ICT Program’s capstone course, the ICT Colloquium; and
- over the course of the two upper years, complete 13 further ICT-designated course credits (“optional” credits).

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

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

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

Further Rules and Considerations

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

Bridging: It is possible to build “ICT bridges” between the ICT Program and courses not designated as ICT courses in the official list of ICT courses. This bridging is achieved through

the student receiving partial (or even full) credit for research papers or other written work done in 'non-ICT' courses where the content is significantly ICT in nature. For example, a 50% paper on multi-jurisdictional bankruptcy litigation in a four-credit Bankruptcy course would count for two ICT credits or a 100% paper on international law theory in a three-credit Jurisprudence class would count for three credits. Such counting of ICT work in non-ICT courses must be specifically approved by the ICT Convenor.

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

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

Upper Year Writing Requirement: A student who has completed the ICT Colloquium paper will have completed one of the two upper year research and writing requirements.

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

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

Courses elsewhere at York: Courses with ICT content in other faculties at York are eligible to be accorded ICT credits. For example, a student who takes a York graduate course in, for example, Colonial Literature (English Department) or Nuclear Deterrence Policy (Political Science Department) can bring that course selection to the ICT Convenor for approval as an ICT course. This would also apply, for example, to international business

courses taken as part of the joint JD/MBA. (Note that, by Osgoode's general rules, students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.)

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

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

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

Convenor – Professor E. Tucker

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

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

1. Two of the following courses: Labour and Employment Law, Collective Bargaining Law and The Individual Employment Relationship.
2. Two of the following seminars: Labour Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law, Advanced Labour Law, or other seminar approved by the Convenor.
3. The LELP capstone course: Labour and Employment Law and Policy Colloquium.
4. An experiential component that can be satisfied by participation in the Ministry of Labour Summer Coop Program; a semester in the Parkdale Community Legal Services workers' rights division; 40 hours of volunteer work that is labour and employment law related (e.g. work at Toronto Workers' Health and Safety Legal Clinic); or other arrangement approved by the Convenor.
5. Two labour and employment-related courses, including Administrative Law, Immigration Law, Evidence, Entertainment and Sports Law, Lawyer as Negotiator, Disability and the Law, Globalization and the Law, Discrimination Law, Constitutional Litigation, or other course approved by the Convenor.
6. Overall, a minimum of 23 academic credits the LELP and related courses, in accordance with the above requirements.

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

Convenor – M. Simmons, Visiting Professor

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

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

To receive the LDA accreditation, students must:

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

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

7.4 Tax Law Program ("Tax Program")

Convenor – Professor T. Edgar

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

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

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

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

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

8. CLINICAL & INTENSIVE PROGRAMS

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

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

The Advanced Corporate Finance Workshop draws together various aspects of corporate and securities law involving corporate finance transactions. Through an interactive workshop format, students will gain insights into the practical aspects of structuring, negotiating and executing bank financings and transactions in the capital markets. Both in-class exercises and assignments will emphasize practice skills and strategic considerations. Students will also develop insight into the broader theoretical and ethical considerations that confront a business lawyer. The workshop is conducted by Carol Pennycook, Jim Reid and other partners at Davies Ward Phillips & Vineberg LLP.

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

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

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

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2014. ABLW II - Mergers & Acquisitions will be offered in January 2015.

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

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

The Advanced Mergers & Acquisitions Workshop draws together various aspects of securities and corporate law under the broad title of "M&A" and applies that knowledge to analyzing typical

problems that confront a business lawyer involved in M&A transactions. It is also intended that students will develop practical skills such as negotiating, and presentation skills necessary for a business lawyer. The workshop is conducted by Patricia Olasker, Alex Moore and other partners at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on mergers and acquisitions, with an emphasis on public companies and will examine take-over bids; defences; corporate reorganizations; going private and related party transactions; and related aspects of tax, competition law and corporate governance. Seminars include classroom lectures, guest lectures, student-led presentations and problem-solving exercises. Evaluation will be based on three assignments, including the preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in an M&A transaction and a group assignment involving the negotiation and drafting of a term sheet for an M&A transaction, and class participation. The workshop has no major research paper or exam.

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

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

Demonstrated academic performance based on law school grades to date will be an important selection factor. Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2015. ABLW II - Mergers & Acquisitions will be offered in January 2016.

ABLW II satisfies the Praxicum requirement.

8.3 Anti-Discrimination Intensive Program (LW 7900.10, 7910.02, 7920.03)

Director: Professor Faisal Bhabha

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 access” model for applications that transformed the role of the Ontario Human Rights Commission, strengthened the Human Rights Tribunal of Ontario 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 Tribunal. Students contribute to promoting access to justice by enhancing the ability of the Centre to provide legal services to those who have experienced discrimination across the province.

The Program begins with a week of intensive training at the end of August to prepare students for their placement at the Centre. During their placements (in either the fall or winter semester), students work Monday through Friday (except Fridays when the seminar meets) at the Centre in downtown Toronto. Students participate in the Centre’s public inquiries service and are responsible for conducting detailed legal interviews on files that are referred from intake. In addition, students draft legal documents, partner with a Centre lawyer to prepare and attend a mediation, take the lead in conducting a mediation themselves, and partner with a lawyer on a file that is scheduled for hearing by the Tribunal.

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

Requirements:

The 15-credit program is open to 6 students per term. Students receive a letter grade for the seminar (2 credits) and for their research papers (3 credits). The research paper must be at least 7,000 words in length and thus qualifies for the upper year writing requirement. Students’ work

during the placement at the Centre is graded on a credit / no credit basis (10 credits). A written evaluation of each student's work during the placement is prepared by the Academic Director, in conjunction with the Centre Coordinator and the student's lawyer mentor. The written evaluation becomes part of the student's transcript.

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

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

8.4 Business Law Intensive

LW 7700.03, 7710.03, 7720.09

Not offered 2015 – 2016

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

This program is designed to provide students with in-depth exposure in several areas of advanced business law as reflected in current strategies used by business to finance expansion, to enhance the market value of their shares, to combine for greater productivity and efficiency and to meet the continuing challenges of globalization and changes in information technology. Depending upon their placement, students will be exposed to corporate income tax, banking, securities, competition, intellectual property, pension, real estate, commercial negotiation and general corporate/commercial law mixtures. Some of these topics will also be covered in the seminar modules, along with business ethics and corporate social responsibility. The placements, which will be with business enterprises or large public corporations, provide students with a contextualized learning experience.

The program is divided into 3 modules:

- The first module is an intensive seminar lasting two or three weeks, covering a range of business law topics.
- The second module – lasting eight weeks - consists of a placement with the

legal department of a business enterprise in the industrial or service sectors, or in a large public institution. Students, supervised by in-house counsel, are expected to provide the placement client with legal assistance.

- In the third module students return to the classroom for an intensive seminar consisting of presentations and reflections upon their placements, discussions and assignments.

Who May Apply

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

Placements

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

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

Evaluation

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

- 1) Essay (3 Credit Hours) - minimum 8,000 words, excluding footnotes and bibliography - on an approved business law topic related to the student's placement is due during the

winter semester exam period. The Program Director must approve topics no later than the middle of February. The final paper is eligible for the upper year writing requirement.

- 2) Placement (9 Credit Hours) - Following your placement, the supervising counsel will make a written evaluation of your work during the placement. The Program Director will then write an evaluation letter that provides an assessment of your work and accomplishments within the program. This evaluation letter will be permanently attached to your transcript.
- 3) Seminar Presentations, Participation and Attendance (3 Credit Hours) - Students will be evaluated on the basis of work completed in the two seminars, including the presentation to the class, a small number of open book assignments or multiple choice exercises, participation in seminar discussions, and attendance.

8.5 Case Studies in Business Enterprises

LW 5630.03

Instructor: B. Ross, Adjunct Professor

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

Preferred Courses: None

Presentation: Discussion; simulation and roleplay; legal drafting assignment; class presentation; research and writing.

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

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

This course will equip students to understand and practically deal with legal issues of common application to business enterprises of different sizes and industries by providing advanced coverage of topics that are dealt with tangentially in other courses, such as the law of agency and partnerships; choice of enterprise structure; common commercial agreements; partnership, joint venture and shareholders' agreements; purchase and sale of a business; business financing; regulatory issues; and advising the failing business. We will also deal with business-

related topics such as financial statements and accounting; tax and financing; regulatory constraints; and governance. Focus will also be provided to the lawyer in the private practice environment and the considerations involved in developing and growing a sustainable business law practice. The difference between this class and other business law courses is that this course works through substantive legal topics by using a hands-on case study model.

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

Evaluation: Students in the seminar will receive a letter grade for a combination of a written assignment (10%), group presentation (10%), participation (20%) and research paper (60%).

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

8.6 Community Legal Aid and Services Program

LW 8000.03 & 8004.04 (fall), 8001.03 & 8005.05

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

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

At CLASP we recognize that the social determinants of health have a significant impact

on people living in poverty. While individuals may seek out CLASP for legal services we also recognize that for many of our clients there are other issues, often non-legal, that they require assistance in resolving. CLASP has committed to providing holistic services to our clients by also offering social work services to clients who want these services. CLASP meets this commitment by creating an interdisciplinary program that integrates law and social work students working together to meet the needs of our clients. Our interdisciplinary program allows the two professions to learn together and from each other. CLASP offers approximately 2-4 spots to students from the York School of Social Work, who begin May for the paid placement portion and who then continue at CLASP during the academic year for academic credit.

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

CLASP's service provision model relies on approximately 23 law student "division leaders" who work in the clinic, under the supervision of five 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 satellite locations, and pursue law reform, PLE and community development projects in the clinic's four divisions (Administrative, Criminal, Family, and Immigration). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto's varied low-income community.

Student division leaders receive nine credit hours on a pass-fail basis for successfully completing their clinical work during the academic year. They are also required to participate in the CLASP seminar and complete a research paper. The seminar is offered bi-weekly (every other week) for the duration of the academic year. The seminar is graded and for three credits. The research paper is also graded for 3 credits and students will meet for a total of five (5) times (largely in the Winter term) with their peers and to discuss and receive feedback on the research. The research paper will meet the requirements of the upper year writing requirement. Training in relevant skills and substantive law is provided at different levels throughout the year both through the seminar and through ongoing supervision of the clinical work.

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

8.7 Disability Law Intensive

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

Director: Professor Roxanne Mykitiuk, ARCH Staff Lawyers

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

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

approaches to addressing issues that people with disabilities face.

Placement at ARCH

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

Students (a maximum of 12 students) will be placed at ARCH, on a part time basis, throughout the Fall and Winter semesters. The placement will consist of individual client work (including test case litigation) as well as participation in the policy and systemic work (including public legal education) that ARCH engages in in partnership with disability organizations throughout Ontario. In one term half the students enrolled in DLI (normally 6) will focus on individual client work while the remaining students (normally 6) will focus on systemic policy and law reform work. In the second term the students will switch focus.

Orientation

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

Evaluation

Clinical Placement

Students will be evaluated through a combination of informal and formal feedback by the staff lawyers at ARCH. Informally, students will receive feedback on their work through the process of revision of written work and through supervision discussions. On a formal basis students will be evaluated on their work (using a structured evaluation form that will be made available to students) at the start of the term, at the midway point in the semester (mid to late October, mid to late February) and again at the end of the term. The final evaluation will be a written evaluation that will encompass the evaluation of the student's work from both

semesters. While the final evaluation will come from the Academic Directors it will be strongly influenced by the evaluations provided by the staff of ARCH. The credit allocation will be on a pass/fail basis for a total of 10 credits.

Seminar

Credit allocation: 2 credits (graded)

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

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

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

Credit allocation: 3 credits (graded)

Students will produce a policy or law reform based paper in consultation with ARCH and the Academic Director. The nature and topic of this assignment will often, but need not, reflect the

policy and law reform priorities identified by ARCH and its community partners in any given year. The research assignment may build on the work undertaken by students during their policy and law reform placement at ARCH.

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

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

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

8.8 Environmental Justice and Sustainability Clinical Program

LW 7550.09, 7551.03 & 7552.03

Co-Directors: Professor S. Wood & D. Estrin, Adjunct Professor

The Environmental Justice and Sustainability (EJS) Clinical Program gives Osgoode students an opportunity to explore and use law's potential to remedy past and present environmental injustices and to promote the transition to a more sustainable Canadian society and economy. In this full-year, 15-credit program, students work on files chosen for their likely lasting positive impact on environmental justice and sustainability. The Program's dual focus on remedying environmental injustice and promoting sustainability makes it unique among environmental law clinical programs in Canada. "Environmental justice" mobilizes environmental, civil rights, anti-racist, anti-poverty, aboriginal rights and feminist agendas to challenge the unequal distribution of environmental burdens and benefits in society. "Sustainability" involves the simultaneous pursuit of ecological integrity, social equity and economic prosperity within the biophysical constraints of local and planetary ecosystems.

This dual mandate encompasses a broad range of subject-matter, including biodiversity, energy, water, food, climate change, pollution, resource extraction, land use planning, human rights, green technology, social enterprise, corporate

social responsibility, toxic torts, and regulatory compliance. It also includes a variety of types of legal work, including litigation, law reform, legislative drafting, community legal education and outreach, and business law services that advance sustainable or social enterprise. Clients may include individuals, community groups, public interest non-governmental organizations, First Nations, municipalities, cooperatives, social enterprises and other organizations affected by environmental injustice or interested in advancing sustainability. The Program may also work in its own name (eg legal education materials or submissions to policymakers or judicial inquiries).

The EJS Clinical Program selects files for their potential to advance environmental justice or sustainability. The Program may work on files provided by external organizations or initiate its own files. The Program does not have a public storefront, but in exceptional cases may take a case directly from the public. Files are drawn from across Canada, with an emphasis on Ontario. Students' clinical work is supervised by the lawyer(s) with professional responsibility for the file. In the case of files initiated by the Clinical Program, this means the Program's in-house review counsel (not yet in place, subject to budgetary approval). In the case of files provided by external organizations, it means lawyer(s) at the external organization. Students working on external files are not placed physically with external organizations. They conduct their clinical work at Osgoode. .

The program has three components: clinical work (9 credits, ungraded), seminar (3 credits, graded), and research assignment (3 credits, graded).

Clinical work (9 credits, credit/no credit), LW 7550.09

Students receive their file assignments early in the Fall term, after an initial introduction (see Seminar, below). They engage in supervised clinical work throughout the remainder of the academic year. The nature and timing of the tasks to be completed are determined on an individual basis depending on the file. The clinical work finishes a few weeks before the end of Winter term classes, to allow for orderly wrap-up of the seminar and research assignment. Academic credit for the clinical work is awarded on a credit/no credit basis, with 4 credits allocated to the Fall term and 5 credits to the Winter term. The Fall term credits are awarded upon completion of the program (until then they appear as "in progress" on transcripts). Students receive a combination of formative and summative assessment. Formative assessment

includes informal feedback on their work through the process of revision of written work and through supervisory discussions; and interim written feedback toward the end of the Fall term and midway through the Winter term. Summative assessment takes the form of a final written evaluation that encompasses students' clinical work in both terms. The final evaluation is completed by the academic director at the end of the academic year with input from the supervising lawyers with whom the students have worked. Blank written evaluation forms are available to students in advance.

To facilitate the praxicum component, students keep a reflective journal in which they reflect on their engagement with theory and practice. Students receive formative feedback on journals but the journals do not form part of the summative evaluation.

Seminar (3 credits, graded), LW 7551.03

Students participate in the EJS Clinical Program Seminar throughout the academic year. In the seminar, students explore and develop perspectives from which to understand, critically assess, and think constructively about environmental justice, sustainability, public interest law and legal clinics. The seminar meets a total of fourteen times throughout the year: weekly in the first month of the Fall term and the last month of the Winter term, and six more times during the rest of the year. The first month of the seminar is devoted to orientation, clinical skills training and an introduction to theories of environmental justice, sustainability, clinical practice and public interest lawyering. The last four seminar meetings are devoted to student presentations of their research and to collective reflection designed to integrate theory and practice. The intervening seminar meetings are devoted to scholarly readings, skills development, guest lectures, and clinical supervision (the latter element is evaluated as part of the clinical work, not as part of the seminar). Topics and readings for this phase of the seminar are chosen to complement the current year's clinical files.

Each student leads one seminar meeting, introducing the topic and/or guest speaker, and facilitating discussion.

During the last month of the seminar, students give an in-class presentation of their research assignment, including visual aids (eg PowerPoint presentation) (roughly 20 minutes including questions and discussion).

The breakdown of the seminar grade is: 33⅓% participation, 33⅓% leadership of one seminar meeting, and 33⅓% student presentation. The credits for the seminar are allocated to the Fall term and are awarded upon completion of the program (until then they appear as "in progress" on transcripts).

Research assignment (3 credits, graded), LW 7552.03

Students are required to complete a legal research paper or project that complements but does not duplicate their clinical work. Topics are approved by the academic director no later than the end of January. Students submit a research proposal (2-3 pages), on which they receive formative feedback. Time permitting, the academic director may also provide formative feedback on a draft of the research paper or project.

The breakdown of the research assignment grade is 20% blog post about the research project and its significance on the Program's blog (maximum 750 words), and 80% final research paper of at least 7,000 words, or other research project approved by the academic director (e.g. report, submission, film, website, or educational material) (due on the deadline for submission of Winter term seminar papers). The credits for the research assignment are allocated to the Winter term. The research paper qualifies for the Upper Year Writing Requirement. Other forms of research project may or may not qualify.

Eligibility

The program is open to second- and third-year JD students who are selected during the preceding year via the general application process for clinical and intensive programs. The number of places depends partly on the nature and number of projects available, but is expected to be between 10 and 20 per year. Students may complete the program only once. In the event of oversubscription, preference is given to third-year students.

Students must have completed or be enrolled in at least one of Environmental Law, Land Use Planning Law, or Municipal Law by the Fall term of the year in which they enrol in the EJS Clinical Program.

The Program satisfies the Praxicum and Osgoode Public Interest requirements and is eligible for the Upper Year Writing Requirement.

8.9 Innocence Project

LW 7140.03 (Fall), LW 7140.06 (Winter)

Director: Professor A. Young

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

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

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

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

- Forensic Testing
- The Law of Interrogation
- The Law and the Flaws of Eyewitness Identification
- Analyzing Circumstantial Evidence
- Professional Conduct: Crown Disclosure, Ineffective Assistance of Counsel
- Exculpatory Evidence and Evidence of "Other Suspects"
- Overreaching Prosecution (including evaluation of opening and closing addresses to the jury)
- Change of Venue and Challenge for Cause
- Jail House Confession and the Use of Informants

Clinical work will be evaluated on the basis of a pass/fail grade and a detailed evaluation

prepared by the Directors of the Project. The major paper will receive a letter grade.

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

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

LW 7400.09, LW 7410.03 and LW 7420.03

Co-Directors: Adjunct Professors D. Ciraco and B. Tarantino

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

Program Outline

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

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

Student Evaluation

The evaluation will be comprised of the following components:

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

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

9 credits - credit/ no credit basis: An internship reflective journal, an internship reflective blog, and performance at the internship.

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

Pre-Requisites

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

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

8.11 Intensive Program in Aboriginal Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professors A. Boisselle and S. Imai

1. The Program

The program is the only one of its kind in North America. It combines a rigorous academic experience with challenging placements in the field in Aboriginal law or environmental law. A full term worth 15 credits is awarded. This course will be of particular interest to students interested in Aboriginal law, environmental law, constitutional law and public policy.

2. In the Classroom: The first phase

The term begins with three weeks of study. Students are taught how to use law in creative ways to solve problems. The importance of this community-based approach to the law is particularly evident in addressing problems Aboriginal peoples encounter within the Canadian legal context. Because of the distinctive history, culture and political situation of

Aboriginal peoples, a distinctive approach to identifying and utilizing laws must be developed. Laws of Aboriginal nations themselves play an important part in determining the law applicable in certain contexts and the course employs an approach which respects the laws of those nations.

3. In the Field: The second phase

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

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

4. Evaluation: The third phase

A variety of evaluative methods are used. Two papers (a written presentation regarding the student's placement experience and a major legal research paper) are prepared during the term, for which letter grades are awarded. Comments from the placement sponsor, the student presentation to the class and the daily journal kept during the placement are considered by the director, who then prepares a written evaluation which is attached to the transcript of the student.

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

8.12 Intensive Program in Criminal Law

LW 7100.03, LW 7110.03 and LW 7120.09

Directors: Enzo Rondinelli and Joseph Di Luca,
Adjunct Professors

LW 7100.03, LW 7110.03 and LW 7120.09

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

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. Students attend 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.
- Using a mock trial file to review various stages of the criminal trial process, including an advocacy exercise.
- Attending the Centre of Forensic Sciences and the Coroner's Office to receive instruction in scientific evidence and pathology.
- 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 written evaluation of each aspect of the student's performance in the course.

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

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

8.13 Intensive Program in Immigration and Refugee Law

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

Not offered 2015 - 2016

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

The program exposes students to a challenging combination of a clinical placement, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of Canadian and international immigration/refugee law. The program's objective is to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design, application and development of immigration and refugee law.

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

The Program begins with one week of seminars introducing the major themes, history and international context of refugee and immigration law followed by sessions in advanced immigration and refugee law. The first two modules, Advanced Immigration Law and Advanced Refugee Law, each consist of two weeks of seminars that consider specialized topics in domestic and international law. Students also benefit from exposure to various guest

speakers (practitioners and academics) who discuss selected issues of law and practice.

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

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

Requirements:

This 15-credit program is available to up to 20 students. A letter grade is given for the major research paper and each module (except for the placement, which is assessed on a pass/fail basis). The prerequisites for the program are Immigration Law and Refugee Law. Administrative Law is recommended but not required.

8.14 Intensive Program in Poverty Law at Parkdale Community Legal Services
LW 7000.03, LW 7000.12

Academic Director, Professor S. Rehaag

1. Background

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

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

2. Learning Objectives

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

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

3. Assignment to a Division

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

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

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 (in 2015-16, this will be August 24 to 28). Basic practice skills such as interviewing, informal advocacy and negotiation, 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. Attendance at, and participation in, Clinic Skills Week is a mandatory pre-condition for participation in the Fall and Winter semesters.

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 continues to be accessible to the community throughout each semester.

9. In-house Clinic Orientation

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

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

10. Workload & Hours of Work

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

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

11. Acceptance and Withdrawal

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

12. Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for 20 summer student positions. The Clinic's ability to offer summer work to students is dependent upon receipt of this funding. Assuming the same level of funding as prior years, students who accept a position in the Program will be eligible for summer employment at the Clinic (if they have indicated their interest in it on the application form). The Clinic hires 12-16 new students who will be entering the academic program in the next academic year (half of these being students who are coming in the Fall, and half those coming to the Clinic in the Winter); four to eight positions are reserved for students who have already completed the Program. This is done to provide a measure of continuity for client files as well as to ensure that there will always be a core of experienced students at the Clinic who are able to assist the new students.

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

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

8.15 Mediation Clinical Program

LW 7810.03 (Fall),

LW 7800.04 (Winter), 7810.02 (Winter)

Academic Director, M. Simmons, Visiting Professor

This full-year, 9 credit hour program, bridges mediation theory and practice, while actively engaging students in the provision of conflict prevention and resolution services through the Osgoode Mediation Clinic. Students participate in a weekly three-hour seminar that focuses on class discussion of the recent dispute resolution literature, including the utility of mediation in civil and criminal disputes, mediation advocacy, access to justice, community mediation issues, as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute system design. The seminar includes a major research paper or project (at least 7000 words) addressing one or more theoretical issues with observations based on the students' practice experience. Students also participate in an intensive mediation skills training program, including significant interactions among faculty, coaches and students. Students are encouraged to reflect on their experiences and articulate their emotional and intellectual responses to the situations they encounter. Under the guidance and direction of the Mediation Clinic Director, students will engage in a combination of court-related and community mediation services, including community outreach (e.g., ADR training and education of community groups and elementary/secondary school students); developing and applying dispute resolution design and implementation skills in the community; promoting mediation and the services of the Mediation Clinic to potential community user groups; and conducting several community mediations. During the Mediation Intensive, students are responsible for completing community engagement work within their assigned divisions.

Grading and Evaluation

Graded (Winter term) 4 credits: Class participation (10%); Major Research Paper or Project (60%); Mediation assessment (10%); and Community engagement work (20%).

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

The Mediation Clinical Program satisfies the Practicum requirement.

8.16 Osgoode Business Clinic
LW 7600.02 (Fall) & 7610.02 (Winter)
Director, Professor S. Ben-Ishai

The objective is to fuse students' doctrinal education in commercial law with experiential training thereby providing a holistic educative experience. Students are put into teams of 2 – 3, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files typically involve providing basic but typical legal advice and documents (i.e. incorporation, drafting sales contracts, subcontracts). The clients cannot otherwise afford professional legal services but are attempting to start up or raise the sophistication of their small company or sole proprietor business practices.

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

Student duties include:

- Physical and electronic meetings with the client;
- 3 compulsory classes at the offices of Stikeman Elliot (2 in the fall, 1 in the winter);
- weekly OBC classes in the first half of the first semester;
- monthly classes thereafter; and
- weekly written reports to the Director throughout.

Participation in OBC is by permission of the Director. Students participating in OBC must register for the Fall and Winter semesters.

Files: approximately 40 hours per semester for two semesters;

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

Reports: written weekly, approximately 10 hours per semester.

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

8.17 Test Case Litigation Project
LW 7070.03 (Fall), LW 7071.03 (Winter), 7072.03 (Winter)
Academic Director, D. Sheppard, Adjunct Professor

The Test Case Litigation Project provides an opportunity for Osgoode students to learn the theory and practice of test case litigation, while also gaining hands-on experience assisting practitioners engaged in law-reform efforts through litigation.

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

The seminar, which takes place during the fall term, is designed to expose students to both the theory behind using litigation as a tool of law reform, as well as introduce them to the major practical considerations involved in conducting a test case. Topics to be covered include the lawyer's relationship to clients and affected communities; justiciability; standing; jurisdiction; remedies; funding litigation; expert evidence; and appellate procedure. Readings will include relevant case law, theoretical writings, and materials filed in actual test case litigation.

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

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

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

The Test Case Litigation Program satisfies the Practicum requirement and qualifies for the Upper Year Research and Writing Requirement.

8.18 Intensive Research Program LW 7020

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

Notes

1. A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which may extend through his or her second and third years.
2. A student will be permitted to pursue a Research Program if, in the opinion of the Associate Dean:
 - i. The student's academic record in the law school and elsewhere, and other relevant evidence, shows promise of the ability to conduct with distinction a major program of research;
 - ii. the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
 - iii. he/she will receive adequate supervision.
3. A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the

Associate Dean, may extend through the final four or final two semesters.

4. A student seeking permission to pursue a Research Program shall submit, to the Associate Dean, not later than 10 days prior to the commencement thereof, a statement from the proposed supervisor stipulating:
 - i. the topic or field of research, and a tentative outline of research;
 - ii. The amount of academic credit to be obtained and date for submission of the completed research paper; and
 - iii. consent to provide supervision.
5. Any change in the conditions of supervision may only be obtained upon filing of a new form, signed by the supervisor and with consent of the Associate Dean.
6. The Associate Dean, on application by the student or the supervisor, or upon her/his own motion, may permit or require the student to terminate a Research Program upon such terms and conditions as she/he may decide.
7. Students who elect to take this program shall not:
 - i. be enrolled in another intensive program, i.e. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
 - ii. be enrolled in more than four seminars in addition to the Research Program over the second and third years;
 - iii. for the purpose of this rule, "seminar" includes Personal Research, Intensive Programs, and Seminars in other faculties and departments.

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

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

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

Osgoode Hall Law School offers three Joint Programs, in which students can complete 2 degrees in a condensed time period: JD/MBA; JD/MES; JD/MA (Phil).

9.1 JD/MBA Joint Program

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

Successful applicants are asked to select the program in which they prefer to commence their studies. While such preferences are given utmost consideration, the Faculties of both schools reserve the right to designate initial programs.

Applicants for the Joint Program must apply separately and satisfy the entrance requirements of each program, including the writing of the Law School Admission Test (LSAT) and the Graduate Management Admission Test (GMAT). While most students apply to the Joint program prior to commencement of either their JD or MBA degree studies, a small number of students completing their first year of either program are considered for admission to the Joint program, upon appropriate application to the other Faculty.

3 Year Option

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

Graduation Requirements:

- 45.00 credit-hours of Schulich School of Business courses
- 78-79 credit-hours of Osgoode Hall Law School courses
- successful completion of the Upper Year Research and Writing requirement

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

The Academic Program:

Year 1

EITHER

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

3.0 credit-hours of Schulich MBA elective courses

OR

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

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

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

YEAR 2

- the Year 1 required program in the other school

YEARS 3 AND 4

Students in the JD/MBA Joint Program enrol in a normal full-time course load of between 13.00-17.1 credit-hours of courses per term (consisting of a combination of JD and Schulich courses, in the third and fourth years of the program).

Note:

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

maintain the required standards of each.

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

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

- at least 45 academic credits of Osgoode Hall Law School courses

- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)

- completion of the Praxicum Requirement

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

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

9.2 JD/MES Joint Program JD/MES Joint Program

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

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

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

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

Admissions

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

For information about each faculty's application deadlines and admission requirements see www.yorku.ca/fes/apply (MES Admissions) and <http://www.osgoode.yorku.ca/prospective-students/jd-program/jd-admissions/> (JD admissions).

The Academic Program

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

Students in the MES program progress through three stages:

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

MES II: Students pursue formal coursework, individual directed studies and/or field experience, and draft their Major Research Paper, Project or Thesis proposal. This stage usually

encompasses 1-2 terms of full time study in FES and/or Osgoode. MES III – students complete the Major Research Paper, Project or Thesis. This stage usually encompasses 1-3 terms of full time study in FES and Osgoode.

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

Sequence of Study

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

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

OPTION B, Start at Osgoode: Students register full time in the JD First Year Program for the Fall and Winter terms. They have the Spring/Summer term free.

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

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

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

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

convocate from the joint program in the Spring.

Completion

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

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

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

Graduate Student Status

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

Fees

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

For additional information about the JD/MES Joint Program, including the program handbook, please consult <http://fes.yorku.ca/students/mes/mes-options/jd>.

Questions about the JD/MES joint program may be directed to Professor Stepan Wood, Law

faculty coordinator, swood@osgoode.yorku.ca, or Professor Mark Winfield, FES coordinator, marksw@yorku.ca.

9.3 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)

10. JD/BCL Degree Program

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

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

degree in civil law for law graduates from either institution.

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

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

11. 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.

11.1 How to Apply to Osgoode Exchanges

- International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode has been building on its international ties with

universities around the globe to create opportunities of international study for Osgoode students.

The exchange opportunities are as follows:

- University of Strathclyde (Scotland)
- University of Kent (England)
- Queen Mary University (England)
- University of Copenhagen (Denmark)
- University of Amsterdam
- Vrije University (Holland)
- Maastricht University (Netherlands)
- Trinity College Dublin (Ireland)
- University College Dublin (Ireland)
- St. Gallen University (Switzerland)
- Bucerius Law School (Germany)
- Aix-en-Marseilles (France)
- University of Luxembourg
- Monash University (Australia)
- National University of Singapore
- University of Hong Kong (China)
- Tsinghua University (China)
- Jindal University (India)
- National Law University (Delhi, India)
- Bar Ilan University (Israel)
- Hebrew University (Israel)
- Waseda University (Japan)
- Sao Paulo Law School of Fundacao Getulio Vargas (FGV) Brazil
- University of Montreal
- Queen Mary University
- Universidad de Chile
- Universidad de Concepcion (Chile)

Details of international and exchange programs and linkages to other Web sites can be found on the Osgoode Hall Law School homepage (www.yorku.ca/osgoode/international). For more information and assistance, you may contact Karen Willoughby, International & Academic Programs Coordinator at kwilloughby@osgoode.yorku.ca. The application deadline falls in early January for the following academic year. Applicants should be in good academic standing and have a minimum B average in their law studies. An information session on exchange opportunities is held in November.

The application is available through MyJD after the international exchange information meeting held in November.

11.2 York International Exchange Programs

York University international exchange programs allow Osgoode students to spend a semester or a year at a Faculty of Law at an even greater number of overseas universities. Some universities with which York has developed

exchange programs are Flinders University of South Australia, University of Stockholm, Keele University (England), University of Helsinki (Finland), and the University of West Indies (Barbados). For more information you may contact York International, Osgoode International (416-736-5177, 220 York Lanes), or visit the Osgoode website. Students interested in a YI exchange must complete a York International application for these exchanges and check into their application deadlines. Osgoode is responsible for the course review and approval.

12. LAW SOCIETY INFORMATION

12.1 Admission to the Practice of Law in Ontario

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

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

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

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

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

12.2 Licensing Process Information

The Licensing Process

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

Structure

The current licensing process in Ontario for lawyer candidates consists of the following components:

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

You must successfully complete the Licensing Examinations and either 10 months of articles or the new LPP, submit all required documents, and pay all required fees in order to be eligible to be called to the Ontario bar.

Registration

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

The Licensing Examinations

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

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

The Barrister Examination will assess competencies in the following categories:

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

The Solicitor Examination will assess competencies in the following categories:

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

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

The Articling Term

The articling term consists of 10 months, and includes an online Professional Responsibility and Practice Course that must be completed during the articling term. Beginning in 2014, as part of the Pathways to the Profession Pilot Project, the Law Society has enhanced the Articling Program to support an overall evaluation of the experiential training component of the Lawyer Licensing Process. The new evaluative measures mirror those in the Law Practice Program and over the course of the pilot project the Law Society will study the effectiveness of both programs in preparing candidates for entry to the profession. Learning in both programs is based on the experiential training competencies for candidates, which are the skills, tasks and knowledge necessary for entry-level practice. Articling placements are required to support fulfillment of these skills competencies.

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

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

An articling term includes up to two (2) weeks of vacation. It is the candidate's responsibility to ensure that s/he article with an approved Principal who has filed the required education plan with the Law Society. The Law Society also allows for non-traditional articles, which includes joint articles, national and international articles and part-time articles. All non-traditional articles must be approved in advance by the Law Society.

Law Practice Program (LPP)

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

The LPP consists of a four-month training course and a four-month work placement. The first LPP will be held in the fall of 2015. The program is currently scheduled to be held once a year. The Law Practice Program will be provided by Ryerson University in English and the University of Ottawa in French.

2015 English LPP at Ryerson University

The Law Practice Program at Ryerson University will be held from August 24, 2015 to December 18, 2015. The LPP at Ryerson will replicate the experience of working in a law firm using interactive web-based modules and digital simulation tools. The training course

component of the LPP at Ryerson will be offered largely online. However, candidates will be required to attend in person in Toronto on the following dates:

Monday, August 24th to Friday, August 28th, 2015 inclusive
Tuesday, October 13th to Friday, October 16th, 2015 inclusive
Monday, December 14th to Friday, December 18th, 2015 inclusive

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

2015 French LPP - University of Ottawa

The Law Practice Program at the University of Ottawa will be held from September 1 to December 18, 2015. The program will provide intensive, hands-on training in a smaller group format. Candidates will be required to attend in person in Ottawa for the duration of the four-month training course.

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

12.3 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.

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.

13. FACULTY ON SABBATICAL/LEAVE

Professor A. Cohen – Fall & Winter terms
Professor P. D'Agostino – Fall term
Professor S. Gavigan – Fall term
Professor D. Hay – Fall & Winter terms
Professor T. Johnson – Fall and Winter terms
Professor S. Lawrence – Fall and Winter terms
Professor I. Mgebeji – Fall & Winter terms
Professor M.J. Mossman – Fall & Winter terms
Professor P. Puri – Fall term
Professor B. Ryder - Fall and Winter terms
Professor L. Salter – Fall term
Professor S. Slinn – Fall & Winter terms
Professor C. Scott – Fall and Winter terms
Professor F. Tanguay-Renaud – Fall term
Professor D. Vaver – Fall & Winter terms
Professor C. Williams - Fall and Winter terms

Professor P. Zumbansen - Fall and Winter terms

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

14. COURSE INFORMATION TABLES

Course Information Tables

The list of courses and seminars offered in the 2015 - 2016 academic session are found on MyOsgoode under the Syllabus and Enrolment tab. 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;
3. Courses with prerequisites: 4000's.
4. Seminars without prerequisites: 3000's;
5. Seminars with prerequisites: 5000's

2015 Fall Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	F14	188	95	FULL
Business Associations	Waitzer/ Fransen	A	4	2020	4	F14	125	95	FULL
Business Associations	Dhir	B	4	2020	4	F09	121	95	FULL
Civil Liberties	J. Cameron	A	3	2220	3	W14	27	65	32
Commercial Law	Geva	A	4	2030	4	F14	71	95	81
Conflict of Laws	Walker	A	4	2040	4	F13	39	95	39
Contracts II	J. Nadler	A	3	2460	3	N/A	N/A	80	N/A
Criminal Law II: Ethical Issues	M. Brown,Di Luca	A	3	2240B	3	F11	14	15	FULL
Criminal Procedure	Greene/ Grill	A	4	2690	4	F14	35	95	44
Environmental Law	Wood	A	4	2880	4	F14	20	95	23
Estates	Black	A	4	2050	4	F14	62	65	61
Evidence	Klukach/ Flumerfelt	A	4	2490	4	W15	47	80	53
Evidence	Dufraimont	B	4	2490	4	N/A	N/A	80	N/A
Family Law I	Drummond	A	4	2060	4	W15	51	80	62
Family Law I	Kraft/ Franks	B	4	2060	4	W14	50	80	56
Immigration Law	Okafor	A	4	4270	4	F14	49	90	57
Individual Employment Relationship	Tucker	A	4	2550	4	N/A	N/A	95	N/A
Insurance Law	Campisi	A	4	2280	4	F14	34	30	FULL
International Business Transactions	Martyn	A	3	2890	3	F14	20	30	26
International Criminal Law	K. Davis	A	4	2440	4	W15	15	95	19
Labour & Employment Law	Tucker	A	4	2315	4	F13	69	90	FULL
Law & Social Change: Community Action Across Borders	Thorne	A	3	2750M	3	N/A	N/A	30	N/A
Law & Social Change: Law & Development	Priel	A	3	2750H	3	N/A	N/A	20	N/A
Legal Drafting	Benda	A	3	2140	3	F14	33	35	28
Litigator's Guide to Debtor/Creditor Law	Hartman	A	3	2250	3	F14	20	95	14
Native Rights	Boisselle	A	4	2110	4	F14	21	65	25
Patents	D. Cameron	A	3	2330	3	N/A	N/A	95	N/A
Public International Law	Saberi	A	4	2340	4	F14	13	95	14
Real Estate Transactions	C. Carter	B	4	2070	4	F14	33	60	48
Real Estate Transactions	Rosenblatt	A	4	2070	4	F14	34	60	51
Refugee Law	Bhatia	A	4	2470	4	N/A	N/A	95	N/A
Restitution	McCamus	A	4	2360	4	F14	33	80	36
Securities Regulation	Lastman	A	3	2620	3	F14	95	95	FULL
Statutory Interpretation	Kettles/ Jenner	A	3	2930	3	F14	16	65	18
Taxation Law	Li	A	4	2080	4	F14	42	95	59
Taxation Law	Edgar	B	4	2080	4	F12	13	95	24
Trusts	Esposito	A	4	2090	4	F14	26	90	32

2015 Fall Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Mounsey	A	2	3010A	3	N/A	N/A	20	N/A
Administration of Criminal Justice: Regulatory Offences	Libman	A	2	5010F	3	F14	6	20	11
Administration of Criminal Justice: Sentencing	Crosbie	A	2	5010C	3	W15	10	20	9
Administration of Criminal Justice: Wrongful Conviction	Young	A	2	5010D	3	F14	4	20	9
Advanced Corporate Tax	Li	A		5210	3	W15	6	20	8
Advanced Securities	Condon	A	2	5280	3	W11	12	20	14
Children And The Law	Kierstead	A	2	5230	3	F14	27	20	FULL
Chinese Law	Boittin	A	2	3130	3	N/A	N/A	20	N/A
Comparative Law: Indigenous Legal Traditions	Boisselle	A	2	3040P	3	W13	11	20	9
Comparative Law: Introduction to Israeli Law	Bendor	A	2	3041C	3	New	N/A	20	N/A
Constitutional Litigation	Lokan/ Fenrick	A	2	3630	3	F14	12	20	14
Corporate Governance	Wolburgh Jenah/ Griggs/ Nadler	A	2	5170	3	W15	24	20	15
Directed Reading: Community Organizing and the Law	Jivani	A	2	6001C	3	New	N/A	12	N/A
Directed Reading: Transnational Human Rts & Community Legal Clinics	Sadoway	A	2	6001A	2	New	N/A	10	N/A
Directed Reading: Transnational Human Rts & Community Legal Clinics	Sadoway	B	2	6001B	2	New	N/A	10	N/A
Dispute Settlement	Del Gobbo	A	2	3980	3	N/A	N/A	20	N/A
Entertainment & Sports Law	Selznick	A	2	3840	3	W15	15	20	15
Family Law II - Family Law Policy	Madsen	A	2	5120	3	N/A	N/A	20	N/A
Feminist Advocacy: Women Charged with Domestic Violence Offences	Mosher/Birenbaum	A	2	6000Z	3	New	N/A	10	N/A
Health Law	Gilmour	A	2	3004	3	F13	28	20	FULL
Intellectual Property Theory	Craig	A	2	5430	3	F12	10	20	7
Intensive Legal Research & Writing	J. Davis	A	2	3920	3	F14	9	20	6
International Dispute Resolution: Advocacy in the International Criminal Court	Adler	A	2	3007C	3	F14	6	20	8
International Human Rights Law	Okafor	A	3	3440	4	F14	13	20	13
Lawyer as Negotiator	Simmons	A	3	3960	4	F14	88	80	FULL
Legal Values: Current Issues in Reproduction & the Law	S. Cohen	A	2	3591R	3	F14	5	20	8
Legal Values: Jurisdictional Immunities of States & State Officials	Owie	A	2	3591T	3	New	N/A	20	N/A
Legal Values: Law & Literature	Sutherland	A	2	3590V	3	W15	11	20	12
Legal Values: Legal Ethics	Mercer	A	2	3590N	3	N/A	N/A	20	N/A
Legal Values: Race and Gender in Corporate Law and Governance	Dhir	A	2	3591A	3	W12	6	20	3
Legal Values: Real Estate Finance	Carter	A	2	3591N	3	F14	8	20	14
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey	A	2	3008	3	F13	12	20	8
Pension Law	Mak,Gibbins,Sela	A	2	5240	3	N/A	N/A	20	N/A
Sexuality and the Law	Radbord	A	2	3910	3	N/A	N/A	20	N/A
Tax Lawyering	Kutyan	A	2	3370	3	W15	7	20	N/A
Theory and Practice of Mediation	Simmons	A	3	5960	4	F14	20	16	FULL
Transnational Corporations & Human Rights	Dhir	A	2	3590T	3	W13	10	20	11
Trial Advocacy	Rosenthal/ Grinberg	A	3	5270	4	F14	105	90	FULL

2016 Winter Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Braden/ Van Niejenhuis/ Gonsalves	P	4	2010	4	W15	55	95	75
Administrative Law	Freiman/ Sossin	Q	4	2010	4	N/A	N/A	95	N/A
Advanced Torts	Priel	M	3	2480	3	W15	20	95	20
Banking, Payments & Negotiable Instruments	Geva	M	4	2420	4	W15	N/A	60	N/A
Bankruptcy & Insolvency Law	Chartrand	M	4	2430	4	N/A	N/A	95	N/A
Business Associations	Imai	P	4	2020	4	N/A	N/A	95	N/A
Business Associations	D'Andrea/ Stewart	Q	4	2020	4	W15	59	95	79
Civil Procedure II	M. Watson	M	3	2230	3	W15	36	95	41
Collective Bargaining Law	Schirru/Kent	M	4	2515	4	N/A	N/A	95	N/A
Commercial Law	Dhir	P	4	2030	4	W12	102	70	FULL
Commercial Law	Dhir	Q	4	2030	4	W13	102	70	FULL
Copyright	Craig	M	4	2870	4	F13	57	75	69
Corporate Finance	Cattanach/ Wiens	M	3	4000A	3	N/A	N/A	25	N/A
Criminal Law II: Homicide	Klukach/ Breen	M	3	2240H	3	F11	11	40	14
Criminal Law II: Youth Justice	Bessner	M	3	2240K	3	W15	14	20	14
Criminal Procedure	Libman	P	4	2690	4	W15	51	95	44
Disability & the Law	Gilmour	M	3	4905	3	W12	8	15	5
Estates	Drummond	Q	4	2050	4	W15	24	55	50
Estates	Black	P	4	2050	4	W15	101	65	FULL
Evidence	Berger	P	4	2490	4	F14	176	80	FULL
Evidence	Dufraimont	Q	4	2490	4	N/A	N/A	80	N/A
Family Law I	Kierstead	P	4	2060	4	F14	36	80	55
Globalization & the Law	Bhatia	P	3	2008	3	W15	2	20;5 upper	FULL
History Of Canadian Law	Girard	M	3	2595	3	W12	4	20; 5 upper	FULL
Intellectual Property	Mason/ Sookman/ Glover	M	3	2970	3	W15	43	95	53
International Environmental Law: Protection of the Global Environment	D. Scott	M	3	4880	3	W11	16	40	10
International Taxation	Li/ Tobin	M	4	4150	4	W15	11	25	18
Jurisprudence	Tanguay-Renaud	M	3	2720	3	W13	9	25	7
Law and Economics	Daum Shanks	M	3	2560	3	W15	8	20; 5 upper	FULL
Law & Social Change: Critical Race Theory	Simms	M	3	2750X	3	W15	1	20; 5 upper	FULL
Law & Social Change: Policing	Beare	M	3	2750B	3	W15	4	20;5	FULL
Legal Drafting	Kindbom	M	3	2140	3	N/A	N/A	35	N/A
Legal Governance of Health Care	Gilmour	M	4	2404	4	W15	33	50	33
Legal Information Technology	Goyal/ Aylwin/ Thompson	M	3	2860	3	W15	6	25	16
Municipal Law	Mascarin	M	3	2305	3	W14	30	50	27
Real Estate Transactions	C. Carter, D. Carter	P	3	2070	3	W15	46	60	FULL
Regulation Of Competition	Krane,C. Brown	M	3	2350	3	W15	16	65	14
Securities Regulation	Condon	P	4	2620	4	W11	41	95	34
Taxation Law	Philipps	P	4	2080	4	W11	65	95	78
Taxation of Business Enterprises	Edgar	M	4	4100	4	W15	36	95	31
Taxation of Wealth Transfers	Frankovic	M	4	4080	4	N/A	N/A	95	N/A
Trademarks	Gill	M	3	2170	3	W14	33	90	24
Trusts	Drummond	P	4	2090	4	N/A	N/A	65	N/A

2016 Winter Seminars

Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Estate Litigation	Black	M	2	3010B	3	W15	14	20	15
Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	Podolny	M	2	3010D	3	W15	6	20	N/A
Administration of Criminal Justice: Justice 360	Chaffe	M	2	5010H	3	W15	5	20	N/A
Beyond Bay St.: Starting up a Small or Solo Practice	Bhabha	M	2	3550	3	W15	4	20	6
Climate Change Law	Mason-Case	M	2	3830	3	W15	9	20	5
Comparative Law: Islamic Law	Kutty	M	3	3040H	3	W15	3	20; 5 upper	FULL
Comparative Law: Privacy & Access to Information	Power	M	3	3040X	3	W15	3	20; 5 upper	FULL
Constitutional Litigation	Schwartz	P	2	3630	3	N/A	N/A	20	N/A
Contract Remedies	Ali/ Tzoulas	M	3	3050	4	W15	30	20	FULL
Discrimination & the Law	Rubin	M	2	3300	3	N/A	N/A	20	N/A
Entertainment & Sports Law	Duarte	P	2	3840	3	F14	30	20	16
Evidence and Proof: Theory and Practice	Stribopoulos	M	3	5440	4	W15	35	15	FULL
Feminist Advocacy: Women Charged with Domestic Violence Offences	Mosher/ Birenbaum	M	2	6000Z	6	New	N/A	10	N/A
Forensic Science & the Law	Rondinelli/ Federico	M	2	3690	3	W15	7	10	FULL
Fundamental Justice and the Charter	J. Cameron,Chan	M	2	3060	3	W15	10	20	16
ICT Colloquium	Wai	M	2	5810	3	W11	7	20	7
Indigenous Peoples & the Law	Imai	M	3	3390	3	W15	7	20; 6 upper	FULL
International Investment Law	Van Harten	M	2	3100	3	W14	21	20	17
Investor Protection	Waitzer/ McNish	M	3	5410	4	W15	9	20	16
Joint JD/MBA Seminar	Waitzer	M	2	3820	3	N/A	N/A	20	N/A
Judgment & Decision Making	Corbin	M	2	5650	3	W15	15	20	12
Labour and Employment Law and Policy Colloquium	Curran	M	2	5550	3	N/A	N/A	20	N/A
Labour Arbitration	Blackstone	M	2	5070	3	N/A	N/A	20	N/A
Land Development & Commercial Real Estate Problems	Gross	M	2	5160	3	W15	12	20	15
Law & Psychiatry	Bryan/ Perez	M	2	3240	3	W15	13	20	11
Law, Gender, Equality	Birenbaum	M	2	3039	3	N/A	N/A	20; 5 upper	N/A
Legal Values: Commercializing IP	Grimaldi/ Fan	M	2	3591M	3	W15	3	20; 5 upper	FULL
Legal Values: Governance of the International Financial System	Van Harten	M	2	3590R	3	W14	11	20	16
Legal Values: Law, Ethics & Social Media	Jenkins	M	3	3590C	3	W15	3	20; 5 upper	FULL
Legal Values: Legal Ethics	Goudge,Devins	M	2	3590N	3	N/A	N/A	20	N/A
Legal Values: The U.N, Governance & State Building	Peari	M	3	3591E	3	N/A	N/A	20; 5 upper	N/A
Legal Values: Theory & Practice of Human Rights	Saberi	P	3	3591S	3	N/A	N/A	20; 5 upper	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Simmons	M	2	5007	3	N/A	N/A	20	N/A
Resources Management	Koehl/ Sahni	M	2	3490	3	W15	20	15	FULL
Tax As Instrument Of Soc & Econ Policy	Edgar	P	3	3006	3	W15	4	20; 5 upper	FULL
Tax Law and Policy Colloquium	Samtani, I. MacGregor	M	2	5330	3	N/A	N/A	20	N/A
Tax Policy: Tax & Distributive Justice	Philipps	M	2	5220B	3	N/A	N/A	20	N/A
U.S. Securities Regulation in Comparative Perspective	Ritchie	M	2	5620	3	N/A	N/A	20	N/A

Administration of Civil Justice: Class Actions

(3010A.03 A) *Seminar*

Instructor(s): R. Mounsey; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Each class will start with a lecture to reinforce the concepts introduced through the course readings and materials which will then be followed by a case study through group work and/or presenter. This second component of each class will focus on providing students with a practical understanding of the theoretical concepts learned and provide students with different perspectives on class proceedings litigation and practice.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

On January 1, 2013, the Province of Ontario marked the 20th anniversary of class proceedings legislation in the Province of Ontario. When first passed, the *Class Proceedings Act, 1992* was heralded as "radically altering the practice of law" and "fundamentally changing the legal landscape of civil litigation" by providing an efficient procedural mechanism to achieve redress for widespread harm where the costs of litigation might otherwise make an individual claim economically unviable. Recognizing the importance of class actions, a number of other Canadian provinces quickly followed suit and enacted their own class proceedings legislation.

With more than twenty years of experience with class claims in Canada, this course will conduct a critical examination of the role of class actions litigation in the administration of justice by studying class proceedings from their origin in 16th and 17th century England to their most recent incarnation in modern class proceedings legislation. A comparative study and analysis of class proceedings litigation in Canada, the United States, Europe and Africa will be conducted together with a critical analysis of whether Canadian class proceedings legislation has met the objectives it was designed to achieve.

This is an excellent seminar for those students contemplating a career in civil litigation. However, given the pervasive nature of class litigation in Canadian society, and the important cost implications of class claims, this seminar is also essential for students with a variety of career interests in any discipline.

Evaluation: *Class participation - 35%*

Consistent with the objective of providing students with an opportunity to gain a practical understanding of this form of litigation, class participation will form an important component of the course evaluation. Students should be prepared to engage actively in the group work and case studies presented during class, although the quality of the engagement and contribution to the discussion and/or group work will be taken into account when assigning a grade. Preparation time for this component of the course will not be extensive. This component of the course will be eligible to meet Osgoode's practicum requirement.

Paper - 65%

In addition to class participation, students will be evaluated by way of an 8,000 word essay which may be used to fulfill the Upper Year Writing Requirement. Students' essay submissions may also be eligible for the Harvey T. Strosberg Essay Prize in class actions. This prize of \$10,000 is awarded to an outstanding student paper on Canadian class actions.

Administration of Civil Justice: Estate Litigation

(3010B.03 M) *Seminar*

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

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

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: None

Presentation: Presentation: Discussion, lectures, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Research paper (7,000 words) - 70% of final grade

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

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

(3010D.03 M) *Seminar*

Instructor(s): R. Podolny; Adjunct Professor

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities, Bankruptcy & Insolvency

Presentation: Lecture, class discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is strongly recommended for those considering a career in corporate law or commercial litigation. The seminar is focused on corporate and litigation strategy, with a particular emphasis on class actions. The course is focused on the role of lawyers as business advisors, who use legal tools to advance business objectives. Particular attention will be paid to litigation and regulatory risks faced by businesses.

The seminar will provide students with practical tools to advise business leaders on investment decisions, class action risk and strategic initiatives. Participants will review a number of case studies based on recent corporate transactions and court cases.

Practicing professionals, including some of Canada's leading securities litigators, corporate lawyers, criminal counsel and business valuers, will address the students as guest speakers and discuss the analytical tools available to assess the various courses of action available to businesses when faced with bet-the-firm litigation.

The risks examined in the course will include court challenges and regulatory proceedings commenced under Securities Act (Ontario), Companies Creditors Arrangement Act, Competition Act, Investment Canada Act, Broadcasting Act, Telecommunications Act and class action legislation.

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

Administration of Criminal Justice: Justice 360

(5010H.03 M) *Seminar*

Instructor(s): Justice J. Chaffe; Adjunct Professor

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

Prerequisite Courses: Criminal Procedure

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course is designed to provide students with a unique, holistic survey of the criminal justice system from all perspectives, an appreciation that all parts of the system are interrelated and some assessment of how effectively it contributes to a just society.

Students will hear from and engage in discussion with exceptional leaders from different parts of the justice system including: family of homicide victims; an offender convicted of manslaughter; the Chief of the Toronto Police Service; a Justice of the Supreme Court of Canada; a former Attorney General of Ontario; the Chief Coroner of Ontario; as well as premier defence counsel, prosecutors, probation and corrections officials and representatives of the 4th estate.

Students will review selected readings covering the constellation of theory, law and policy regarding each stakeholder's role. Each panel of speakers will provide the class with a clear idea of the theoretical role that they play in the system, how that role actually plays out 'on the ground' and what is needed in order to close the gap between theory and reality.

Evaluation: Discussion and Class Participation - 40%.
A 7000 word research paper fulfilling the UYRWR - 60%

Administration of Criminal Justice: Regulatory Offences

(5010F.03 A) *Seminar*

Instructor(s): Justice R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

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

Administration of Criminal Justice: Sentencing

(5010C.03 A) *Seminar*

Instructor(s): K. Crosbie, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) A research paper of at least 7,000 words worth 70% of the final mark. Students are to provide an outline of their suggested paper topic by a date to be specified in October. The paper is due on date set by the law school.

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

3) Sentencing moot worth 15% of the final mark before a judge in November. (Note: if a student does not wish to participate in the moot, arrangements may be made with the professor for an alternative assignment).

Administration of Criminal Justice: Wrongful Conviction

(5010D.03 A) *Seminar*

Instructor(s): Professor A. Young

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

Prerequisite Courses: None

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) 7000 word directed research paper worth 90% of the final mark.

2) Class participation worth 10% of the final mark.

Administrative Law

(2010.04 A) *Course*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the body of law that governs administrative and regulatory decision-making. It examines foundational rules and principles that apply across many areas of legal practice and policy-making. It is 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 fields such as public health and safety, immigration, labour relations, social benefits, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection. The administration also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration appeals tribunals, and human rights commissions, that adjudicate disputes and implement policy outside of the courts.

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

The course is demanding and students who miss multiple classes will quickly fall behind. Students are expected to read the assigned materials each week, typically including excerpts from a textbook or from statutes as well as prominent cases, and to be well prepared for class discussions. Problem-solving and analytical activities may also be used in class to allow students to assess and track their understanding of the subject as we proceed. Further information, including the previous year's course outline, is available on the instructor's course website.

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

Administrative Law

(2010.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Final examination (100%) - take home.

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

Administrative Law

(2010.04 Q) *Course*

Instructor(s): Dean L. Sossin & M. Freiman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Final examination, open book (100%)

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

Advanced Corporate Tax

(5210.03 A) *Seminar*

Instructor(s): Professor J. Li with Gabrielle Richards and Steven Baum

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

Prerequisite Courses: Tax Law

Preferred Courses: Business Associations, Taxation of Business Enterprises, International Tax

Presentation: Discussion, group work, presentation and mootng

Upper Year Research & Writing Requirement: No

Practicum: Yes

This is a Praxcum. It will soon be renamed "Taxation of Topical Corporate Transactions" to better reflect its content and ambition.

It is co-taught with Gabrielle Richards and Steven Baum.

After a primer on corporate taxation in the first class, the seminar covers 4 modules, with each one focusing on one type of transactions, such as:

- tax planning (GAAR),
- corporate finance,
- corporate takeovers (e.g., Burger King taking over Tim Hortons), and
- transfer pricing.

Each module has two dimensions:

- (1) "teach and learn" led by Professor Li; and
- (2) "show and tell" in the form of student group presentations, debating, submissions, or mootng, led by the practitioners. Three "show and tell" classes will be held at Gabrielle or Steven's firm downtown, followed by feedback and (free) lunch. The tentative dates for the downtown classes are: Oct.5; Nov.2, Nov.30, 2015.

Students are treated as novice tax professionals, learning to work in teams, to think like a lawyer, to reflect on technical and policy issues, to communicate, and to take positions and defend them.

It is an ideal course for students who are curious about the tax side of corporate deals and are willing to do some "deep" and "fun" learning from the readings, the group work and the instructors.

Evaluation: Students will be assessed for class participation (30%) and a short position/research paper (5000 words, excluding footnotes and bibliography) on a topic approved by Professor Li (70%).

Advanced Securities

(5280.03 A) *Seminar*

Instructor(s): Professor M. Condon

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

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: none

Presentation: Discussion, guest speakers, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This advanced seminar deals with current issues in the policy and practice of securities regulation in Canada, including discussion of new draft provincial and federal legislative initiatives in the securities area. There will be a specific focus in the seminar on the role of financial market intermediaries in advising retail investors as well as continuities and discontinuities with the regulation of non-securities financial products (such as via banking and insurance regulation). The seminar will begin with a discussion of philosophies of securities regulation, the role of investors in the changing markets and issues of regulatory fragmentation in Canada's financial markets. Specific seminar discussions will focus on policy issues with respect to financial services and products currently being addressed by securities regulators in Ontario and elsewhere, such as; standards of conduct for intermediaries; issues of product fee regulation; emerging regulation of exempt market products and derivatives. A further emphasis in the course will be on the respective roles of internal firm compliance processes, litigation, regulatory enforcement and informal dispute resolution in addressing securities market problems.

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

Advanced Torts

(2480.03 M) *Course*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, large and small group discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

The first-year tort law course focuses on teaching the basic concepts of tort law by focusing on a small number of torts, with particular focus on negligence. In this course, much of the focus will be on other torts. After some coverage of aspects of negligence not covered in detail in the basic course, we will turn to no-fault motor vehicle liability, economics torts (e.g., passing off, inducing breach of contract), defamation and privacy. We will conclude with a more thorough discussion of damages. The aim of the course is thus to provide a broader understanding of tort law beyond the torts covered in the basic tort law course, as well as a deeper understanding of some of the topics discussed in the basic course, with particular focus on the way tort law interacts with insurance and governmental regulation.

Evaluation: Final examination: 100%; optional paper: 25% (in which case, exam is worth 75%).

Banking, Payments & Negotiable Instruments

(2420.04 M) *Course*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Following an introductory part on negotiable instruments (bills and notes) and an overview of the salient feature of the banker and customer relationship and the Canadian national payment system, the course covers the law of four dominant non-cash paper as well as electronic payment methods: cheques, payment cards, wire transfers and letters of credit.

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

It is highly recommended to students wishing to specialize in banking work particularly contracts and litigation.

Evaluation: Open book exam 100%; paper *option* for 30%

Optional research paper for 30% of the grade -- is to be between 4,500 and 5,000 words (excluding footnotes) -- it ought to be independently researched and written, on a topic approved by me in advance, properly footnoted, and submitted typed in a law review article format indicating the word count. A student wishing to avail him/herself of the option is required to propose to me a subject to submit a brief outline of the approved subject no later than at the end of the 6th week of classes.

Optional papers written for courses in which there is an examination are due on the day of the examination by 3:30 p.m. Papers must be submitted electronically through the online drop box.

Bankruptcy & Insolvency Law

(2430.04 M) *Course*

Instructor(s): R. Chartrand; Adjunct Professor

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

Prerequisite Courses: Commercial Law

Preferred Courses: Business Associations

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

Beyond Bay St.: Starting up a Small or Solo Practice

(3550.03 M) *Seminar*

Instructor(s): Professor F. Bhabha

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, simulations

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar is designed for upper year students, who are interested in thinking realistically or hypothetically about launching a small or solo practice.

Small and solo practitioners pursue often different goals and face different challenges to those in large law firms or in an in-house role, where significant support staff and an existing management structure often remove lawyers from the "business of law". Small and solo practitioners must pursue the dual goals of delivering competent, high-quality legal services while at the same time operating a small, for-profit business. What are the challenges? What is the potential?

There are many reasons why lawyers choose to practice in a small or solo setting: professional autonomy, work-life harmony, client selection, practice specialization, etc. Indeed, practice in a small or solo setting can offer a rich and rewarding career. It also comes with its unique challenges in comparison to the larger firm setting. Even where challenges are the same (i.e. dealing with a contracted market for legal services; ethics enforcement; LSUC regulation, etc.), the way that such issues impact on practice will vary in relation to the size and structure of the firm.

The seminar encourages students to consider their place as professionals serving local communities. The seminar will include broad engagement with the legal community, including guest lectures and panel discussions. The seminar will guide students through the questions which need to be answered in setting up and running an ethical, professional small or solo legal practice, and the larger changes which are shaping the landscape in which these practices operate. Through readings, discussions, group work and assignments, students will consider current debates and dilemmas that inform the choices to be made in creating a legal career as a solo practitioner or within a small firm structure.

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

30% Short, in-class presentation on a substantive topic/reading/resource

50% Multipart "business plan" for a fictional or actual proposed law practice.

Business Associations

(2020.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problem solving, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Business Associations

(2020.04 B) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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.

Business Associations

(2020.04 P) *Course*

Instructor(s): Professir S. Imai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, video

Upper Year Research & Writing Requirement: No

Practicum: No

This is an alternative introductory business course, suitable for students who are interested in social justice or business and human rights. We will cover most of the topics covered in a conventional business associations course, including sole proprietorships, partnerships, corporation as a distinct entity from its shareholders, the creation and organization of the corporation, shareholders' rights and roles, corporate governance, corporate social responsibility, and the enforcement of corporate duties. The difference is that we will use examples that a lawyer with a social justice orientation will encounter. For example, we will look at "non-profit" corporations, cooperative corporations and charities. Some types of business entities, such as joint ventures and limited partnerships, will be considered in the context of business ventures on Indian reserves. Securities Act disclosure requirements will be studied in the context of allegations of human rights abuses associated with Canadian mining companies. Corporate Social Responsibility will be considered from its utility (or not) in making mining companies and pension funds that invest in those companies accountable for activities that detrimentally affect communities around the mines. You will read the novel, *Green Grass, Running Water* by Thomas King, which will provide the background "facts" for part of the course. The novel centres around a First Nation community in Alberta, but the business law will be applicable to all situations.

Evaluation: The evaluation will be 100% final exam, open book.

An alternative form of evaluation will be an opinion of 3000 - 5000 words on a topic approved by the instructor. This opinion will count for 50% of the mark and the exam will count for 50% of the mark.

Business Associations

(2020.04 Q) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: 100% open-book final examination

Children And The Law

(5230.03 A) *Seminar*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This seminar will examine both theoretical and practical aspects of child protection law. The theoretical component will include an analysis of family autonomy in the face of state intervention and the best interests of children in a risk-driven protection environment as opposed to the conventional benefits-driven best interests tests applied in private custody cases. We will explore Charter implications of various aspects of child protection law throughout the seminar, as well as the inter-disciplinary nature of child protection work.

The practical component will provide students with the opportunity to examine child protection issues through case studies and to engage in case preparation for selected fact patterns. Both theoretical and practical components will examine tactical, ethical and policy questions throughout the seminar.

Note: Students who complete the Child Protection seminar will be eligible to participate in a 4 credit externship during the Winter 2016 term. The externship will be structured as a Supervised research project under Professor Kierstead's supervision.

Students will spend Friday of each week during the Winter 2016 term at various child-protection related placements, which will be organized with the assistance of Legal Aid Ontario and the Office of the Children's Lawyer.

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

Chinese Law

(3130.03 A) *Seminar*

Instructor(s): Professor M. Boittin

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Combination of focused discussion and lecture

Upper Year Research & Writing Requirement: Yes

Practicum: No

This is an introductory course on Chinese law and legal institutions. Lawyers, whether working in business, regulation, policymaking, or advocacy, are increasingly likely to come into contact with issues related to China over the course of their careers. This course serves as a foundation to prepare students for such encounters. It provides an overview of China's contemporary legal system, and explores how the law works in the country. It examines the political, economic and social environment within which the Chinese legal system operates, how Chinese elites shape law and legal institutions, and how the law affects the everyday lives of ordinary Chinese citizens. Topics will likely include: criminal law, commercial and corporate law, torts, property, dispute resolution, administrative law, intellectual property, human rights, environmental law, gender, labor law, public interest lawyering and China's engagement with international law.

No prior knowledge of China or Chinese is required or expected for this course. In addition to being of interest to students who would like to learn more about China, the class is also relevant for students interested broadly in issues of foreign and comparative law, and socio-legal studies.

Course materials may include legal documents, articles, book excerpts, and film.

Evaluation: 70% Final Paper (7000 words, excluding footnotes and bibliography). 30% Other (attendance, class participation, short reading responses, and in-class presentation). This course satisfies the upper year writing requirement. The paper can be focused entirely on an issue tied to domestic Chinese law. It can also be comparative (for example, examining how China and another country address one issue). It can also be tied to a question of China and international law. All topics must be approved by the professor.

Civil Liberties

(2220.03 A) *Course*

Instructor(s): Professor J. Cameron

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: None

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 60% for a final, take-home examination; 25% for an in-course component (choice between a written assignment - a short, critical commentary of about 1200-1500 words - and a short class presentation app. 10-12 minutes long); and 15% for class attendance and participation.

Civil Procedure II

(2230.03 M) *Course*

Instructor(s): M. Watson, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 2.5-hour open-book examination.

Climate Change Law

(3830.03 M) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This seminar explores legal and policy issues related to efforts to control the causes and manage the effects of climate change. It approaches the topic from an interdisciplinary perspective that considers science, ethics, law and politics. It will take a snapshot of the overall “architecture” of how climate change is regulated at multiple sites of global governance - at the United Nations Framework Convention on Climate Change (UNFCCC) and through diverse state, private and hybrid initiatives. Students can expect to learn about topics including climate science and its interface with law; developments at the UNFCCC with the Kyoto Protocol, Nationally Appropriate Mitigation Actions (NAMAs) and the post-2020 regime; regional efforts in the European Union, Canada and the United States; sectoral approaches relating to energy regulation and forests (REDD+); the state of carbon markets; private sector initiatives, such certification schemes and corporate reporting (e.g., ISO); and frameworks to address the socio-economic consequences of inaction for vulnerable populations. Particular focus will be awarded to the legal aspects of these issues.

Evaluation: Evaluation will be divided between class participation (20%), a research paper (60%) and a draft outline for the research paper (20%). The length of the research paper will be designed to fulfil the Upper Year Research and Writing Requirement (i.e., at least 7,000 words).

Collective Bargaining Law

(2515.04 M) *Course*

Instructor(s): E. Schirru, L. Kent; Adjunct Professors

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

Prerequisite Courses: N/A

Preferred Courses: N/A

Presentation: Lecture & Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introduction to the law governing collective employee representation, with an emphasis on private sector and construction industry 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. We will examine many of the changes to the statutory framework governing labour relations in Ontario over the years and the way that framework has been applied in practice by the Ontario Labour Relations Board, including considering the relationship between different social and economic goals, individual and collective rights, and the effect of the Charter of Rights and Freedoms on labour law.

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

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

Commercial Law

(2030.04 A) *Course*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: 100 % open-book examination; paper option (30%).

Commercial Law

(2030.04 P) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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.

Comparative Law: Indigenous Legal Traditions

(3040P.03 A) *Seminar*

Instructor(s): Professor A. Boisselle

Fall: 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.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will introduce students to non-state Indigenous legal orders. 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: Research paper: 60%

Analysis of oral narrative or interview: 25% (your analysis will partially inform your research paper; it will have to be submitted prior to the reading break and will be graded independently from your final paper).

Class participation: 15%.

Comparative Law: Introduction to Israeli Law

(3041C.03 A) *Seminar*

Instructor(s): A. Bendor; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

There is a mutual influence between the legal systems of Canada and Israel. Decisions of the Supreme Court of Israel, especially in constitutional matters, were cited by Canadian courts, as Canadian court decisions were cited by Israeli Courts. Against this background, Canadian law students have an interest in a basic acquaintance of Israeli law. The seminar will focus on the fundamentals of Israeli law, particularly in the field of constitutional law, and in addition in the areas of administrative law, criminal law and private law, while comparing between the Israeli and Canadian legal systems.

Evaluation: Research paper with a focus on Canadian Law (up to 6,000 words, including footnotes) - 70%

- Oral presentation on the topic of the research paper - 15%
- Class participation and one oral presentation on a reading material - 15%

Comparative Law: Islamic Law

(3040H.03 M) *Seminar*

Instructor(s): F. Kutty; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to a combination of lectures, student presentations, guest lectures, videos and active student participation in class discussions. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

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

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

Comparative Law: Privacy & Access to Information

(3040X.03 M) *Seminar*

Instructor(s): M. Power; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and lectures led by the instructor. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

The subject of privacy in 21st century society raises questions in a number of inter-related disciplines, including law, philosophy, sociology, information technology, health care and political science. This seminar introduces and explores the subject of privacy and personal information protection as well as concepts related to data governance and management.

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

Students participation is required and actively encouraged.

Evaluation: 75% research paper (6000 words for first year students, 7000 words excluding footnotes and bibliography for upper year students), and 25% for writing exercises based on topics covered in or related to the course.

Conflict of Laws

(2040.04 A) *Course*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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: Open-book final examination and optional workshop exercises.

Constitutional Litigation

(3630.03 A) *Seminar*

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

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

Prerequisite Courses: Constitutional Law

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: Yes

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): H. Schwartz, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

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; the role of the courts in constitutional litigation; commencing a constitutional case, drafting pleadings, government action under s.32 of the *Charter*; standing selecting the appropriate court and procedure; mootness, intervention and references; role of the Attorney General; evidence in constitutional cases, proving constitutional facts the role of experts and drafting effective affidavits, discovery of governments, presentation and assessment of social science data in the adversary system;::; drafting constitutional arguments and presenting them effectively; oral advocacy; the importance of remedies for constitutional infringements; litigation strategies for public interest groups and case studies.

Evaluation: Class participation and attendance, which includes preparation of an opening argument or schedule of authorities (20%); factum and moot (80%). For the moot portion the students will act as counsel for an applicant, government respondent or intervenor, prepare a factum and present oral argument before a panel of judges or practitioners in a court setting.

Contract Remedies

(3050.04 M) *Seminar*

Instructor(s): N. Tzoulas & K. Ali; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar provides an in-depth analysis of historical and contemporary issues in the area of contractual remedies. Taught by practitioners with experience in litigation and corporate law, this seminar will focus on the practical application of contractual remedy law. Each topic will be introduced by a short lecture, after which students will have until the following class to prepare for classroom discussion, and, if applicable, to complete their simulation exercises. Students will sign up for four exercises throughout the semester: two written and two oral. Simulations may include: reporting on research to an assigning lawyer, participating in negotiations with opposing counsel, making submissions to trial or appellate courts, and providing reasons for judgment. This seminar will consider: the classification of contract terms; the nature and scope of the contractual relationship; the effect of fundamental breach; exclusion and limitation of liability clauses; the interrelationship between contract and tort; restitution claims; problems of "election"; principles governing damage awards; problems in determining damages; equitable contractual remedies and defences; and restrictions on the availability of contractual remedies.

Evaluation: Short simulation exercises (class presentations and written assignments); general participation; final paper.

Contracts II

(2460.03 A) *Course*

Instructor(s): J. Nadler; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a framework for students to explore contract law and contract theory at a more advanced level. It will ask students to return to what they studied in first year and re-think it in a deeper, more theoretical way, asking questions such as: do the principles of contract law fit together in some coherent way? Do they reflect a conception of justice? Are they fair as between plaintiff and defendant or are they shaped by other considerations, such as efficiency? The course will cover a selection of the main principles and issues in contract law and theory. Doctrinal topics may include contract formation, third party beneficiaries, reliance, contractual fairness and unconscionability, and remedies. Various theoretical approaches to understanding contract law will be considered as well.

Evaluation: 75% open book examination and 25% participation.

Copyright

(2870.04 M) *Course*

Instructor(s): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is a study of the limited statutory monopoly granted to the authors of musical, literary, dramatic and artistic works under the Canadian copyright regime. From art and entertainment to education and information, copyright law affects almost every aspect of our lives. With the shift towards an information economy, and the rapid development of new digital technologies, copyright is fast becoming one of the most dynamic, critical and controversial areas of Canadian law and policy. The course will examine the requirements for copyright protection, the kinds of works that qualify for protection, and the scope of the rights granted to the copyright owner. Among the subjects to be explored are: the nature and scope of the owner's 'right' in her work; the meaning of authorship and originality; the transfer and licensing of copyright interests; the dichotomy between protected expression and unprotected ideas; the role of the public interest and the public domain; and the freedom of users to deal with copyrighted works. Through analysis of the Copyright Act and common law jurisprudence, the course offers a comprehensive introduction to copyright law while critically assessing the copyright system in terms of its justifications and its public policy objectives. By the end of the course, students will be familiar with the fundamentals of copyright doctrine, and with the theoretical and political controversies that surround copyright in the modern age.

Evaluation: Open-book examination (100%). Alternative evaluation comment paper (25%, no downside risk).

Corporate Finance

(4000A.03 M) *Course*

Instructor(s): R. Cattanach, A. Wiens; Adjunct Professors

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

Prerequisite Courses: Business Associations, Securities Regulation

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

The course is designed to introduce the students to the various types of corporate finance transactions available to businesses and the role that a lawyer plays in these transactions. This course will examine corporate financing alternatives and techniques using actual recent financings by Canadian public and private companies as case studies. The role of securities regulators, self-regulatory organizations and stock exchanges will also be discussed.

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

- understand basic financing alternatives for Canadian public and private issuers;
- understand the difference between debt and equity financings;
- understand risk allocation between issuers, underwriters and investors;
- identify and understand important provisions of a loan agreement and trust indenture;
- discuss the key terms of underwriting agreements;
- identify the basic tax implications of different financing alternatives;
- discuss the role of the regulators in corporate finance transactions;
- discuss the key aspects of an offering document (prospectus, information circular and offering memorandum);
- review financial statements to understand key aspects; and
- understand the roles of various parties to different types of corporate finance transactions.

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

Evaluation: 45% for two class assignments, 45% for a final examination and 10% for class participation.

Corporate Governance

(5170.03 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Criminal Law II: Ethical Issues

(2240B.03 A) *Course*

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

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

Prerequisite Courses: Criminal Law I

Preferred Courses: none

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Criminal Law II: Homicide

(2240H.03 M) *Course*

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

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

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Lectures, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Evaluation will be based upon classroom attendance and participation (20%), a 2000 word midterm paper (40%) and a 2 hour final exam (40%).

Criminal Law II: Youth Justice

(2240K.03 M) Course

Instructor(s): R. Bessner; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussions, student participation

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

Evaluation: Class Participation- 15%, Presentation -15%, Research Paper 60% (7000 words excluding footnotes and bibliography), Role Playing and Reflection (3%) and Class Participation (7%). Research paper topic must be approved by the professor.

Criminal Procedure

(2690.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Criminal Procedure

(2690.04 P) *Course*

Instructor(s): Justice R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Directed Reading: Community Organizing and the Law

(6001C.03 A) *Seminar*

Instructor(s): J. Jivani, Visiting Professor

Fall: 3 credits; 2 hours; max. enrollment: 12

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

Community Organizing and the Law will consist of three parts:

- Part 1: students will be introduced to community organizing strategies and skills through readings and seminar discussions.
- Part 2: students will learn about a series of legal and policy issues (e.g. education, criminal justice, policing, housing, public transit), which impact communities with diminished access to justice and minimal participation in Canada's democracy.
- Part 3: students will create and/or participate in community organizing projects that impact legal and policy issues chosen by students and the instructor. Examples of the community organizing projects students may create and/or participate in include: voter mobilization campaigns, advocacy training for community organizations, best practices analyses of community organizing, policy design, crowdsourcing, media engagement and participation in public meetings and government consultations.

This course will place significant emphasis on collaboration and outreach with community partners selected by the course instructor. Students will gain experience by building relationships with community groups, government offices and other organizations relevant to achieving legal and policy changes. This course will also feature guest speakers who have important experiences with community organizing projects. In some weeks seminar time and reading time will be repurposed to do practical work.

It is anticipated that students will work in teams of 3 under the supervision of Jamil Jivani, who helped create a model of community organizing through the Yale Law School Innovations in Policing Clinic and the Toronto-based Policing Literacy Initiative.

Evaluation: Students will be evaluated on their attendance and participation in weekly meetings and the quality of their work in creating and/or participating in community organizing projects. Individual students (and/or groups of students) will be asked to submit two short written statements (500-750 words each) about their projects, including reflective statements. Students will also submit two memos of 1,200-1,500 words each regarding issues explored and lessons learned in the course and deliver a presentation (alone and/or in groups) on issues explored in the course.

Directed Reading: Transnational Human Rts & Community Legal Clinics

(6001A.02 A) *Seminar*

Instructor(s): G. Sadoway; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, meetings with clinic international law project leaders. Note: students must also enrol in 6001B.02B

Upper Year Research & Writing Requirement: No

Practicum: Yes

This directed reading course provides experiential learning opportunities to upper-year students in the area of **transnational human rights law**. The course is designed to engage students in a theoretical, practical and reflexive approach to transnational human rights legal work. There is growing recognition that international human rights advocacy forms part of the toolkit for defending human rights **locally** as well as globally. Canada has signed most of the international human rights treaties and covenants in the UN system. As a member state of the Organization of American States, Canada is also subject to the supervisory role of the Inter-American Commission on Human Rights. Although limited enforcement mechanisms are available, reports of international human rights bodies can be very useful in litigation before domestic courts and in advocacy work seeking reform of domestic laws affecting human rights.

Much work of community legal clinics involves defending the human rights of the most vulnerable members of our community. A number of clinics have begun to take action in the international law arena as part of that work. For the purposes of this directed reading course, partnerships have been established with the following clinics: Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCSALC); Barbra Schlifer Commemorative Clinic; Injured Workers Consultants (IWC); Advocacy Centre for Tenants Ontario (ACTO); South Asian Legal Clinic of Ontario (SALCO); the Refugee Law Office (RLO) and Neighbourhood Legal Services (NLS). While the students will not have a placement with a particular community legal clinic, they will work on the international law dimensions of a case or project that the particular clinic has identified as appropriate for international law advocacy. As such, they will be involved in hands-on international human rights work. The course will also involve discussion and experimentation with innovative advocacy techniques, such as audio and visual evidence presentation, social media advocacy, and the use of alternative communication techniques.

Evaluation: **2 credits (graded): 30%** (6001A.02A) seminar participation, design of research project, journal and/or blog, oral presentation of project including description of next steps and reflection on learning; **70%** written research (maximum 5000 words), or alternative communication project such as documentary, website plan, digital story-telling presentation.

2 credits (credit/no credit): (6001B.02B) Participation in community legal clinic and related work.

Directed Reading: Transnational Human Rts & Community Legal Clinics

(6001B.02 B) *Seminar*

Instructor(s): G. Sadoway; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, meetings with clinic international law project leaders. Note: students must also enrol in LW 6001A.02A

Upper Year Research & Writing Requirement: No

Practicum: Yes

This directed reading course provides experiential learning opportunities to upper-year students in the area of **transnational human rights law**. The course is designed to engage students in a theoretical, practical and reflexive approach to transnational human rights legal work. There is growing recognition that international human rights advocacy forms part of the toolkit for defending human rights **locally** as well as globally. Canada has signed most of the international human rights treaties and covenants in the UN system. As a member state of the Organization of American States, Canada is also subject to the supervisory role of the Inter-American Commission on Human Rights. Although limited enforcement mechanisms are available, reports of international human rights bodies can be very useful in litigation before domestic courts and in advocacy work seeking reform of domestic laws affecting human rights.

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Evaluation: **2 credits (graded): 30%** (LW 6001A.02A) seminar participation, design of research project, journal and/or blog, oral presentation of project including description of next steps and reflection on learning; **70%** written research (maximum 5000 words), or alternative communication project such as documentary, website plan, digital story-telling presentation.

2 credits (credit/no credit): (LW 6001B.02B) Participation in community legal clinic and related work.

Disability & the Law

(4905.03 M) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Discrimination & the Law

(3300.03 M) *Seminar*

Instructor(s): J. Rubin; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

The purpose of this course is to examine how discrimination, equality and equity issues are identified and addressed in institutional and societal settings. This will include a review of the diverse legal foundations for equity and inclusion in Canada (including the Charter of Rights and Freedoms, Human Rights Codes and related statutes, and the role of public bodies from public inquiries, judicial reviews, task forces and reviews, the role of the Ombudsman as well as the grievance and labour dispute resolution process). The Seminar will focus on a series of Case Studies from the Commission of Inquiry on Equality in Employment (1984) to recent reports on the External Review on Sexual Misconduct and Sexual Harassment in the Canadian Armed Forces (the Deschamps Report) and the Report on CBC Activities in Relation to Jian Ghomeshi (the Rubin Report) (both in 2015). This Seminar will explore these various attempts to identify and redress concerns around discrimination, harassment, exclusion and unfairness. Students will be asked to undertake the role of an external reviewer of an organization/institution and explore the various issues around hearings/consultations, legal powers, process and remedies/recommendations.

Evaluation: Research Paper of 7000 words - excluding footnotes and bibliography (70%); Class Presentation & Participation - to be discussed further in class (30%).

Dispute Settlement

(3980.03 A) *Seminar*

Instructor(s): D. Del Gobbo; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is designed as an introduction to the theory and practice of dispute settlement models designed as alternatives to traditional adjudication in Canada and the United States. As individuals and organizations become increasingly aware of the ever-rising costs of conflict in economic, relational, and human terms, many are seeking to design, implement, and participate in processes intended to resolve disputes with greater effectiveness and efficiency than litigation. Yet, the rapid acceptance and institutionalization of specific forms of ADR has been the subject of critique where the organizing principles or distributional consequences of these processes may (un)willingly contradict important social, cultural, legal, and ethical values in our society.

First, we will study the foundational theories and applications of negotiation and mediation, including their history, development, and abiding characteristics. Second, we will consider the implementation of more innovative context- or community-specific models such as problem-solving courts, family group conferences, faith-based processes, and indigenous paradigms, both at the level of principle and in particular cases. Third, we will survey the growing field of dispute systems design, applying legal and non-legal skills to tailor ADR processes that may prevent, manage, de-escalate, and resolve conflict in organizations ranging from corporations to municipalities to universities, in subject matter areas ranging from employment disputes to mass torts to campus sexual misconduct.

Classes will be conducted in a seminar format with issues for debate arising from detailed consideration of the readings, real-life and simulated case studies, participation in experiential exercises, and the insights of guest speakers. Beyond gaining fluency in ADR theory, students will be equipped with basic skills training in negotiation and mediation that will serve them well in practice. Throughout the seminar and particularly in their written work, students will be invited to critically engage with existing dispute settlement models in areas that interest them, using what they have learned to brainstorm new, revised, or adaptive processes that may better serve the interests of justice.

Evaluation: Evaluation will be based on a high-quality research paper (7,000 words, excluding footnotes, bibliography, and appendices) with topics and a three-page outline developed in consultation with the instructor (60%); two brief response papers (two to three pages each) on readings, simulations, or problems assigned in the course (20%); and participation in seminar discussions and exercises (20%). The paper in this course qualifies for the Upper Year Research and 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

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar course comprises two components:

1. Entertainment Law

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

2. Sports Law

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

Evaluation: Class participation (10%), research paper of at least 7,000 words (90%).

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

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

Environmental Law

(2880.04 A) *Course*

Instructor(s): Professor S. Wood

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

The course is integrated with the Faculty of Environmental Studies graduate course ENVS 6164 and typically includes students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Evaluation: Mid-term assignment (moot court, client briefing or public comment): 30%; final open-book exam: 70%.

Estates

(2050.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Estates

(2050.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Estates

(2050.04 Q) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evidence

(2490.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, In-Class Problems

Upper Year Research & Writing Requirement: No

Practicum: No

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

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 discussed. 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%). There is a paper option (2500 words, up to 50% of final grade). 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 B) *Course*

Instructor(s): Professor L. Dufrainmont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, Problem Solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce the law governing the proof of facts in civil and criminal trials in Canadian courts. Upon completion of the course, students should have a broad understanding of the law of evidence in Canada, including its common law, statutory and constitutional elements. The basic principles regulating the use and admissibility of evidence—including relevance, probative value, prejudice, and judicial discretion—will be examined in detail. Specific topics covered will include burdens of proof and presumptions, competency and compellability of witnesses, rules about introducing physical evidence and questioning witnesses, judicial notice, character evidence, hearsay, admissions and confessions, expert evidence and privilege. Emphasis will be placed on the origins, purposes and justifications of evidence rules and the ways in which they operate in their legal and social context.

Evaluation: 100% open book examination with a 40% paper option

Evidence

(2490.04 P) *Course*

Instructor(s): Professor B.L. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving.

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 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): Professor L. Dufraimont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, Problem Solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce the law governing the proof of facts in civil and criminal trials in Canadian courts. Upon completion of the course, students should have a broad understanding of the law of evidence in Canada, including its common law, statutory and constitutional elements. The basic principles regulating the use and admissibility of evidence—including relevance, probative value, prejudice, and judicial discretion—will be examined in detail. Specific topics covered will include burdens of proof and presumptions, competency and compellability of witnesses, rules about introducing physical evidence and questioning witnesses, judicial notice, character evidence, hearsay, admissions and confessions, expert evidence and privilege. Emphasis will be placed on the origins, purposes and justifications of evidence rules and the ways in which they operate in their legal and social context.

Evaluation: 100% open book examination with a 40% paper option

Evidence and Proof: Theory and Practice

(5440.04 M) *Seminar*

Instructor(s): Justice J. Stribopoulos; Adjunct Professor

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

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: No

Practicum: Yes

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

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

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

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

Evaluation: 25% classroom participation / half way through the term, a set of written reflections (500 to 750 words), which is pass/fail / and a final case brief assignment

worth 75%

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

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

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

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

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

Family Law I

(2060.04 B) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: 1) Open book final examination worth 100%; OR 2) Up to two short assignments, valued at 10% each (for up to 20% total), one of which will offer students the ability to practically apply some of the principles learned; AND a open Book Examination for the remainder.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

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

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

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

Evaluation: Participation in experiential learning exercises (35%); Open-book examination (65%)

Family Law II - Family Law Policy

(5120.03 A) *Seminar*

Instructor(s): L. Madsen; Adjunct Professor

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

Prerequisite Courses: Family Law

Preferred Courses: None

Presentation: Discussion of articles and cases, guest presentations, direct family court and family mediation observation, introduction to and practice of non-court dispute resolution skills in the family context

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The goal of this seminar is to introduce advanced family law students to the realities of family law practice in context, to encourage an expansive conception of dispute resolution choices for families, to facilitate reflection on the range of dispute resolution choices for families, and to offer a forum for the exploration of further policy issues related to families. A further goal is to offer students an opportunity to explore an area of family law policy in depth, through the research and writing requirement. This course will offer both a practicum component as well as an opportunity for advanced family policy research through a paper that meets the upper year research writing requirement.

Students will be introduced to the practical realities of dispute resolution through the Court system, as well as the range of consensual dispute resolution options, including mediation, collaborative law, parenting coordination, arbitration, and mediation-arbitration. Students will also be introduced to skills common to consensual dispute resolution models, such as the identification of interests, the development of options, and the crafting of settlements within that context, with a view to ensuring durability of such settlements. Drawing on the observation of cases in action as well as on the practical experience interest-based dispute resolution skills, students will be invited to reflect on those experiences.

Students will further be invited to use the essay to reflect critically on policy choices in the area of court and consensual family dispute resolution, considering issues including but not limited to: managing issues related to power in the choice and implementation of various dispute resolution methods; how issues of gender inequality are amplified or mitigated by various dispute resolution options; critical reflections on the meaning of "access to justice"; and whether "justice" can be said to be achieved through consensual dispute resolution options, for example. Students may also use the essay requirement to explore policy issues outside of the area of family dispute resolution.

Evaluation: Students are expected to be present for classes, to read the assigned materials, and to participate in class discussions. For the practicum requirement, students will be required to attend class regularly, participate in opportunities for court and consensual dispute resolution observation, participate in exercises aimed at skill development, prepare short reflective papers, make brief presentations of those short papers, and participate in seminars throughout the semester. For the research and writing component, students are required to prepare an essay that examines a policy issue in family law (substantive or process issues are acceptable), identifies issue with current legal principles, explores policy alternatives, and provides a critical assessment in relation to an area of family law. The practicum requirement comprises 35% of the grade and the research essay comprises 65% of the grade. The essay length is 7,000 words and satisfies the Upper Year Research and Writing Requirement.

Feminist Advocacy: Women Charged with Domestic Violence Offences

(6000Z.03 A) *Seminar*

Instructor(s): Professor J. Mosher & J. Birenbaum; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Selection Process: To apply, students should submit their CV and a one page statement of interest to Professor Mosher by Friday, June 26. Students will be contacted to arrange an interview and we hope to have final decisions before the end of July.

Note: Interested students who apply for this program should not include this course in their Lawselect preferences.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Please note that this offering is tentative as we are waiting for a final decision regarding funding. If you are interested in applying, please be in touch with Prof. Mosher at jmosher@osgoode. We hope to have a final decision regarding funding within the next 4-6 weeks and will communicate updated information to all students who have expressed their interest .

IF FUNDING IS APPROVED, over the fall and winter semesters of 2015-16, up to 10 students will be selected to participate in a new clinical pilot project in criminal law. Through a partnership between Osgoode Hall Law School and the Barbra Schlifer Commemorative Clinic, students will spend approximately 10 hours/week throughout the fall and winter semesters working under the supervision of a lawyer and legal support worker at the Schlifer Clinic, providing direct service to clients and engaging in systemic advocacy, public legal education, and research. The direct service component of the program will focus primarily on advocacy and representation of women who are charged criminally with domestic violence offences. Women who experience profound social marginalization will be prioritized for representation and while the focus is on women charged criminally, this representation must be undertaken in a manner fully attentive to the complex intersections with family, child welfare, immigration, and social assistance law. Students will conduct client interviews, liaise with criminal justice system professionals, develop litigation strategies, represent clients at all stages of criminal matters, engage in risk assessment and safety plans, and undertake community outreach activities.

The seminar will meet every other week throughout the academic year. It is designed to deepen students' understanding of domestic violence, the role of the criminal justice system, and feminist law reform and advocacy skills and strategies. It will also interrogate the transformative potential of the law, and the capacity of the law to meet the needs of marginalized communities of people and the goals of equality-seeking groups. To enhance student knowledge and skill development, specific workshops will also be offered at the Schlifer clinic from time-to-time. Students will be assigned to work on one or more research and/or law reform projects. Through a recent consultation with front line service providers, we have identified areas of important research gaps that will frame the research and law reform projects. While the writing may take many forms (a literature review, a law reform brief, a funding application), each student will be expected to prepare a written work of approximately 7000 words. The research and writing requirement will be worth 75% of the overall grade, 15% will be for an in-class presentation, and 10% for participation. The clinical work will be evaluated on a credit/no credit basis. The 9 credits are as follows: LW 6000Z.03A - Fall term and LW 6000Z.06M - Winter.

Evaluation: Through a recent consultation with front line service providers, we have identified areas of important research gaps that will frame the research and law reform projects. While the writing may take many forms (a literature review, a law reform brief, a funding application), each student will be expected to prepare a written work of approximately 7000 words. The research and writing requirement will be worth 75% of the overall grade, 15% will be for an in-class presentation, and 10% for participation. The clinical work will be evaluated on a credit/no credit basis.

Feminist Advocacy: Women Charged with Domestic Violence Offences

(6000Z.06 M) *Seminar*

Instructor(s): Professor J. Mosher & J. Birenbaum; Adjunct Professor

Winter: 6 credits; 2 hours; max. enrollment: 10

Prerequisite Courses: None

Preferred Courses: none

Presentation: Selection Process: To apply, students should submit their CV and a one page statement of interest to Professor Mosher by Friday, June 26. Students will be contacted to arrange an interview and we hope to have final decisions before the end of July.

Note: Interested students who apply for this program should not include this course in their Lawselect preferences.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Please note that this offering is tentative as we are waiting for a final decision regarding funding. If you are interested in applying, please be in touch with Prof. Mosher at jmosher@osgoode. We hope to have a final decision regarding funding within the next 4-6 weeks and will communicate updated information to all students who have expressed their interest .

IF FUNDING IS APPROVED, over the fall and winter semesters of 2015-16, up to 10 students will be selected to participate in a new clinical pilot project in criminal law. Through a partnership between Osgoode Hall Law School and the Barbra Schlifer Commemorative Clinic, students will spend approximately 10 hours/week throughout the fall and winter semesters working under the supervision of a lawyer and legal support worker at the Schlifer Clinic, providing direct service to clients and engaging in systemic advocacy, public legal education, and research. The direct service component of the program will focus primarily on advocacy and representation of women who are charged criminally with domestic violence offences. Women who experience profound social marginalization will be prioritized for representation and while the focus is on women charged criminally, this representation must be undertaken in a manner fully attentive to the complex intersections with family, child welfare, immigration, and social assistance law. Students will conduct client interviews, liaise with criminal justice system professionals, develop litigation strategies, represent clients at all stages of criminal matters, engage in risk assessment and safety plans, and undertake community outreach activities.

The seminar will meet every other week throughout the academic year. It is designed to deepen students' understanding of domestic violence, the role of the criminal justice system, and feminist law reform and advocacy skills and strategies. It will also interrogate the transformative potential of the law, and the capacity of the law to meet the needs of marginalized communities of people and the goals of equality-seeking groups. To enhance student knowledge and skill development, specific workshops will also be offered at the Schlifer clinic from time-to-time. Students will be assigned to work on one or more research and/or law reform projects. Through a recent consultation with front line service providers, we have identified areas of important research gaps that will frame the research and law reform projects. While the writing may take many forms (a literature review, a law reform brief, a funding application), each student will be expected to prepare a written work of approximately 7000 words. The research and writing requirement will be worth 75% of the overall grade, 15% will be for an in-class presentation, and 10% for participation. The clinical work will be evaluated on a credit/no credit basis. The 9 credits are as follows: LW 6000Z.03A - Fall term and LW 6000Z.06M - Winter.

Evaluation: Through a recent consultation with front line service providers, we have identified areas of important research gaps that will frame the research and law reform projects. While the writing may take many forms (a literature review, a law reform brief, a funding application), each student will be expected to prepare a written work of approximately 7000 words. The research and writing requirement will be worth 75% of the overall grade, 15% will be for an in-class presentation, and 10% for participation. The clinical work will be evaluated on a credit/no credit basis.

Forensic Science & the Law

(3690.03 M) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Fundamental Justice and the Charter

(3060.03 M) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: : Discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: One research paper (75%); 1 class presentation, class participation, and class attendance (25%). One-page reflective exercise each at the beginning and end of the seminar to identify learning objectives (beginning) and reflect on their achievement (end).

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): Professor A. Bhatia

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style, guided discussions of assigned readings combined with activities and guest speakers as available/applicable. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Participation: 15% (attending class, doing the readings and watching the films, participating in discussions & activities, leading selected discussions, short paper presentations, and draft & revised paper proposals with outlines & bibliographies).

Research Paper: 85% (5,000 word paper (1st years) or 7,000 word paper (upper years) on an approved topic (word count excludes bibliography & footnotes).

Health Law

(3004.03 A) *Seminar*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will examine selected topics at the interface of law, medicine and bioethics. 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 Canadian Law

(2595.03 M) *Course*

Instructor(s): Professor P. Girard

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The course is aimed at students with a general interest in legal history, and no previous background in history is required.

The goals of the course are three-fold: to introduce the body of scholarship known as legal history, its main concerns and methodology; to provide an overview of some of the main trends in the historical development of Canadian law, including the civil law, the common law, and aboriginal law, though with emphasis on the common law; and to offer a broad perspective on the legal profession, the law, and legal education. As with any historical inquiry, the course looks not just at what happened when, but why it happened and particularly why it happened at the time it did.

The format of the class will be discussion of the assigned readings based in part on questions provided by the students in advance, supplemented by short lectures.

Evaluation: Students must submit a research paper which will count for 80% of the final mark. 10% will be allocated to class participation and 10% to a brief presentation of one's draft paper or research findings.

ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: Final year of ICT Program or two of the following: Globalization and the Law; Public International Law, Conflict of Laws, or Comparative Law. Qualified exchange students and Graduate Program students (candidates for the LLM and PhD) will also have special access to the course. See below under "Preferred" for a second admission path for JD students.

Preferred Courses: The instructor may approve admission of JD students with significant course or other background in topics of ICT law.

Presentation: Seminar discussion; reading directed by reflective questions provided by the instructor; student presentations (in the last classes of term) of papers-in-progress.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is the capstone course for the International, Comparative and Transnational Law (ICT) Program. The goal of the Colloquium is to provide a stimulating culmination for research by students in the ICT Program, as well as a venue in which other JD students with significant background in ICT law can integrate and expand on their knowledge of the different fields of ICT law. Graduate program students (candidates for the LLM and PhD) will also have access to the course, although JD and graduate students will be graded separately.

The Colloquium for Winter 2016 explores how key sectors of our transnational society are constructed through the interaction among various regimes of international, comparative and transnational law. Any particular aspect of contemporary life - such as national security, international finance, or environmental protection - now turns on a mix of state and private action arrayed around a complex mix of laws including domestic and extraterritorial application of domestic public law, private law rules about property and contract, public international law treaties on the environment and trade regulation, transnational private litigation, and voluntary corporate codes and private standards. Not only are the sources of relevant laws found at multiple levels of governance, but the most important sources for constituting social protection in fields like human rights or the environment are often economic laws, and similarly the nature of the transnational economy is significantly the result of regulatory laws such as labour laws, national security laws and human rights treaties. The colloquium examines the synergies and conflicts that exist among these different kinds of ICT instruments and among different fields of ICT law. It will also ask about the kind of political society that emerges, including issues of legitimacy, expertise, participation, contestation and equality.

The 2016 seminar will be organized in three parts.

(1) Several sessions will focus on examples of transnational legal problems that require consideration of a complex mix of ICT law, such as (a) the political, economic and legal struggles surrounding the oil operations of Texaco and Chevron in Ecuador, most recently the subject of an appeal to the Supreme Court of Canada; (b) the regulation of financial derivatives in the period leading up to and after the financial crisis of 2008; (c) information and privacy issues, such as the role of WikiLeaks, surrounding government surveillance in national security campaigns against transnational terrorism; and (d) labour conditions in the global supply chains for companies such as Apple, Nike and Volkswagen.

(2) Several sessions will explore theoretical approaches that offer insights about the overall character and complexities of ICT law, including (a) legal pluralism; (b) global justice; (c) global administrative law; (d) new institutional economics; and (e) global value chain analysis.

(3) The remaining sessions will be organized around students presenting the outlines of their papers-in-progress and receiving feedback from colleagues in the seminar.

As a capstone course, the seminar is heavily oriented to interaction among, and participation of, the seminar participants. In Winter 2016, the colloquium will also involve participation of various Osgoode faculty with expertise in ICT subjects, as well as visiting academics from other institutions.

Although the seminar will focus on particular examples and theories, in Winter 2016 emphasizing economy and social justice, participants can choose to write their research paper on any topic of ICT law. To assist in the production of a serious research paper, deadlines are set in the course for students to receive feedback on and approval of the direction in which they plan to take their research. Within approximately four weeks, each student must submit a 100-250 word description of her or his current thinking on a paper topic and focus. A substantial outline, in the form of a fairly detailed table of contents, is then expected two-thirds of the way through the course. A topic and focus may be changed as reflection deepens, subject to approval of the instructor.

Evaluation: Attendance (10%); participation (10%); final research paper of 7000 words (not including footnotes or bibliography) (80%). Paper description, outline and presentation are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.

Immigration Law

(4270.04 A) *Course*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

A consideration of global, demographic, historical, constitutional and policy considerations in the development of Canadian immigration law will set the stage for an examination of the Immigration and Refugee Protection Act 2001 (which entered into force in 2002), as amended; the Immigration and Refugee Protection Regulations; as well as the emergent Immigration regime. The overarching questions that the course will address include: who may be allowed to enter Canada? Under what conditions? Who can be excluded from Canada, and under what conditions? Who makes these vital decisions? How are these decisions made? What are the problems with the present legal regime relating to immigration? To what extent have social, political and economic forces and attitudes affected the character and interpretation of Canadian immigration law? Following an examination of the family class, the point system is examined as part a consideration of the skilled worker and business immigrant categories. The "express entry" system for the economic classes, introduced in 2015, will also be considered. Inland processing, temporary resident statuses, detention, and the inadmissibility determination and enforcement processes may all be canvassed, as is the role of compassionate or humanitarian considerations. Grounds for inadmissibility and removal, and appeals/judicial reviews will also be addressed. Charter implications are considered throughout the course. So are the ways in which international human rights norms and international trade agreements frame and shape Canadian Immigration Law.

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

Indigenous Peoples & the Law

(3390.03 M) *Seminar*

Instructor(s): Professor S. Imai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, Discussion, Problem solving, videos. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The seminar is also called "Protests, Occupations and Blockades". This is NOT an introductory survey course on Aboriginal rights. Rather, it will be focused on conflicts between Canadian mining and specific Indigenous communities in Canada and Latin America. Students will select a specific conflict at the beginning of the course and write a paper on that conflict, suggesting a course of action for the Indigenous community. Students taking this course should be comfortable with the perspective that protests, blockades and occupations are legitimate forms of free expression, and, sometimes, the only form of effective expression open to these communities. The final class will be a blockade simulation based on a real case.

We will look at the use of law and media to address human rights abuses, including assertion of rights in Canadian courts, the use of international fora, the use of corporate social responsibility standards and the use of corporate law instruments. We will use a combination of Aboriginal law, international law, constitutional law, contracts, torts and business law. You are not expected to have prior knowledge in any of these areas. The role of the lawyer will be analyzed using a community lawyering model. Students will learn how to do basic research on a publicly traded corporation including how to search on SEDAR and analyze basic financial information.

On the Friday after the end of the first year Ethical Lawyering course (Friday January 15), we will try to organize an all day field trip to the Six Nations reserve for those who can attend.

There is space reserved for 4 upper year students.

Evaluation: Upper year students will write a 7000 word paper, which will fulfill the upper year writing requirement. First year students will write a 6000 word paper. The paper will be worth 75% of the mark, with marks for class participation (10%) and for an outline (15%).

The course is approved for fulfilling the practicum requirement.

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

Individual Employment Relationship

(2550.04 A) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture/Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: The default form of evaluation is a 100 % final examination. Students may opt for an additional form of evaluation worth up to 75% of the final grade. The value of the additional form of evaluation will be determined based on the length and complexity of the additional work and must be approved in advance by the instructor.

Insurance Law

(2280.04 A) *Course*

Instructor(s): J. Campisi, Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 30

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

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

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

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

Intellectual Property

(2970.03 M) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

The learning objectives of the course are as follows:

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

Evaluation: 100% open book exam.

Intellectual Property Theory

(5430.03 A) *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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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 A) *Seminar*

Instructor(s): Professor J. Davis

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, skills-development exercises

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: The grade is determined on the basis of a single research paper satisfying the Upper Year Writing Requirement, that is, 7,000 words in length, excluding notes, bibliography and appendices. The paper 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. The paper must also, as part of its argument, persuade the reader that the literature, research sources, and methodologies applicable to research on the topic have been thoroughly reviewed and considered. Along with the research paper, students are encouraged to submit additional comments which reflect upon the paper, and explain the choices made in the process of writing it. Although these additional reflective comments will not be graded, they will be taken into account in the grading of the research paper. There will, in addition, 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 research paper.

International Business Transactions

(2890.03 A) *Course*

Instructor(s): M. Martyn; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course examines the legal structure of business transactions that cross national boundaries. It reviews the nature of transnational commercial law and the concept of the *lex Mercatoria*. The course also deals with the Convention on the International Sale of Goods, International Transportation of Goods (Bills of Lading), International Finance (Letters of Credit), International Insurance, International Cross-Border Relationships (e.g., Licensing issues), and the theory of Corporate Social Responsibility exemplified in the mining industry.

The course also deals with the importance of international commercial arbitration in the development of transnational commercial law and the practical implications arising from its role as the primary dispute settlement mechanism for international business transactions. This course intersects with international business regulation and the World Trade Organization as border measures that form one element of an international business transaction.

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

International Criminal Law

(2440.04 A) *Course*

Instructor(s): K, Davis; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, simulations, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

International Dispute Resolution: Advocacy in the International Criminal Court

(3007C.03 A) *Seminar*

Instructor(s): L. Adler; Adjunct Professor

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

Prerequisite Courses: None

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

Presentation: Moot presentations, discussions,

Upper Year Research & Writing Requirement: No

Practicum: No

The focus of this advanced seminar is two-fold:

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

Following introductory sessions providing background on the relevant principles and concepts of international criminal law, particularly the Statute of Rome and the Rules and Regulations of the ICC, students will prepare and present written and oral submissions on the various issues arising in the case set for the International Criminal Court Moot to be held in New York and The Hague in March and April of 2014. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for the ICC Moot will be selected during the term, based on the quality of the written and oral presentations throughout the term. In the years in which Osgoode has participated in the ICC Moot, we have excelled in the Competition, which brings together schools from around the world, either winning or placing in the top three for five of those years, as well as winning individual awards. The greatest achievement, though, has been the strong representation of the best of Osgoode's collegiality and team spirit, all of which are fostered in the seminar!

Evaluation: In-term written assignments including a draft factum.

International Environmental Law: Protection of the Global Environment

(4880.03 M) *Course*

Instructor(s): Professor D. Scott

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 75% research paper and 25% class participation OR 3 "reaction papers" of 25% each and 25% class participation.

International Human Rights Law

(3440.04 A) *Seminar*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

In this seminar, we will attempt to understand the ever increasing, but constantly contested, role of international law (as well as other modes of regulation and other forms of normativity) in the promotion and protection of human and peoples' rights the world over, a world that was recently referred to as "our global neighbourhood" by the Commission on Global Governance. The seminar will proceed in three broad movements.

In the first segment, we will grapple with the histories and policies that are relevant to the international legal protection of human and peoples' rights. We will seek to locate, engage, and understand the underlying economic, socio-cultural and political forces that shaped, and continue to shape, both international human rights law and the world in which it operates. In pursuit of these objectives, we will, inter alia, consider the following facts/circumstances and reflect upon the following questions: we live in a world that is at once deeply multicultural and patently unequal, a world that is divided inter alia by race, gender, culture, and class-given these particularities, can the "international" (which claims universality) accommodate the "local" (which is particular)? Indeed, why (and to what extent) is the "international" an important element in the protection of human and peoples' rights? How (and to what extent) is "law" relevant to the international protection of human rights - why do we not just resort to politics? A broad-based set of literature will be examined including African, Asian, Islamic, European, and Inter-American perspectives.

In the second segment, we will examine the various global-level and regional-level international normative texts (e.g. treaties), processes, and institutions that have been established to advance the cause of the international protection of human and peoples' rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples' rights.

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

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

International Investment Law

(3100.03 M) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar examines current developments in international investment law and investment arbitration. It may be of interest to students interested in public international law, international arbitration, business law and regulation, or law and development.

The main legal topic is the public international law, and to a lesser extent domestic law and policy, governing the regulatory relationship between states and foreign investors. Special attention is paid to investment treaties including bilateral agreements and regional agreements (e.g. NAFTA). The seminar also examines the burgeoning body of arbitration awards pursuant to investment treaties as well as relevant domestic court decisions.

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

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

International Taxation

(4150.04 M) *Course*

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

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

Prerequisite Courses: Taxation Law

Preferred Courses: Advanced Corporate Tax, Taxation of Business Associations, Tax Policy as Instrument

Presentation: Lecture, discussions, problems, case studies,

Upper Year Research & Writing Requirement: No

Practicum: Yes

This Practicum course is co-taught with Mr. John Tobin, one of the leading tax lawyers. It covers one of the most dynamic and fascinating areas of tax law - taxation of cross-border transactions:

- The increasing globalisation and digitisation of the Canadian economy challenges the rules and policies designed for the industrial age. The only constant is “change”.
- The international tax rules in the Income Tax Act, which are supplemented by bilateral tax treaties, reflect the “compromises” between Canada and other countries in taxing cross-border income. Canada Revenue Agency not only deals with the taxpayers, but also its counterpart in other countries in order to prevent double taxation or double non-taxation.
- These fascinating and complex rules adhere to a fundamental paradigm that is found in the tax laws of other countries. In other words, once you learn the Canadian rules, you will have a good sense about the rules in other countries.

Objectives of this course include:

- to help students learn some fundamental knowledge and skills to prepare them for a legal career in tax or other fields;
- to learn to combine theories, policies and practical problems in thinking through tax problems; and
- to enable students to learn how to learn.

After an overview of the international tax paradigm, this course covers tax treaties, taxation of inbound transactions, outbound transactions, transfer pricing, and international tax planning and administration.

This course might be one of the most “practical” courses at the law school. It teaches students:

- how to make a brief presentation,
- how to write a legal memo,
- how to take a position on issues and use law, evidence and reasoning to defend the position;
- how to be an effective advocate.

A detailed Syllabus will be provided to guide students’ learning. Each segment of the course will contain practical problems to anchor the studying of the technical rules and related policies.

Evaluation: a) 15%: class participation (including attendance, presentations and participation);

b) 20%: “The Envelope” exercise which simulates a “memo” assignment for articling students or junior associates in a law firm.

c) 65%: (i) 24-hour take-home exam on any day chosen by the student during the Exam Period, or (ii) a research paper of 6,000 words, excluding footnotes and bibliography.

The option paper requires Professor Li's approval. Students opting for the paper are expected to present their research (up to 10 minutes per student) in class and attend no less than 90% of the classes in order to satisfy the Praxium requirement. Suggested topics are available on the course website.

Investor Protection

(5410.04 M) *Seminar*

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

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

Prerequisite Courses: Business Associations and Securities Regulation

Preferred Courses: None

Presentation: Seminar, discussion, presentations

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

Joint JD/MBA Seminar

(3820.03 M) *Seminar*

Instructor(s): Professor E. Waitzer

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

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: None

Presentation: Discussion. *NOTE: This seminar is mandatory for students in their last year of the Joint JD/MBA program.

Upper Year Research & Writing Requirement: No

Practicum: No

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. In order to achieve this objective we will canvass a broad range of topics from both perspectives, and interact with senior business/leaders (including several on-site visits).

Topics explored in this seminar may include investment strategies and policies, valuation methodologies, capital markets and regulation, deal-making and other strategic issues at the intersection of law and business.

Evaluation: Some combination of students presentation, research paper and class participation. The allocation of grades to each component will be determined by the class at the outset of the term.

Judgment & Decision Making

(5650.03 M) *Seminar*

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

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

Prerequisite Courses: Evidence

Preferred Courses: undergraduate social science course

Presentation: Seminar/discussion/featured speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

This upper year seminar on “Judgment and Decision-Making” explores the principles of human perception, judgment and decision-making that underpin the legal system. Students will learn about the heuristics and shortcuts that people use to arrive at judgments and decisions, and the possible biasing effects on lawyers, juries, eye-witnesses, and judges. The course challenges students to discover best approaches to advocacy, when voluminous information must be presented to triers of fact. It highlights creative opportunities for evidence, in any matter of law that depends on what members of the relevant population think, believe, or intend to do. The required research paper permits students to apply the course content to an area of law which holds special interest for them. Class size is kept to a maximum of 20 in order to maintain high quality of in-class discussion and analysis. Interested students are encouraged to register early for this popular course.

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

Jurisprudence

(2720.03 M) *Course*

Instructor(s): Professor F. Tanguay-Renaud

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, class presentations, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar offers a critical introduction to some leading themes in contemporary analytic jurisprudence, and associated areas of political and moral theory. Its approach is philosophical, not historical or sociological. Problems that may be considered include: theories of the nature of law and legal systems; whether there is an obligation to obey the law; the rule of law; emergencies and law; human rights; the relationships between law and power, law and justice, law and equality, and law and individual liberty; as well as the philosophical foundations of various aspect of public, private, criminal, and international legal doctrine. The syllabus will also make room for leading legal philosophers who may come present their work in progress.

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

Labour and Employment Law and Policy Colloquium

(5550.03 M) *Seminar*

Instructor(s): B. Curran; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Class discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. This will include focusing on identifying and assessing the underlying goals of labour and employment law, evaluating whether the existing law meets these objectives, and considering alternatives for reform. Attention will be given to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant workers), changes in production, and the problems experienced by young workers. The implications of these and other trends for minimum labour standards, collective bargaining and the common law contract of employment will be considered. The role of constitutional and international law may also be considered. Topics will vary depending on the instructor's and the students' research interests.

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

Labour Arbitration

(5070.03 M) *Seminar*

Instructor(s): S. Blackstone, Adjunct Professor

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

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

Preferred Courses: Collective Bargaining Law

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

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Labour & Employment Law

(2315.04 A) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The purpose of the course is to provide students with a foundation for engagement with labour and employment law. It will give students an overview and working knowledge of Canadian labour and employment law, including the common law individual contract of employment, minimum standards legislation and regulations, and collective bargaining law. The 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 legal 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 the instructor and student and will be based on the length and complexity of the project. 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 M) *Seminar*

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

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

Prerequisite Courses: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Law and Economics

(2560.03 M) *Course*

Instructor(s): Professor S. Daum Shanks

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The first two meetings will be lecture presentations by the professor. After those sessions, meetings will run similarly to a seminar, with the professor leading a general discussion about the assigned readings for that specific meeting. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Students will write a synopsis of one article from the class readings and a short summary of a concept that is part of Law and Economics subfield (together worth 25%), and a final paper worth 75%. For upper year students, word count is 7,000 words, excluding footnotes and bibliography. For first year students, word count will be discussed further in class.

Law & Psychiatry

(3240.03 M) *Seminar*

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

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

Prerequisite Courses: Criminal Law

Preferred Courses: None

Presentation: Discussion and Student Presentations

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: Major paper (60%), 3-5 page reflective piece (20%), class presentation on one assigned reading (10%), and class attendance/participation (10%). The major paper cannot be used to satisfy the Upper Year Writing Requirement.

Law & Social Change: Community Action Across Borders

(2750M.03 A) *Course*

Instructor(s): D. Thorne; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The law is increasingly being recognized and 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 and to consider the realities of this role in practice. It offers students the opportunity for skills training, hands-on experience, structured reflection and peer collaboration. It merges theory, doctrine and practice in a dynamic, comprehensive and multi-disciplinary setting.

The course works in tandem with the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the developing world. Since 2006, Osgoode students have undertaken summer fellowships in places such as Uganda, the Philippines, India, Kosovo, Sierra Leone and South Africa.

The weekly fall seminar focuses on writing a term paper incorporating research, findings and reflections based on student summer experience abroad, and presenting works in progress to their classmates. Occasionally, role play exercises may also be utilized in the course of the classes. Papers are due at the end of the term.

Evaluation: Research/reflective paper (60%) 7000 words (not including footnotes or bibliography); Presentation (20%); Participation (20%).

Law & Social Change: Critical Race Theory

(2750X.03 M) *Course*

Instructor(s): N. Simms; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 22, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

What steps should be taken to establish a more equitable society? In addition, what are the assumptions, beliefs, and practices that undermine fair treatment in a society and marginalize particular groups? Critical Race Theory (CRT) provide a framework for identifying, articulating, and proposing solutions to inequity within a society. Two of the defining features of CRTs are as follows:

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

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

Evaluation: Research paper - 7000 words (75% of final grade)

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

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

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

35% - Final paper

75% -Subtotal

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

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

10% -Small group work

Total 100%

Law & Social Change: Law & Development

(2750H.03 A) *Course*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Some countries, known as “developed countries”, provide their residents with relatively safe, healthy, and prosperous life. Other countries, “developing countries”, appear stuck in a seemingly inescapable trap of poverty, violence, corruption and instability. What is it that the developed countries managed to achieve and which eludes developing countries? And what, if anything, do legal institutions have to do with this? In the course we will explore these questions. We will begin with a critical examining of the role of global institutions such as the World Bank and the World Trade Organization in providing aid to developing countries. We will then consider the role of the rule of law, legal culture, protected constitutional rights, and democratic institutions in helping countries join the ranks of developing countries. The aim of the course is to help students see the role(s) law plays in the modern state.

Evaluation: Term paper: 90% (7,000 words (excluding biblio/footnotes)); Participation: 10%

Law & Social Change: Policing

(2750B.03 M) *Course*

Instructor(s): Professor M. Beare

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar /Lecture and discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will look at the institution of policing from an organizational, operational, and legal perspective. The course will examine issues concerning police conduct and misconduct as a means of illuminating broader questions about the relationship(s) between law, law enforcement, and social change. We will use recent policing related Inquiries/Royal Commissions as a resource to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/ legislation/ and the wider legal process, and consider some of the current theories around police training, recruitment, discretion, and police culture. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability, in order to consider the efficiency of legal tools to effect social change. The final section of this course will focus on the policing of transnational crime, national security, and international issues that impact on domestic policing. Class participation is required.

Evaluation: 75% for a 7,000 word research paper -- evaluation divided between a detailed outline and annotated preliminary bibliography and the final submitted research paper. Word count excludes foot/end notes and bibliography.

25% for an assigned book review and participation including brief class presentations.

Lawyer as Negotiator

(3960.04 A) *Seminar*

Instructor(s): M. SImmons; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups, with experienced negotiators as coaches and faculty. Students will receive a letter grade.

Upper Year Research & Writing Requirement: No

Practicum: Yes

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through negotiation and mediation. Lawyer as Negotiation is designed to familiarize students with contemporary negotiation theory and practice and specifically how theory informs the development of effective and strategic negotiations. Students will participate in weekly lectures and seminar discussions and simulations, that will introduce and critique theory and practice of representative negotiation. Students are expected to prepare plans for their weekly negotiations as well as in two graded negotiations held at the end of the semester. Students will be coached and receive critiques from experienced negotiators and are encouraged to reflect on and discuss their weekly negotiations in a small working group of either 14 or 16.

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

Evaluation: Students will receive a final letter grade based on their two final negotiations (40%); their midterm plan (5%) and final plans (10%); a short reflective paper that applies contemporary negotiation theory (25%); and class participation including their negotiation reflections (20%).

Law, Gender, Equality

(3039.03 M) *Seminar*

Instructor(s): J. Birenbaum; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar will consider developments in law and social policy which engage gender equality or have gendered effects. We will look at the role played by law in women's systemized inequality and the uses and limits of law to effect social change for women. Topics include the law's role in and response to violence against Indigenous women, developments in sexual assault law including consent and criminal prosecution of HIV non-disclosure, tensions or perceived tensions in reconciling freedom of religion and women's equality, and the gap between equality-promoting legislative reforms and women's lived experiences with a focus, depending on the readings for the week, on reproductive rights, family law, sexual assault law and inequality in the workplace. Most weeks will involve reading a case (or edited version of a case) and published articles from a legal or sociological perspective. It is anticipated that approximately half of the classes will include distinguished guest speakers who will share their experiences and expertise on the topic assigned for that class.

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

Legal Drafting

(2140.03 A) *Course*

Instructor(s): S. Benda; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 35

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion, some workshop

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on the language, structure, elements, appearance and organization of documents that create and support legal relationships such as a formal contract.

Students first learn the common formats of legal agreements, e.g. formal contracts, MOUs, term sheets.

Secondly students then learn the architecture, and appearance of a contract.

Thirdly key elements / components and grammar pertinent to a contract are reviewed.

Finally students analyze, review and discuss legal documents in the areas of corporate/commercial law, intellectual property law and other substantive law areas.

The seminars include comments on risk management, revising legal documents, software, business realties and selecting and adapting precedents.

There is one guest lecture on drafting in a litigation context, and a closing lecture with a panel of judges and senior counsel. (The last class is held in downtown Toronto.)

The overall emphasis is on modern legal drafting conventions and techniques.

There are three assessments: class participation / presentation on a particular type of contract, e.g. shareholder agreement; mid-term assignment and final assignment.

Both assignments are drafting challenges. The first assignment deals with key paragraphs or concepts, the second assignment has a complete contract. There are page or word limits to each assignment, typically 10 pages maximum length.

Evaluation: Presentation / participation 20%; Assignment one 40% and assignment two 40%. Both assignments are take home with a week to complete.

Legal Drafting

(2140.03 M) *Course*

Instructor(s): A. Kindbom; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 35

Prerequisite Courses: Contracts

Preferred Courses: Business Associations

Presentation: Lecture and discussion format; in-class exercises

Upper Year Research & Writing Requirement: No

Practicum: Yes

To be successful in legal practice, lawyers need to be persuasive and skilled advocates for their clients, particularly through the written word. In particular, the ability to draft a wide range of commercial documentation effectively and clearly is a critical skill for commercial/corporate lawyers. This course will focus on commercial legal drafting in the transactional and deal-making context. Students will explore different commercial documents and agreements required for commercial practice and transactions. Specifically, the class will analyze, review and prepare documents such as letters of intent, memoranda of understanding agreements of purchase and sale, ancillary agreements and documentation, including communications with clients and opposing lawyers. The course content will involve a reflective component to satisfy the practicum requirement.

The goal of the course is to give students an understanding of how commercial documentation is structured, negotiated and drafted and to provide the students, through in-class discussions and experiential learning exercises, with fundamental drafting tools necessary to be successful in commercial law practice.

Evaluation: - Attendance and in-class reflective component: 10%.

- In-class (closed book) assignment: 15%.

- Two (2) take-home (open book) assignments involving the drafting of: a (i) memorandum of understanding, letter of intent or other pre-deal document (25%); and (ii) material transaction agreement (50%).

Legal Governance of Health Care

(2404.04 M) *Course*

Instructor(s): Professor J. Gilmour

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, in-class problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course will focus on the legal frameworks (statutory and common law) governing health care delivery, as well as underlying ethical issues. 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 other health facilities, and an introduction to public health law. As part of these broad topics, students will also examine underlying ethical principles, substitute decision-making, privacy of health information, and discrimination in the provision of health services. The course will include consideration of the effect that underlying paradigms (for instance, relative to health, disability, and the role of health care providers) may have had in shaping political and legal responses.

Evaluation: 100% final exam, or 50% final exam and 50% essay (20 pages).

Legal Information Technology

(2860.03 M) *Course*

Instructor(s): M. Goyal, N. Aylwin & D. Thompson; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures led by the instructors, some delivered remotely, in-class workshops and frequent use of computers & video. Each lecture session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: Yes

The legal markets of numerous countries are entering a period of intense change in which traditional job roles and organizational structures are at risk. In addition to market liberalization and outsourcing, some of the most profound changes involve the introduction of information technology to augment (and even disrupt) legal service delivery. At the same time, access to justice problems are widely recognized to be at a crisis level. Courts, lawyers and governments are beginning to consider the potential of technology to make legal and justice services more widely available to the public.

The goal of this course is to introduce students to the legal marketplace of the future, and to empower them to participate in or lead the transformation of legal service delivery. It does NOT require a technical background.

The course will emphasize the value of information technology from a design (rather than from a technical) standpoint. A major component involves instruction on how to build and deliver new forms of legal practice that provide better results for clients, improve accessibility, enhance productivity and democratize the practice of law.

Learning methods will include experimentation with information communication technologies. Some content will be delivered asynchronously. Some lectures may be delivered remotely, and attended from the place of a student's choice. One or more intensive workshops may also be included to convey a realistic design experience. Students may also be required to participate in hands-on learning workshops, which will be during class.

The theoretical portion of the course covers a variety of topics, including critical analyses of legal information technologies. Students are encouraged to draw their own conclusions regarding current topics such as the potential for automation to either support or replace lawyers or for the potential for technologies to facilitate access to justice.

The practical portion of the course provides hands-on experience with legal technologies (e.g., online dispute resolution, automated document assembly). One or more individual writing assignments will also be required.

The course culminates in a final project and presentation: a chance for students to utilize basic application design and project management methods through the design of their own law or justice applications. The application design is a group project that will require you to work with other classmates. Each group will conceptualize and describe its own novel legal application. Examples from Spring 2015 can be viewed at <http://goo.gl/71auF9>.

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

Legal Values: Commercializing IP

(3591M.03 M) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

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

Evaluation: (a) 15% class participation and short oral presentation;

(b) 10% 500 word blog on a topic of your choice that may be published; and

(c) 75% research paper on a topic subject to the instructor's approval.

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

Legal Values: Current Issues in Reproduction & the Law

(3591R.03 A) *Seminar*

Instructor(s): S. Cohen; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Family Law

Presentation:

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

1. seminar attendance and engagement (10%);
2. two critical reflections and presentations on readings (25%);
3. paper outline and presentation (10%);
4. paper outline feedback (5%); and
5. your term paper (50%)

Legal Values: Governance of the International Financial System

(3590R.03 M) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Legal Values: Jurisdictional Immunities of States & State Officials

(3591T.03 A) *Seminar*

Instructor(s): U. Owie; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

The notion of the immunity of States, State officials and property originated at a time when States were recognized as the only subjects of the international legal order and the direct protection of the individual had not yet materialized into the realm of international law. Traditionally, States were seen as the protectors and enforcers of the individual rights of citizens and so could espouse claims on their behalf on the international plane. However, post-1945 with the emergence of a branch of international law dedicated to human rights; and within the field of human rights and more recently, international criminal law, the perception of the individual has undergone considerable advancement. The development of international human rights and international criminal law as distinct areas within the broad framework of public international law has impelled the discourse on jurisdictional immunities of States and State officials.

Like the concept of human rights, the concept of jurisdictional immunities of States and State officials has also undergone progressive developments since the middle of the past century. Therefore, while human rights became the focus for more concerted international legal protection, there has been a qualified approach to the hitherto absolute nature of the immunities of States and State officials.

Conventional obligations undertaken by states, at least since the 1980s, have implicated the question whether States and State officials are entitled to immunity in the face of these conventional obligations, as highlighted by the Pinochet case before the United Kingdom House of Lords. Furthermore, the practice of the United Nations Security Council of using international criminal proceedings under their peace and security mandate by the creation of *ad hoc* international criminal tribunals, in the 1990s, and the referral of situations in Darfur and Libya to the International Criminal Court as well as the pro-democratic uprising in the Arab states have sustained interest in this area of law.

This course will, *inter alia*, interrogate the theoretical foundations of a system of immunities and will consider the types of immunities of States and their officials as well as the extent to which these immunities apply in national and international courts.

Evaluation: Presentation is 20%, Long essay 7000 words is 80%

Legal Values: Law & Literature

(3590V.03 A) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, writing exercises, and student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) A paper worth 75% of the final mark. Students will determine their own paper topics in consultation with the instructor.

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

Legal Values: Law, Ethics & Social Media

(3590C.03 M) *Seminar*

Instructor(s): P. Jenkins; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: This seminar will be based on a combination of lectures and student-led discussions of the assigned materials, which will include readings and multi-media sources. A Facebook group (with the highest available privacy settings) will be created for the students to continue the discussions between classes. The seminar will be taught over ten classes in an eleven week period, beginning January 21, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Legal Values: Legal Ethics

(3590N.03 A) *Seminar*

Instructor(s): M. Mercer; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

2. The course is also designed to provide students with an opportunity to focus on identifying a particularly noteworthy ethical or professional issue and presenting the issue both in a team-based class setting and through a research paper.

Evaluation: There are three components to the evaluation:

1. Class participation, worth 10% of the overall course grade.
2. Group presentation on an ethical or professional issue, worth 20% of the overall course grade.
3. An independent research paper of 7000 words (not including footnotes or bibliography) worth 70% of the overall course grade. A late submission penalty of 10% (i.e. 10 marks out of the total 70 marks) per day or partial day of late submission will apply.

Legal Values: Legal Ethics

(3590N.03 M) *Seminar*

Instructor(s): Justice S. Goudge & R. Devins; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

2. The course is also designed to provide students with an opportunity to focus on identifying a particularly noteworthy ethical or professional issue and presenting the issue both in a team-based class setting and through a research paper.

Evaluation: 1. Class participation, worth 10% of the overall course grade.

2. Group presentation on an ethical or professional issue, worth 20% of the overall course grade.

3. An independent research paper of 7000 words (including footnotes) worth 70% of the overall course grade.

Legal Values: Race and Gender in Corporate Law and Governance

(3591A.03 A) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar-style discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar explores the intersections of race and gender with corporate law, governance, and theory. The confluence of these fields, to date, has garnered little attention. Traditionally, the disciplines have lived in remote houses and have had few occasions to speak to one another. And yet, 30 years ago two feminist scholars 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 noted by a leading scholar of racial justice, “[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, topics such as the following will be considered:

- (i) race and gender in the corporate law curriculum;
- (ii) feminist engagement with corporate law doctrine and theory;
- (iii) critical race engagement with law and economics and corporate law theory;
- (iv) corporate board composition and the implications of homogenous boards for organizational performance and social justice;
- (v) legal reform strategies aimed at addressing corporate board homogeneity;
- (vi) the use of corporate law tools to address gender and race issues; and
- (vii) transnational shareholder activity and the implications for indigenous communities.

The course materials are drawn from a variety of sources, including: documentary film, academic journals, articles in the popular and business press, governing documents for voluntary corporate initiatives, shareholder proposals, international legislative provisions, judicial decisions, and civil society reports.

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: Research paper (70%); In-class presentations/participation (30%); Class attendance is mandatory.

Legal Values: Real Estate Finance

(3591N.03 A) *Seminar*

Instructor(s): C. Carter; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Discussion, Lectures

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: Participation (20%) and 7000 word research paper (80%).

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

(3591E.03 M) *Seminar*

Instructor(s): S. Peari, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Notwithstanding this grand objective, violent conflicts including civil wars, wars for democracy, and liberation struggles, amongst many others, have ravaged global peace. The Security Council of the UN is often paralyzed by political gridlock. In addition, the collective action envisioned by the founders of the UN has often yielded to geopolitical and sectional forces. The result is that the UN seems to struggle with maintaining international peace and security. This course interrogates the structure and processes by which the UN grapples with the task of maintaining international peace and security, especially, in the age of state failure and state-building.

Evaluation: 1. Attendance - 20%

2. Essay - 7,000 - 7,500 words - 80%.

Legal Values: Theory & Practice of Human Rights

(3591S.03 P) *Seminar*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar Format: lecture, discussion of the material, and student presentation. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) Class participation based on attendance and quality of contributions and in-class presentation 25%;

2) Research paper 75% - 5000 words for first year students and 7000 words for upper year students.

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03 M) *Seminar*

Instructor(s): M. Simmons; Visiting Professor

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

Prerequisite Courses: Students must be in their final year

Preferred Courses: None

Presentation: Student presentations and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is the capstone course for the LDA Stream. It provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop and refine a major research paper on a scholarly project commenced in a previous seminar or course. The seminar proceeds in three phases.

First, students identify the research they wish to develop in the seminar, and they consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on one other proposal.

Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument.

Third, as the papers progress through initial drafts, the students participate in intensive editing workshops to provide them with techniques for improving the quality of their writing.

Evaluation: The evaluation in the course is a major research paper (7,000 words), class presentations and oral and written commentary on another paper. Full attendance and participation is also considered as part of the evaluation scheme.

Litigator's Guide to Debtor/Creditor Law

(2250.03 A) *Course*

Instructor(s): M. Hartman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture format.

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 100% open book examination, or alternatively a 75% open book examination and 25% research paper with the research paper option election to be made on or before October 16, 2015 on an approved topic.

Municipal Law

(2305.03 M) Course

Instructor(s): J. Mascarin; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

(3008.03 A) *Seminar*

Instructor(s): R. Atkey; Adjunct Professor

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

Prerequisite Courses: Canadian Constitutional Law and Criminal Law

Preferred Courses: administrative law, international law, policing, human rights courses

Presentation: seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar examines the place of national security in Canadian society, focusing on institutional structures, relevant legislation and accountability mechanisms. Students will examine have a close look at national security objectives involved in preventing threats to the security of Canada (terrorism, espionage, immigrant infiltration, political emergencies, natural disasters, public safety and health), and review national security tools and techniques (secrecy, surveillance, intelligence sharing, communication interceptions, disruption, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.). Of great importance to this exercise is the Canadian Charter of Rights and Freedoms. Human rights protections are considered in a domestic and international context.

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

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

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

(c) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Access and Privacy Acts, Canada Evidence Act, Security of Information Act, Bill C-51 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, disruption, 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 security intelligence community.

Two themes relevant to 21st century Canada will dominate: accountability and the rule of law.

Evaluation: Research paper of 7000 words (excluding footnotes or endnotes, bibliography and appendices) on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). This will satisfy the Upper Year Research and Writing Requirement(UYRWR). Papers must be submitted by the date specified by the law school for all fall seminars (usually the beginning of the exam period). Papers will be evaluated as 60% of a student's final mark. The remaining 40% will be assigned by the instructor based on a beginning class

presentation(10%) and general participation(30%).

Native Rights

(2110.04 A) *Course*

Instructor(s): Professor A. Boisselle

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a critical survey of Canadian law relating to Indigenous peoples. Topics will include, as time allows: 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 other advanced seminars on Indigenous rights.

Evaluation: Open book exam worth 50% of final grade. Short paper (4000 words) worth 50% of final grade.

Patents

(2330.03 A) *Course*

Instructor(s): D. Cameron; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Patents and trade secrets protect technological ideas and can be a tech company's most valuable asset (eg. Nortel's portfolio sold for billions). The course will provide students with an understanding of Canadian patent and trade secrets law and practice as well as an appreciation of some of the differences between Canadian, U.K. and American law.

The course proceeds through:

- Learning the 3 prerequisites for trade secret protection and how to protect them physically and legally.
- Identify the parts of a patent.
- Determining whether subject matter falls into the categories of patentable subject matter.
- Understand the patent application process and be able to develop a filing strategy, both nationally and internationally
- Construe patent claims (Canadian and America approaches)
- Determine whether a claim is infringed, on the facts and jurisdictionally.
- Anticipation: recognize when an invention is disclosed and enabled.
- Obviousness: use the Windsurfing approach and understanding indicia of inventiveness.
- Understand Utility , showing that it works or making a sound prediction of utility and sufficiency of disclosure.
- Understand the Patent Medicine Notice of Compliance (PM(NOC)) policies, procedures and outcomes.
- Learn trial procedure, and best methods to prove or defend a patent or trade secrets case.
- Understand key points for licensing technology and monetizing patents.

Evaluation: Open-book examination (100%).

In the alternative, a student may opt to write a 5,500 word research paper for 50% of the grade to be arranged with the class instructor.

Pension Law

(5240.03 A) *Seminar*

Instructor(s): A. Mak, G.Gibbins & N.Sela; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Guest lectures, discussions, presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Adequacy of retirement savings has become an increasingly important topic for governments and policy-makers around the world. In Canada, the ongoing debate has resulted in a wide variety of reforms and innovation in our retirement income system including target benefit plans, pooled registered pension plans and the proposed Ontario Retirement Pension Plan. These developments have generated fundamental legal questions and challenges, based both in legislation and at common law, that did not exist a decade ago. Due to the increasing importance of retirement savings to the welfare of individuals and society as a whole, the importance of pension law continues to grow.

In this seminar we will cover the fundamental principles of pension law. We will also address the underlying economic and social policies that have shaped the law in the past and which are creating the foundation for future innovation. Through discussion, we will explore the important relationship between pension law and other areas of the law including tax, trusts and estates, corporate governance, privacy, electronic commerce, bankruptcy and family law.

Taught by lawyers who work for one of Canada's largest pension plans, this seminar will take both a practical and theoretical approach. Students will have the opportunity to build a fundamental base in pension law and engage in the important public policy debate surrounding pensions that will impact generations to come.

Evaluation: 20% class participation and short presentation; 80% research paper (7000 words, excluding notes, bibliography and appendices).

Public International Law

(2340.04 A) *Course*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Real Estate Transactions

(2070.03 P) *Course*

Instructor(s): C. Carter, D. Carter; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Evaluation: Open-book examination; 25% optional paper.

Real Estate Transactions

(2070.04 A) *Course*

Instructor(s): R. Rosenblatt; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The purpose of this course is to expose for examination the principal legal, ethical and practical problems in commercial and residential transactions respecting property. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees will be examined. Focus is on current legal issues, the role of the lawyer including the lawyer's obligations and ethical considerations.

Evaluation: 100% Open-book examination; 50% paper option. 6,000 words.

Real Estate Transactions

(2070.04 B) *Course*

Instructor(s): C. Carter; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Evaluation: Open-book examination; 25% optional paper.

Refugee Law

(2470.04 A) *Course*

Instructor(s): Prof. A. Bhatia

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

Prerequisite Courses: none

Preferred Courses: Immigration Law; Administrative Law

Presentation: Lectures & discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: Open-book examination (60%); 2,000 - 2,500 word written assignment (30%); participation (10%).

Regulation Of Competition

(2350.03 M) *Course*

Instructor(s): J. Krane and C. Brown; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

From multi-billion dollar fines for price fixing to the prohibition or restructuring of global transactions, competition law has underpinned many of the front page business headlines in recent years. Businesses increasingly devote more attention to how the Canadian Competition Bureau and foreign competition regulators will view their conduct, whether they are looking to plan mergers and acquisitions, enter into joint ventures with competitors, modify their distribution practices or establish robust compliance policies to promote best practices across their organization. This course provides a look into the role and importance of competition law through a survey of Canada's Competition Act, with comparative analysis of the US and EU competition regimes and the economic and policy considerations that underpin competition laws.

A basic knowledge of competition law is a key strategic advantage to anyone whose practice will have commercial aspects, whether advising multinationals about their ability to merge or a retail store about its pricing policies. While a background in economics is useful, it is not a necessary pre-requisite for this course.

Evaluation: 80% open-book examination AND 20% participation to be discussed further in class and may include short reflective component(s)

Resources Management

(3490.03 M) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar introduces students to natural resources law from a public interest perspective. Each week's seminar will focus on a specific component of this area of the law with an emphasis on new and emerging issues. Topics for discussion include fossil fuels, renewable energy, forests, land and protected areas, water, fisheries, endangered species, and minerals management as well as resource consumption issues. We also examine matters related to sustainability, environmental assessment and approvals, Aboriginal law, compliance, and enforcement. Evaluation will be based on the completion of a 7,000 to 8,000-word research paper on a subject approved by the instructors (75% of mark). The remainder of the mark will be based on class participation (25% of mark), including at least one in-class presentation of 10-15 minutes duration on a course reading.

Evaluation: The course evaluation has two components: research paper (7,000 to 8,000 words) based on approved topic (75%); and class participation (25%), including one 10-15 minute presentation.

Restitution

(2360.04 A) *Course*

Instructor(s): Professor J. D. McCamus

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The law of restitution is the third branch - in addition to contract and tort - of the common law of obligations. An understanding of restitutionary doctrine is vitally important for potential litigators and commercial lawyers. Restitutionary issues can, however, arise in virtually every legal area. This course covers a number of topics - such as fiduciary obligation and constructive trust - that feature prominently in contemporary litigation both in commercial matters and in other aspects of private law, including family law.

The course organizes these materials in terms of a unifying theory of unjust enrichment and examines the relationship of restitution with the more familiar doctrines of tort, contract and property law. In so doing, the course fills in a number of gaps left by the first year contracts course and offers the student an overview of the entire field of civil liability.

Placing particular emphasis on Canadian materials which adopt the unjust enrichment theory, the course examines the more common instances of restitutionary recovery, benefits conferred under mistake, fraud or compulsion, in circumstances of necessity, or under transactions that are ineffective for such reasons as informality, incapacity, illegality, mistake, undue influence, unconscionability, frustration or breach. As well, consideration is given to the recovery of benefits acquired through wrongdoing whether criminal, tortious or in breach of a fiduciary duty.

Evaluation: Open-book examination. In addition, but not in substitution for the final examination, students may write a paper on a topic to be approved by the instructor, worth 33.3% of the final grade. Students must elect to write a paper by the end of Week 4, and must provide a detailed outline of the paper by the end of Reading Week.

Securities Regulation

(2620.03 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: Open-book examination. Optional research paper or essay for 50 percent of the grade (not in substitution for the examination) also available.

Securities Regulation

(2620.04 P) *Course*

Instructor(s): Professor M. Condon

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This is a four hour course that attempts a detailed coverage of the Ontario Securities Act, with reference to other provincial or international regulation where appropriate, as well as new draft provincial and federal legislative initiatives. Included in this coverage are the definitions of key securities regulatory concepts such as "security", "trade", and "distribution"; primary and secondary distribution of securities; prospectus disclosure; exemptions and resale rules as well as recent proposals here; continuous and timely disclosure with particular reference to insider trading; mergers and acquisitions with particular reference to takeover bid legislation; primary and secondary market civil liability; enforcement issues.

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

Sexuality and the Law

(3910.03 A) *Seminar*

Instructor(s): J. Radbord; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and Participation

Upper Year Research & Writing Requirement: No

Practicum: Yes

This practicum seminar will offer students an opportunity to engage with and reflect on both the theory and practice of using law to work towards substantive equality for LGBTQ (lesbian, gay, bi, trans and queer) families.

Students will consider developments in LGBTQ familial recognition and the law's continued failure to respect familial diversity. Through varied means of legal engagement, students will participate in efforts to redefine parentage to recognize the realities of modern families, including those headed by LGBTQ parents.

Students will meet with LGBTQ families to ground their understanding of legal struggle in the context of litigants' lived realities. We will review the history of LGBTQ family law litigation, from the pursuit of spousal recognition to the achievement of equal marriage to the recognition of parentage for a three-parent family. Students will both reflect upon and seek social change through law; opportunities include involvement in a *Charter* case, working with a community group, preparation of public legal education materials, and drafting law reform submissions.

Seminar students will participate in a constitutional challenge, and related law reform initiatives, to redefine parentage in Ontario. Students will be required to engage with and reflect on family law, s. 15 of the *Charter*, civil procedure and evidence. Students will observe and participate in interviews with clients and possibly expert witnesses. They will hone practical research and legal writing skills by drafting affidavits, sections of the factum, community legal education materials, and law reform submissions. Through individualized and group feedback, as well as review of professional examples, students will improve their legal writing.

Students will also engage in ongoing reflection, addressing questions such as the use of law as a tool for social change; strategic and ethical decision-making in constitutional cases; whose voices are marginalized within litigation efforts; the evolution of the notion of equality under s. 15 of the *Charter*; feminist/ queer/ethical issues raised by assisted human reproduction and alternative family forms; who is a parent; and what is in the best interests of children.

Evaluation: (1) Practice-oriented legal research and writing assignments (60%);

(2) Class participation: Students should attend regularly, listen respectfully, and be prepared to participate in discussions either orally or through written questions and commentary (10%); and

(3) Two short written reflections arising from the assigned readings, class discussions and practice experiences. Each should be no more than 1,500 words (30% total).

Statutory Interpretation

(2930.03 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Evaluation: 60% Take-Home Examination, 25% In-Class Presentation, 15% Class Participation

Tax As Instrument Of Soc & Econ Policy

(3006.03 P) *Seminar*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2016. Each session will be 3 hours.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

Tax Law and Policy Colloquium

(5330.03 M) *Seminar*

Instructor(s): P. Samtani, I. MacGregor; Adjunct Professors

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

Prerequisite Courses: Tax Law and one other tax course

Preferred Courses: none

Presentation: Lectures and discussion. This seminar will be held downtown at the offices of Osler, Hoskin & Harcourt LLP.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This tax policy course is open to all students. It also serves as the capstone course for the Tax Law Program.

The purpose of this course is to examine current tax policy issues in a practical context. Although the precise content of the course will vary from year to year, it will focus on developing critical thinking, writing and presentation skills in respect of those issues. The course will allow students to build on the knowledge that they have acquired in related tax courses and will familiarize them with policy issues that are fundamental to the practice of tax law.

For students who may be interested in graduate work or careers in research, the seminar will provide an opportunity to clarify their research interests through the perspective of experienced tax practitioners. At the end of the seminar, students should be equipped to consider tax policy issues critically and to write publishable tax commentaries.

Evaluation: Students will be evaluated on the basis of class participation (10%) a research paper (70%) and presentation (20%).

Tax Lawyering

(3370.03 A) *Seminar*

Instructor(s): J Kutyan; Adjunct Professor

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

Prerequisite Courses: Taxation Law (pre or co-requisite)

Preferred Courses: none

Presentation: Group discussion of seminar materials and problems; research lab sessions; individual or team presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar is open to all students, but required for those who wish to complete the Tax Law Program and strongly recommended for those interested in participating in the Donald G. H. Bowman National Tax Moot. The purpose of the seminar is to step back from the substantive content of tax law to examine the procedures and skills involved in working as a tax lawyer in various settings, whether in tax planning or tax controversy. The seminar is structured around topics that are central to the practice of tax and will focus on the progression of a federal income tax dispute from the planning stages through to litigation. Through the use of case studies, students will learn about the basic structure of a tax appeal and will gain familiarity with the procedures for litigating the appeal, from the perspective of the Crown and the taxpayer.

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

Tax Policy: Tax & Distributive Justice

(5220B.03 M) *Seminar*

Instructor(s): Professor L. Philipps

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

Prerequisite Courses: None; no prior experience or knowledge of tax law is necessary

Preferred Courses: none

Presentation: Group discussion led by instructor and students; short presentations; applied exercises

Upper Year Research & Writing Requirement: Yes

Practicum: No

A country's taxation system lies at the heart of its social contract. This seminar considers the fundamental goals of a tax system as expressed in the three criteria that tax policy analysts have traditionally used to evaluate tax laws: equity, neutrality and simplicity. Readings will include tax policy classics as well as contemporary work that revisits these concepts in light of 21st century trends toward economic globalization, greater wealth and income inequality, changing concepts of family and gender equality, and rising concerns about climate change. The syllabus will begin by reviewing core ideas about distributive justice, private property, efficient markets and the rule of law that underpin the formation of tax policy and the application of tax law. It will then move to look closely at several areas where tax policy ideas are evolving both in Canada and internationally. These will include the taxation of savings and wealth, including inheritances, relative to income from labour; carbon taxes and other environmental fiscal policies; the effect of changing rate structures on the distribution of tax burdens; the financing of charitable activities through the tax system; and the role of tax policy in promoting equality and equal opportunity for different groups in society, for example through tax measures related to the costs of education and the costs of disability.

The seminar is designed to promote the following learning objectives: a sophisticated understanding of the elements of tax policy analysis; critical reading and thinking skills; presentation skills through leadership of and participation in class discussion; and advanced research and writing skills.

Evaluation: Evaluation will be based on class participation and presentations (20%) and a research paper (80%).

Taxation Law

(2080.04 A) *Course*

Instructor(s): Professor J. Li

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

A principal goal of this course is to help students develop statutory interpretation skills. Statutory interpretation skills are basic skills for lawyers as most areas of practice are regulated by statutory law. The course also helps students learn some basic tax rules and understand the underlying tax policy and principles. In a practical sense, after taking the course, students should be able to follow current tax policy debates and make sense of the T1 Tax Return.

The Income Tax Act (ITA) is the primary course materials. The ITA is perhaps the most pervasive federal statute on the books, affecting every Canadian in one or another, and in some sense, helps define who we are as Canadians. The ITA is supplemented by a "reader-friendly" Textbook, selected cases and problems.

NO laptops or mobile devices are allowed during class. Attendance is expected. Handouts will be provided to guide the discussions in class. Students are expected to have read the prescribed readings before class. The amount of reading for this course is modest, but the reading requires thinking and reflection. Students are encouraged to bring questions to the class. Practitioners will participate in the "praxcium" classes, such as group presentations, debating or mootng.

Evaluation: Main method: - 5% for class participation, and 95% for final examination (3-hour, open book);

Alternative: - 5% for class participation, 50% for final examination (same exam as above), and 45% for a research paper (4000 words, excluding footnotes and references) (If examination grade is higher, it will count for 95%).

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

Upper Year Research & Writing Requirement: No

Practicum: No

The focus of Taxation Law is the federal Income Tax Act. Students will be introduced to the core principles and policy choices that inform the income tax in Canada. The majority of the course will centre on the definition of the tax base, although there will also be some consideration of jurisdiction, the tax unit, tax period, and tax rates.

Students will see how policy choices are operationalized in legislation and will learn how to analyze and apply a complex federal statute. It aims at helping students to develop skills of statutory interpretation, drafting, and problem solving. It also aims at helping students learn some basic technical tax law and to understand the underlying tax policy and principles.

Evaluation: 100 % examination (3-hour open book); or alternatively, 50% examination, 50% paper due on the first day of examinations.

Taxation Law

(2080.04 P) *Course*

Instructor(s): Professor L. Philipps

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, problems and exercises, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is about income tax law as it applies to individuals. Areas covered include the concept of residence; the taxation year; amounts that must be included in income; deductions and credits for personal and business expenses; the taxation of capital gains on the disposition of property; and tax evasion and avoidance. The course aims to help students develop a thorough technical knowledge of the most important aspects of personal income tax law and a facility in interpreting tax statutes, as well as a comprehension of underlying policy objectives, issues of professional responsibility for tax planners, and the impact of the tax system on different individuals, families and social groups.

Evaluation: 100% final examination (3 to 3.5 hours long, open book). Optional evaluation: 75% final examination, 25% case comment or tax policy comment. Students who submit a case comment or tax policy comment will be exempt from writing an equivalent portion of the final exam. Detailed requirements for the alternative forms of evaluation will be set out in the course syllabus.

Taxation of Business Enterprises

(4100.04 M) *Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course examines the federal income tax treatment of resident corporations and their shareholders. It also deals, to a limited extent, with the income tax treatment of partnerships and their members. It considers the basic income tax concerns of business enterprises: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and associated companies; remuneration of the owner manager; transferring assets to a corporation; statutory amalgamations, arrangements, and continuations; liquidations; and demergers and reorganizations of capital.

Evaluation: Open-book examination (3 hours) worth 100% or 50% open-book examination and 50% paper 5,000 words.

Taxation of Wealth Transfers

(4080.04 M) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

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

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussion, problems

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on selected areas of taxation that should assist students interested in personal tax planning, including related areas such as the taxation of trusts and estates and tax issues relevant to family law and private corporate law. Topics will include the concept of a wealth tax; inter-vivos transfers between family members; the taxation of capital gains and other items at death; provincial probate taxes; the taxation of trusts and beneficiaries; income splitting and the attribution rules; and estate freezes. The course is intended to help students develop a more advanced understanding of the technical aspects of the personal income tax, the underlying tax policy issues, as well as basic tax planning techniques.

Evaluation: 100% examination (3 hours long, open book) or 50% paper and 50% examination (3 hours long, open book)

Theory and Practice of Mediation

(5960.04 A) *Seminar*

Instructor(s): M. Simmons; Visiting Professor

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

Prerequisite Courses: None

Preferred Courses: ADR Perspective Option and Lawyer as Negotiator

Presentation: Seminars, mediation practice

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

The seminar will examine the utility of mediation in civil disputes; ethical and professional responsibility issues that arise in a multicultural society; analyze the issues that students have encountered in their mediations; and explore the role, utility, and impact of mediation in civil disputes, particularly in the Small Claims Court context.

The seminar includes i) an Intensive Mediation Workshop during September, including mediation training and introduction to court-annexed mediation and mediation advocacy; ii) weekly seminars and discussions and critiques of the course readings; iii) four supervised co-mediations at North York Small Claims Court; and iv) a research paper on issue(s) discussed in the seminar and confronted in students' mediations. The research paper will satisfy the Upper Year Research & Writing Requirement of 7,000 words.

Evaluation: Class Participation including two class presentations and reflections (20%); Mediation Assessment (20%); and a Research Paper (60%).

Trademarks

(2170.03 M) *Course*

Instructor(s): K. Gill; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 100% final open-book examination (100%); or alternatively, a written comment upon one or a carefully chosen group of cases covered in the course (topic to be pre-approved). Comments should be 10 pages in length (double-spaced, 12 point font, regular margins). If higher, the mark received for the optional case comment will replace the mark received for the essay question on the final exam, amounting to one-third of the final grade. All students, including those submitting an optional case comment, must complete the entire exam in order to benefit from this no-downside rule. Alternative Evaluation case comments are due on the first day of examinations.

Transnational Corporations & Human Rights

(3590T.03 A) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar-style discussions, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Apple's use of child labor; 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 directly or indirectly participated in violations of human rights.

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 theory. Students will then explore some of the key issues in the debate. For example, 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 Statute; the advantages and disadvantages of U.N. initiatives (e.g. the work of the former U.N. Special Representative on Business and Human Rights); and the relevance of domestic corporate and securities law mechanisms (e.g. shareholder proposals and social disclosure).

The course materials are drawn from a number of sources, including documentary film; academic journals; articles in the popular and business press; reports by human rights monitoring groups; petitions filed before courts and administrative agencies; U.N. 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: Research paper (70%); In-class presentations/participation (30%); Class attendance is mandatory.

Trial Advocacy

(5270.04 A) *Seminar*

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

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

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

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: Yes

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pre-trial preparation and case analysis, opening and closing statements, examination and cross-examination of witnesses, evidence issues, expert evidence, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers and Judges including video review. Students conduct 1/2 day jury trials at the Court House at 361 University Avenue, with two-student counsel acting on each side of the case. Trials are presided by Judges of either the Ontario Court of Justice or the Superior Court of Justice.

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

Trusts

(2090.04 A) *Course*

Instructor(s): E. Esposto; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: 100% open-book examination.

Trusts

(2090.04 P) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Open-book examination.

U.S. Securities Regulation in Comparative Perspective

(5620.03 M) *Seminar*

Instructor(s): L. Ritchie; Adjunct Professor

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation (can be taken simultaneously)

Presentation: Lecture, discussion, problem-solving

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: Research paper: 90% (7000 words (not including footnotes or bibliography), class participation: 10%