



Osgoode Hall Law School of York University
Osgoode Digital Commons

Syllabi

Course Materials and Syllabi

2016

Osgoode Syllabus of Courses and Seminars: 2016 - 2017

Office of Student Services

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

Recommended Citation

Office of Student Services, "Osgoode Syllabus of Courses and Seminars: 2016 - 2017" (2016). *Syllabi*. 10.
<http://digitalcommons.osgoode.yorku.ca/syllabi/10>

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



OSGOODE HALL LAW SCHOOL

2016 -
2017

COURSE SYLLABUS

The Syllabus and timetables provide information available as of June 2016 to enable upper year students to complete course selection for the 2016-2017 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of posting. However, Osgoode Hall Law School reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

Table of Contents

ACADEMIC REQUIREMENTS.....	2
Upper Year Research and Writing Requirement	2
Osgoode Public Interest Requirement (OPIR)	2
Practicum Requirement.....	3
Fiduciary Relationships in Commercial Context	3
Principles of Canadian Administrative Law	3
Notes on Course Registrations	4
ENROLMENT PROCEDURES.....	4
Course and Seminar Selections	4
Course Codes.....	5
Priority-based Enrolment	5
Assigning Priorities	5
Entering your Course Preferences.....	5
After Enrolment.....	6
PROPOSAL AND PERMISSION FORMS	6
Intensive Research Proposal Form	6
Research Paper Approval Form.....	6
More Than Two Seminars Approval Form.....	7
Extra-Disciplinary Course Approval Form.....	7
Information and Assistance.....	7
ADDITIONAL COURSE ENROLMENT OPTIONS	7
Supervised Research Papers.....	7
Mooting.....	7
Appellate Advocacy Workshop (LW 6022.02) and the Practicum Requirement	8
Osgoode Hall Law Journal	9
Journal of Law and Social Policy	9
Transnational Legal Theory (Journal)	9
Instruction in Computer-assisted Legal Research (Non-Credit)	10
Courses in Other Faculties of York University	10
Courses at the University of Toronto: Faculty of Law	10
REGISTRATION STATUS CHANGE.....	11
Leave of Absence.....	11
Letter of Permission	11
Extended Time Program.....	11
Withdrawal.....	11
SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2016-2017.....	11
ABORIGINAL LAW	12
BUSINESS LAW.....	12
CONSTITUTIONAL AND ADMINISTRATIVE LAW.....	12
CONTRACTS AND COMMERCIAL LAW	13
CRIMINAL LAW	13
DISPUTE RESOLUTION	14
ENVIRONMENTAL LAW	14
FAMILY LAW	14
HEALTH LAW	15
HUMAN RIGHTS LAW	15
INTELLECTUAL PROPERTY LAW	15
LABOUR LAW	15
LEGAL THEORY.....	16
PROPERTY LAW	16

REGULATORY LAW	16
SOCIAL JUSTICE, EQUALITY AND THE LAW	17
TAXATION LAW	17
TRANSNATIONAL LAW	18
CURRICULAR STREAMS.....	18
International, Comparative and Transnational Law Program ("ICT Program")	19
ICT Program Overview	20
Labour and Employment Law Program ("LELP Program")	22
Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")	23
Tax Law Program ("Tax Program")	24
CLINICAL & INTENSIVE PROGRAMS	25
Advanced Business Law Workshop I	25
Advanced Business Law Workshop II	25
Anti-Discrimination Intensive Program	26
Business Law Intensive	27
Case Studies in Business Enterprises	28
Community Legal Aid and Services Program	29
Disability Law Intensive	31
Environmental Justice and Sustainability Clinical Program	33
Feminist Advocacy: Ending Violence Against Women	35
Innocence Project	36
Intellectual Property Law and Technology Intensive Program ("IP Intensive")	37
Intensive Program in Aboriginal Lands, Resources and Governments	38
Intensive Program in Criminal Law	39
Intensive Program in Immigration and Refugee Law	40
Intensive Program in Poverty Law at Parkdale Community Legal Services	41
International & Transnational Law Intensive Program	44
Mediation Clinical Program	46
Osgoode Business Clinic	46
Test Case Litigation Project	47
Intensive Research Program	48
JOINT PROGRAMS – JD/MBA, JD/MES, JD/MA (Phil)	49
JD/MBA Joint Program	49
JD/MES Joint Program	51
JD/Master of Arts (MA) in Philosophy Joint Program	53
JD/BCL Degree Program	54
EXCHANGE PROGRAMS	54
How to Apply to Osgoode Exchanges	54
York International Exchange Programs	55
LAW SOCIETY INFORMATION.....	55
Admission to the Practice of Law in Ontario	55
Licensing Process Information	56
The Importance of a Well-rounded Law School Curriculum	58
FACULTY ON SABBATICAL/LEAVE	59
COURSE INFORMATION TABLES.....	59

ACADEMIC REQUIREMENTS

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

STUDENTS GRADUATING CLASS OF 2017 (or later) and students admitted into 1st year Fall 2012 or later must meet these degree requirements as found in the Academic Rules of the Student Handbook:

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](#) on page 2;
3. Complete the 40 hour [Osgoode Public Interest Requirement](#) on page 2;
4. Complete a course or seminar that satisfies the [Practicum requirement](#) on page 3;
5. Complete the [Fiduciary Relationships in Commercial Context](#) requirement on page 3;
6. Complete the [Principles of Administrative Law requirement](#) on page 3;
7. Enrol in between 13 and 17 credit hours each term; and
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 [Joint Programs](#) on page 49 for specific program requirements.

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, Students in another University;
 - ii) “designated course” means a course or Intensive Program designated by the Assistant Dean, Students or the Associate Dean, Students;
 - iii) a research paper constitutes the “primary mode of evaluation” when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;
 - iv) a “research paper” means a paper at least 7,000 words in length, excluding notes, bibliography and appendices.

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

Practicum Requirement

A practicum 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 practicum requirement will be indicated as such in the Syllabus. Students are required to declare which course, seminar or program satisfies the requirement.

Practicum Requirement (Academic Rule A.3.8)

In either second or third year, each student shall successfully complete a practicum designated course.

For the purposes of this Rule, "designated" means a seminar, course or Intensive Program designated as meeting the practicum requirement.

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.

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 (LW 2020.04) 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."

Principles of Canadian 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 (LW 201.04) or the not-for-credit module "Principles

of Canadian Administrative Law.” Students are required to declare completion of this requirement.

Principles of Canadian 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

- 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.
- Supervised research papers, courses in other faculties and courses at the University of Toronto Faculty of Law are considered as seminars for enrolment purposes.
- 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.
- 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.
- A student may not be enrolled in more than one full term Intensive Program over second and third years;
- 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.

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.

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:

Select the courses/seminars you wish to take and list them for each term in order of preference.

You may select up to 17 credits per term. This is the maximum allowable credits per term.

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.

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.

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.

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.

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.

Entering your Course Preferences

Students enter their course preferences for Fall/Winter 2016-2017 online through the Law

Select website from June 22nd to July 4th, 9:00 a.m. 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 before July 25th. The course enrolments from Law Select are automatically entered into the main university enrolment system by the Programs & Records Office.

After Enrolment

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 29th. Further details on waitlist procedures will be sent to all students in mid to late August.

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 25th until Monday, September 12th 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 12th, and then reopens on January 3, 2017 until January 17, 2017.

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.

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.

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.

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.

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.

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.

ADDITIONAL COURSE ENROLMENT OPTIONS

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, Students 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.

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 moot 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)

- 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

Instructor: Fay Faraday, Visiting Professor

Members of the Corporate/Securities, Bowman Tax, Fox IP, Jessup, Gale, Laskin, Diversity, Walsh and Wilson teams are required to attend the 2 credit Appellate Advocacy Workshop, which convenes on occasional Wednesdays throughout the school year. Research-based appellate moot court teams 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 be pre enrolled in the 3 credit moot and the 2 credit workshop in the Lawselect system. The Appellate Advocacy Workshop is scheduled in the timetable (Wednesdays, 4:30-6:30) 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 mootings and who also participate in the Appellate Advocacy Workshop.

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.

Journal of Law and Social Policy

LW 8010B.04

Professor J. Mosher, Editor-in-Chief

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 peer-reviewed 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.

Transnational Legal Theory (Journal)

LW 8010.04 or 8010.02 (fall & winter)

Professor C. Scott, Founding Editor & Professor P. Zumbansen, Convening Editor (on leave)

Transnational Legal Theory (TLT) is a peer-reviewed scholarly journal that has, since its launch by Osgoode scholars in 2010, led the way in opening up lines of theoretical inquiry into the transnational dimensions of law and legal dimensions of transnational fields and activity. The organization of student work and credit allocation works as follows. Junior editors (who normally start in first year but may also be in upper years) 'apprentice' for two semesters without credit. Upper-year senior editors, who must first have been junior editors for two semesters, may receive 4 credits in each of second and/or third year. Applications to be an upper-year editor are processed at the end of the previous Winter semester; incoming first years apply after arrival at Osgoode by a specified date in mid-September. Eligible upper-year senior editors must apply for credit by the end of the September add/drop period.

All editors are expected to commit to two semesters of involvement and, over the subsequent summer, to finish up any editing work that is still in progress. The core activity is editing accepted articles in interaction with the authors, and then providing a final edit that goes to copy-editors at the publisher, Routledge / Taylor & Francis, for final preparation for publication. All student editors also have

opportunities to publish one or more commentaries on a blog site hosted by the publisher of the journal; students receiving credit as senior editors must do at least one such commentary. An additional feature of student editorial involvement in Transnational Legal Theory is a biweekly “reading group” seminar led by Professor Scott (six meetings in the Fall and six in the Winter, scheduled at a mutually convenient time for all student editors). For one or two seminars per semester, the editorial team will also engage in the collective editing of an article accepted for publication, in order for editors to be exposed to the different editorial choices of their colleagues and to deliberate on the pros and cons of alternative edits.

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.

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:

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

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.

REGISTRATION STATUS CHANGE

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.

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 on MyJD. 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.

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.

Withdrawal

See information on course changes and on leaves of absence.

SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2016-2017

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 2016/2017 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.

ABORIGINAL LAW

Level One:

- Property Law
- State and Citizen

Level Two:

- Directed Reading: Indigenous Perspectives and Realities
- International Human Rights Law
- Native Rights
- Resources Management

Level Three:

- Intensive Program in Aboriginal Lands, Resources and Government

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
- Beyond Bay Street: Starting up a Small or Solo Practice
- Corporate Finance
- Corporate Governance
- International Investment Law
- Legal Values: Governance of the International Financial System
- 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 & II

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Level One:

- Administrative Law
- State and Citizen

Level Two:

- 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

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
- 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
- Securitization and Structured Financing
- Trademarks

Level Four:

- Advanced Corporate/Commercial Litigation Workshop
- Osgoode Business Clinic

CRIMINAL LAW**Level One:**

- Criminal Law

Level Two:

- Criminal Procedure
- Litigator's Guide to Debtor/Creditor Law
- Evidence
- International Criminal Law

Level Three:

- Administration of Criminal Justice: Mental Illness
- 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: Advocacy
- Criminal Law II: Ethical Issues
- Criminal Law II: Sexual Offences
- Criminal Law II: Youth Justice
- Forensic Science and the Law
- International Dispute Resolution: Advocacy in the Int'l Criminal Court
- Trial Advocacy

Level Four:

- Criminal Law Intensive
- Innocence Project

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

ENVIRONMENTAL LAW

Level One:

- Environmental Law

Level Two:

- Climate Change Law
- Land Development and Commercial Real Estate Problems
- Land Use Planning (alternate years FES and Osgoode)
- Resources Management

Level Three:

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

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
- Family Law II: Family Law Policy
- Feminist Advocacy: Ending Violence Against Women
- Legal Values: Current Issues in Reproduction
- Legal Values: Managing Family Law Cases

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

HEALTH LAW**Level One:**

- Health Law
- Environmental Law
- Patents

Level Two:

- Disability and the Law
- Law and Psychiatry

Level Three:

- Disability Intensive Program

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
- Discrimination and the Law
- International Courts and Tribunals
- Law and Poverty (Year One)
- Law and Psychiatry
- Law and Religion
- Law and Social Change: Critical Race Theory

- Legal Values: Theory and Practice of Human Rights

Level Three:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive
- Disability Intensive Program
- Feminist Advocacy: Ending Violence Against Women
- Innocence Project
- Intensive Program in Aboriginal Lands, Resources and Government
- Intensive Program in Poverty Law

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

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

LEGAL THEORY

Level One:

- Jurisprudence

Level Two:

- Comparative Law: Islamic Law
- Directed Reading: Designing the Future of Justice
- Directed Reading: Methods, Law and Politics of Disaster Governance
- Disability and the Law
- Judgment and Decision Making
- Law and Religion
- Law and Social Change: Policing
- Legal Ethics
- Legal Values: Law and Literature
- Legal Values: Law, Ethics and Social Media
- Western Legal Histories

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

PROPERTY LAW

Level One:

- Property Law

Level Two:

- Estates
- Real Estate Transactions
- Trusts

Level Three:

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

REGULATORY LAW

Level One:

- State and Citizen: Constitutional Law
- Administrative Law

Level Two:

- Bankruptcy and Insolvency
- Communications Law
- Comparative Law: Privacy and Access to Information
- Conflict of Laws
- Corporate Governance
- Environmental Law
- Legal Values: Governance of the International Financial System
- Health Law
- Immigration
- Insurance Law

- Intensive Legal Research and Writing
- International Trade Regulation
- Land Use Planning (alternate years FES and Osgoode)
- Legal Drafting
- Legal Information Technology
- National Security Law in Canada
- Native Rights
- Refugee Law
- Regulation of Competition
- Securities Regulation
- Statutory Interpretation
- U.S. Securities Regulation

Level Three:

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

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 Ethics
- Native Rights
- Refugee Law

Level Two:

- Criminal Law II: Youth Justice
- Directed Reading: Community Organizing

- Feminist Advocacy: Ending Violence Against Women
- Law, Gender and Equality
- Law and Social Change: Community Action across Borders (ILP students only)
- Legal Values: Current Issues in Reproduction
- Sexuality and the Law

Level Three:

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

TAXATION LAW

Level One:

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

Level Two:

- Consumption Taxes in Canada
- International Taxation
- Tax Policy
- Tax as Instrument
- Tax of Wealth
- Tax Lawyering
- Taxation of Business Enterprises

Level Three:

- Estate Planning
- Taxation of Corporate Transactions

TRANSNATIONAL LAW

Level One:

- Ethical Lawyering in a Global Community
- Globalization and the Law

Level Two:

- Conflict of Laws
- Immigration
- International Courts and Tribunals
- International Investment Law
- International Trade Regulation
- Law of War
- Legal Values: Governance of the International Financial System
- Legal Values: UN, Governance and State Building
- Public International Law
- Refugee Law

Level Three:

- Exchange Programs with Foreign Universities
- International Business Transactions
- International Criminal Law
- International Human Rights Law
- International Taxation
- 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)
- International and Transnational Law Intensive Program

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 convenor 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 convenor of each stream will organize a meeting of all students who have elected into the stream at the beginning of the Fall semester to discuss curriculum matters related to the stream,

answer questions about the particular curriculum stream, and receive student suggestions and comments. Students who successfully complete the requirements of a stream will have this indicated on their transcript.

The faculty convenor of each program stream is responsible for administering the regulations governing the stream and has a broad discretion to grant partial credits for courses not designated as program courses, to allow credits for courses taken as part of an exchange or letter-of-permission visit to another institution, to permit a course to be taken out of the normal sequence, and to recommend to the Assistant Dean, 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/programs/jd-program/curricular-streams/>

International, Comparative and Transnational Law Program ("ICT Program")

2016 – 2017 Convenor – Professor R. Wai

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, including 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 twenty different foreign law faculties;
- summer programs, such as those in Italy and Malaysia in partnership with Monash University and in Jerusalem in partnership with Hebrew University;
- experiential opportunities with partners inside and outside Canada, such as through intensives (such as in Aboriginal Lands, Resources and Governments; International and Transnational Law; Immigration and Refugee Law), mootings on ICT topics (such as the Jessup International Law or Vis International Arbitration moots), teaching in the Teach-in-China Program, or a

fellowship in the International Legal Partnership;

- 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.

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), Bucerius (Germany) and University College Dublin.

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):B

Bridging

The range of courses considered to be ICT courses for purposes of the optional credits is broad. For example, most courses in aboriginal

and indigenous law would qualify. It is also possible to build "ICT bridges" between the ICT Program and courses not designated as 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.

Option to take Third Pillar Course

Students may take all three pillar courses, counting the third towards the 13 credit requirement for optional ICT courses.

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.

International Legal Partnership

ICT Program students are also encouraged to participate in the unique International Legal Partnership including its coursework component, Law & Social Change: Community Action Across Borders

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.)

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.

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 & Governments; International and Transnational Law; and Parkdale – Immigration, have their ICT credits capped at 10. The same principle applies where a student has constructed an individualized Directed Research Program.

Upper-Year Writing Requirement

As well as a number of the ICT optional courses and seminars, the ICT Colloquium paper will satisfy one of the two upper year research and writing requirements.

Discretion of the ICT Convenor

The ICT Convenor, in consultation with the Assistant Dean, Students and/or the Associate Dean, Students 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.

Labour and Employment Law Program ("LELP Program")

Convenor – Professor S. Slinn

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

which will provide an opportunity to incorporate considerations of professional responsibility and legal ethics.

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

- Two of the following courses: Labour and Employment Law, Collective Bargaining Law and The Individual Employment Relationship.
- 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.
- The LELP capstone course: Labour and Employment Law and Policy Colloquium.
- 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.
- 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.
- Overall, a minimum of 23 academic credits the LELP and related courses, in accordance with the above requirements.

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:

- take the course in Evidence (3 or 4 credits);
- 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));

- 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)
- 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),
- take the LDA Colloquium (3); and
- 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.

Tax Law Program ("Tax Program")

Co- convenors – Professors J. Li & 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. Students in the past found the tax courses “very practical” as well in terms of teaching “real life” skills, such as writing client memorandum, advocacy, and team work. 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 earn a minimum of 23 academic credits in Tax Program courses, and complete the following requirements over the course of the JD program.

- the foundational course, Tax Law (or “Tax I”) (4);
- the foundational seminar, Tax Lawyering (3)
- the survey course, Taxation of Business Enterprises (4);
- one of the following policy-oriented seminars: Tax Law as an Instrument of Economic and Social Policy (3); Tax Policy (3); or Consumption Taxation;
- one of the following advanced seminars, Taxation of Corporate Transactions [formerly Advanced Corporate Tax] (3) or Estate Planning (3);
- one of the advanced courses: Taxation of Wealth Transfers (4) or International Tax (4).

Students can also earn tax credits by taking other courses (to be approved by the Convenor)

or independent research paper on a tax-related topic.

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

Ideally, students who might be interested in this stream consider taking the tax courses /seminars in the following sequence:

- Tax Law as an Instrument of Economic and Social Policy during IL or 2L;
- Tax Law in the Fall, 2L
- A tax policy seminar and/or Tax Lawyering in the fall, 2L;
- International Tax, Winter, 2L or 3L
- Taxation of Business Organizations, Winter 2L;
- Taxation of Corporate Transactions, Fall 3L;
- Taxation of Wealth Transfers, 3L.

CLINICAL & INTENSIVE PROGRAMS

Advanced Business Law Workshop I

Corporate Finance (LW 7180.05)

Directors: C. Pennycook & J. 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 2016. ABLW II - Mergers & Acquisitions will be offered in January 2017.

Advanced Business Law Workshop II

Mergers & Acquisitions (LW 7190.05)

Directors: P. Olasker & A. 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 including the negotiation 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 public company mergers and acquisitions and will examine friendly and hostile take-over bids; defences; corporate reorganizations; going private and related party transactions; shareholder activism; 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 drafting and negotiation of a term sheet for an M&A transaction, and class participation. Attendance is important. 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 2016. ABLW II - Mergers & Acquisitions will be offered in January 2017.

ABLW II satisfies the Praxicum requirement.

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

Director: Professor F. 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 Centre provides legal support to applicants who are seeking remedies from the Human Rights Tribunal of Ontario for violations under the Code. 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. Students develop specialized knowledge of anti-discrimination and administrative law, and hone skills in client counselling, dispute resolution and litigation.

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, conduct mediation, and assist lawyers preparing for trial.

Seminar meetings for all students in the Program are held seven times per semester on Friday commencing in September and

continuing until April. 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. 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.

Business Law Intensive

LW 7700.03, 7710.03, 7720.09

Not offered 2016 – 2017

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.

- 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.
- 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.
- 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.

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; 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 restructuring a business. We will also deal with business-related topics such as 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 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 group presentation (10%), participation (25%) and research paper (65%).

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

Community Legal Aid and Services Program

LW 8000.03 & 8004.04 (fall), LW 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 Program (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, Employment, 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.

Disability Law Intensive

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

Director: Professor R. Mykitiuk, ARCH Staff Lawyers

The Disability Law Intensive (DLI), in partnership with ARCH 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 law and policy reform 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 law and policy based reform and 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 law reform/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 the 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.

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 discussions with supervisors. 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 Director it will be strongly influenced by the evaluations provided by the

staff at 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 approximately 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, social 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 on the issues outlined above. Students will write two short reflective papers based on course readings and their clinical experience and are required to attend and participate in every seminar. Other minor requirements will be announced at the beginning of term.

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.

Environmental Justice and Sustainability Clinical Program

Fall term - LW 7550.04, 7552.03 & winter term - LW 7550.05, 7551.03

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 (e.g. legal education materials or law reform submissions).

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. 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. .

Program 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 (4 credits fall term and 5 credits winter term).

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. 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, and public interest lawyering. The last four seminar meetings are devoted to presentations of student research and to collective reflection on theory and practice. The intervening seminar meetings are devoted to special topics in environmental justice and sustainability and to some skills development. Some seminar meetings may feature guest lectures or short field trips. Topics, readings and speakers 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.

In the Winter term, each student gives an in-class presentation of their research project, including visual aids (e.g. 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 directors no later than the end of January. Students submit a research proposal (2-3 pages), on which they receive formative feedback.

The breakdown of the research assignment grade is 20% blog post about the research project and its significance on the Program's website (up to 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 available 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.

Feminist Advocacy: Ending Violence Against Women

LW 7080.02 (Fall), LW 7081.02 (Winter) & LW 7082.03 (Winter)

Director: Professor J. Mosher and Adjunct Professor J. Birenbaum

Up to 10 students will be selected to participate in a pilot clinical program, "Feminist Advocacy: Ending Violence Against Women." Through a partnership between Osgoode Hall Law School and the Barbra Schlifer Commemorative Clinic, students will spend roughly 5 hours/week throughout the fall and winter semesters providing direct service to clients who have experienced violence, and engaging in systemic advocacy, public legal education, and research under the supervision of Clinic staff. The direct service component of the course will vary among students and will include some combination of general intake at the Clinic, assisting Clinic lawyers on family and immigration law files, and working with Clinic staff in the provision of early advice to women who have been sexually assaulted. There may also be opportunities to work with feminist criminal defence lawyers on files of women charged with domestic violence offences. Some number of the clinical hours will entail court observation and conversations with the presiding judge or justice of the peace, as well as an intensive training period in early September.

The seminar component will consider the features central to anti-oppressive legal practice, how we might conceptualize and practice "feminist advocacy," the importance of analyses that link violence against women to structures and institutions of violence and

oppression, and how the complex interplay of family, child welfare, immigration, and social assistance laws produce insecurity and harm for women. Using examples of feminist advocacy in action, we will also critically examine the transformative potential of law, and its capacity to meet the needs of marginalized communities and the goals of equality-seeking groups.

Students' research and writing projects for the seminar will, whenever possible, be tied directly to the feminist advocacy underway at the Clinic; this may include preparation of a law reform brief, a research memo, a draft factum, or public legal information materials. The research and writing requirement will be worth 75% of the overall grade, and 4 short reflective assignments based on readings and work at the Clinic will comprise the remaining 25%. The 4 credits of clinical work will be evaluated on a credit/no credit basis, with 2 credits assigned to each of the fall and winter semesters. The seminar will meet every other week throughout the year, and the 3 credits for the seminar will be assigned to the winter term. In alternate weeks when the seminar is not meeting, we will schedule court visits, case rounds, and other activities that will count towards the weekly clinical hours. The course will meet the upper year writing and praxicum requirements.

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 Director 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 Director of the Project or 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.

Intellectual Property Law and Technology Intensive Program (“IP Intensive”)

LW 7400.09, LW 7410.03 and LW 7420.03
Director: Professor D. Vaver

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

Program Outline

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

A key component of this clinical program is a 10 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 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, Trademark Law, or IP related seminar course.

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

Intensive Program in Aboriginal Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professors A. Boisselle and A. Bhatia

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. The Program is worth 15 credits (a full term's workload). This course will be of particular interest to students interested in Aboriginal and Indigenous law, environmental law, constitutional law and public policy.

Application process: Osgoode students must apply through the general selection process for Clinics and Intensives held in January and February every year. Students from other Canadian law schools may then also apply in March. See the Program's website for more information:

<http://www.osgoode.yorku.ca/programs/jd-program/clinics-intensives/aboriginal-intensive/>.

In The Classroom: The First Phase

The term begins with one week of independent study and two weeks of intensive seminars at Osgoode. Students are taught how to use law in creative ways to solve problems. The importance of a community-based approach to the law is particularly evident in addressing the problems that Indigenous peoples encounter within the Canadian legal context. Because of

the distinctive history, culture and political situation of Indigenous peoples, a distinctive approach to identifying and applying the law must be developed. Alongside State law, thinking about how to identify, interpret and apply Indigenous laws, as well as the rules and legislation developed by First Nations themselves, is at the heart of the community lawyering approach taken throughout the Program.

In The Field: The Second Phase

The program places students for seven weeks with Indigenous 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 – which in the past have included organizations based in Australia, New Zealand, the United States and Latin America.

Prerequisites: A law school course in Aboriginal or Indigenous law is required. A course on environmental law is required for students who wish to be placed specifically with an environmental organization. Students wishing a placement in Latin America must be able to speak, read and write Spanish. Students applying in their second year of law school (toward participating in the Program during their third year) will be preferred. Continued

enrollment in the Program is contingent on finding an appropriate placement and on the ability of the student to show a collaborative attitude in the classroom and at their placement.

Evaluation: The Third Phase

A variety of evaluative methods are used. Two papers (a written background paper supporting a seminar presentation connected to the student's placement experience, and a major legal research paper) are prepared during the term, for which letter grades are awarded. In addition, comments from the placement sponsor, the student presentation to the class and the daily journal kept during the placement form the basis of a written evaluation by the directors which is attached to the student's transcript.

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

Intensive Program in Criminal Law

LW 7100.03, LW 7110.03 and LW 7120.09

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

LW 7100.03, LW 7110.03 and LW 7120.09

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

Program Outline

Students write two papers on topics approved by the Directors within the fields of criminal law, criminal procedure, evidence and/or the administration of criminal justice. They are also responsible for one seminar presentation on a topic from a pre-determined list of subjects of special importance within the criminal justice

system. 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.

Intensive Program in Immigration and Refugee Law

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

Director: Adjunct Professor S. Baglay

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

The program exposes students to a challenging 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 Spiegel, 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.

Intensive Program in Poverty Law at Parkdale Community Legal Services

LW 7000.03, LW 7000.12

Academic Director: Professor S. Rehaag

Background

The Intensive Program in Poverty Law places 20 students for an entire semester in 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 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.

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

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

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
 - participate in community organizing, law reform or other activities designed to instigate social change

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.

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 the Academic Director: form part of the student's academic transcript.

Introductory Skills Training Program

All students accepted into the Program are required to attend an introductory Skills Training Program (STP) at the Clinic during the first two weeks of their term. Basic practice skills such as interviewing, informal advocacy and negotiation, and litigation are introduced in the STP, 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 participating students. Attending the STP is a mandatory pre-condition for participation in the Intensive Program in Poverty Law.

Term Dates

A semester at PCLS starts on the first day of the term and 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.

Shadowing & File Transfer

Incoming students are required to spend two days at the Clinic prior to their term. Outgoing students are similarly required to spend two days at the Clinic after their term. The timing is to be determined in consultation with the division, including both the incoming and outgoing students and their supervising lawyer. The purpose of this requirement is to create overlap between incoming and outgoing students so as to facilitate file transfer and to allow incoming students to shadow outgoing students during intake and client meetings. In recognition of the additional workload that this causes, students are excused from obligations in the Intensive Program in Poverty Law on four days during their term (mostly on Wednesdays late in the term).

Workload & Hours of Work

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.

The work at the Clinic can be intense and the amount of work can be unpredictable. The

Clinic's hours extend into evenings and community work and events also occasionally happen in the evenings. 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. While occasional workload challenges in the Intensive Program in Poverty Law are inevitable, the Academic Director is available to work with students to ensure that their overall hours are reasonable and that they are able to balance their participation in the program with their other commitments. As is the case in all professional environments, students must also be proactive in managing their own workload and in reaching out for assistance where required.

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.

Practicum & UYRWR

The Intensive Program in Poverty Law satisfies the Practicum requirement and provides options for students who would like to qualify for the Upper Year Research and Writing Requirement (though students also have options to write research papers in groups, which would not meet the UYRWR).

Students with Disabilities

PCLS and Osgoode are committed to ensuring that the Intensive Program in Poverty Law is accessible to all students. Students requiring

accommodations in the application or selection process should contact the Academic Director or Natia Tucci. After the selection process, all students selected for the program will receive communications regarding how to pursue accommodations procedures for their upcoming term at PCLS. The clinic's aim is to proactively identify and plan for accommodation needs as early as possible after the selection process to ensure that all students have inclusive and productive learning experiences.

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.

International & Transnational Law Intensive Program

LW 7370.10, LW 7371.02, LW 7372.03

Directors: Professor C. Scott and Adjunct Professor G. Sadoway

The International and Transnational Law Intensive Program [ITLIP] consists of three closely integrated parts: (1) a Placement in either an Inter-governmental Organization (such as the United Nations, the African Union, and the World Trade Organization), or a local clinic/NGO/law firm anywhere in Canada that grapples in a significant way with international law questions/issues (such as through litigation, legislative and other advocacy, and so on); (2) an academic Seminar; and (3) a Research Paper. Students develop specialized, advanced and critical knowledge of international law and its quotidian life and administration in a program that integrates scholarly perspectives, skills development and reflective practice. It also enables students to develop skills in international dispute resolution, international treaty implementation processes (both at international and national/local levels), international negotiations, processes, and protocols, oral advocacy, and research and writing.

Open to second and third year students, and located toward the top of the course progression path for international law courses, the Intensive Program will be offered in the Winter term of every academic year. It begins with a one week intensive training program which will be conducted here at Osgoode. This is to prepare students for their placements at the relevant organizations. This training will take place during the first week of January.

Seminar meetings commence the following week and continue every week for the rest of the winter semester (for a total of seminar 12 meetings, excluding the training week).

Seminar LW 7371.02, (2 Credits, graded): The Seminar (which will be offered with the help of internet e-conferencing solutions in video and/or voice) provides an understanding of the nature, design, work and impact of international law and international organizations as a set of dynamic social institutions rooted in history and unequal power relations. Students will develop perspectives from which to understand, critically assess and think constructively about international law and international organizations and their impact on society, and the challenges of ensuring that these institutions serve the historical and present needs of disadvantaged communities globally and locally. Topics to be covered include: the history and purposes of international law and international organizations; the various critical approaches to international law and organizations (including TWAIL, feminist approaches, CLS, and so on); Innovative ways of utilizing international law and organizations in the domestic courts, legislatures, public discourse, community organizing, and other local settings, all in the service of social change; reflective practice (praxis) in the context of international law and organizations; the potential and limits of the utilization of international law and organizations in the service of the struggle for global and/or local social change. The seminar topics and research papers will push students beyond the contexts in which they are working.

Placement LW 7370.10, (10 Credits, credit/no credit): In the Winter semester, students are

placed at an international organization or a select local clinic/NGO/law firm for three (3) months, where they will be engaged in providing international legal and related services to these organizations and any clients that the organizations might have, and/or critically engaging with international law questions/issues. Placement decisions are to be made by the Academic Director in consultation with the relevant organizations, but prospective students will be asked to rank their preferences for placements. The Academic Director will work with prospective students to strengthen their applications to the partner international organizations, which generally have their own independent selection processes. The internal (Osgoode) pre-selection process will align with the regular Osgoode clinical programs calendar, except that an exception may be made in regard to the first year of this program. Every pre-selected student will be placed in one organization or the other. Students placed in international organizations will likely conduct similar kinds of work, including international legal research, the writing of international legal memos, assisting with international legal advocacy; and so on. Those placed in local clinics/NGOs/law firms will work on issues/questions relating to the interaction of international legal norms and domestic laws and policies in Canada.

Research Paper LW 7372.03, (3 Credits, graded): In consultation with the Academic Director: students will research and write a 7,000 word academic paper, to be completed in the same semester of their Placement, i.e. the Winter semester.

Pre-requisite: Public International Law

Preferred courses: (One or more of the following courses, depending on the nature of

the organization in which the student intends to be placed) The Law of International Institutions, International Criminal Law, International Human Rights Law, International Trade Law, the International Law of South-North Relations, International Courts and Tribunals, International Intellectual Property Law, Advanced International Law, or International Investment Law.

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

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 Praxicum requirement.

Osgoode Business Clinic

LW 7600.02 (Fall) & 7610.02 (Winter)

Director: Professor S. Ben-Ishai

The objective is to fuse students' doctrinal education in commercial law with experiential training thereby providing a holistic educative experience. Students are put into teams of 2 – 3, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files typically involve providing basic but typical

legal advice and documents (i.e. incorporation, drafting sales contracts, subcontracts). The clients cannot otherwise afford professional legal services but are attempting to start up or raise the sophistication of their small company or sole proprietor business practices.

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

Student duties include:

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

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

- Files: approximately 40 hours per semester for two semesters;
- Meetings: with supervising counsel approximately 15 hours per semester for two semesters (including the off-site Stikeman classes); meeting with OBC

Director; approximately 12 hours per semester for two semesters;

- Reports: written weekly, approximately 10 hours per semester.

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

Test Case Litigation Project

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

Academic Director: D. Sheppard, Adjunct Professor

The Test Case Litigation Project provides an opportunity for students to learn the theory and practice of using litigation as a tool of law reform, while also gaining hands-on experience assisting practitioners engaged in actual test cases.

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 12-16 hours 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 7,000-8,000 word paper which engages with the theoretical and practical issues dealt with in the seminar. Topics are to be set in consultation with the course Director: but may address any aspect of test case litigation. The paper is due at the conclusion of the Winter semester, and students are encouraged to integrate the experiences they have gained from their placements into their work.

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

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

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

- 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.
- A student will be permitted to pursue a Research Program if, in the opinion of the Associate Dean, Students:
 - 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;
 - the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
 - he/she will receive adequate supervision.
- A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the Associate Dean, Students may extend through the final four or final two semesters.
- A student seeking permission to pursue a Research Program shall submit, to the Associate Dean, Students not later than 10 days prior to the commencement thereof, a

statement from the proposed supervisor stipulating:

- the topic or field of research, and a tentative outline of research;
 - The amount of academic credit to be obtained and date for submission of the completed research paper; and
 - consent to provide supervision.
- 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.
- The Associate Dean, Students 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.
- Students who elect to take this program shall not:
 - be enrolled in another intensive program, i.e. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
 - be enrolled in more than four seminars in addition to the Research Program over the second and third years;
 - 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.

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.

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).

JD/MBA Joint Program

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

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

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

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

Graduation Requirements

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

The Academic Program

Year 1

EITHER

- 27.00 credit-hours of Schulich MBA 1 Required Foundations of Management Core Courses
- 3.0 credit-hours of Schulich MBA elective courses

OR

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

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

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

YEAR 2

- the Year 1 required program in the other school

YEARS 3 AND 4

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

Note:

- 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.
- Students ineligible to continue in the joint program may continue in either Schulich and Osgoode, provided they maintain the required standards of each.

A combination of Schulich and Osgoode courses, consisting of:

- at least 15.00 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGM 6000 3.00 Strategic Management and MGMT 6090.00/MGMT 6100. 3.00 Strategy Field

Study can be taken in either Year 3 or Year 4.

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

<http://schulich.yorku.ca/programs/mba-jd/details/>

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 regarding the MES application deadlines and admission requirements see:

<http://fes.yorku.ca/apply/mes/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.

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

JD/Master of Arts (MA) in Philosophy Joint 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: [Professor Michael Giudice](mailto:giudice@yorku.ca) (giudice@yorku.ca) or [Professor Francois Tanguay-Renaud](mailto:ftanguay-renaud@osgoode.yorku.ca) (ftanguay-renaud@osgoode.yorku.ca)

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.

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:

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

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 Aruba
- University of Strathclyde (Scotland)
- Queen Mary University (England)
- 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
- Universidad de Chile

Details of international and exchange programs can be found at:

<http://www.osgoode.yorku.ca/programs/jd-program/international-programs/international-programs-osgoode-students/>

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.

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 visit the [York International website](#).

LAW SOCIETY INFORMATION

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.

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:

- Licensing Examinations (the Barrister Examination and the Solicitor Examination); and
- Articling term (10 months), including completion of an online Professional Responsibility and Practice ("PRP") course; OR
- Completion of the Law Practice Program

You must successfully complete the Licensing Examinations and either 10 months of articles or the 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:

- have the most direct impact on public protection;
- influence effective and ethical practice; and
- 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 was 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.

2016 English LPP at Ryerson University

The Law Practice Program at Ryerson University will be held from August 22, 2016 to December 16, 2016. 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 22nd to Friday, August 26th, 2016 inclusive
- Thursday, October 13th to Sunday, October 16th, 2016 inclusive
- Monday, December 12th to Friday, December 16th, 2016 inclusive

The four month work placement will take place from January – April 2017. Future candidates are encouraged to consult Ryerson University's Law Practice Program for further information at www.ryerson.ca/lpp

2016 French LPP at Ottawa University

The Law Practice Program at the University of Ottawa will be held from August 29th to December 22nd, 2016. 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://commonlaw.uottawa.ca/en/lawpractice>

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.

FACULTY ON SABBATICAL/LEAVE

- Professor M. Boittin – Fall & Winter terms
- Professor R. Buchanan – Winter term
- Professor J. Cameron – Fall & Winter terms
- Professor P. D'Agostino – Fall & winter terms
- Professor A. Dhir – Fall & Winter terms
- Professor T. Farrow – Fall & Winter terms
- Professor T. Johnson – Winter term
- Professor I. Mgbeoji – Winter term
- Professor L. Philipps – Fall term
- Professor B. Slattery – Fall & Winter terms
- Professor E. Tucker – Fall & Winter terms
- Professor P. Zumbansen - Fall and Winter terms

COURSE INFORMATION TABLES

The list of courses and seminars offered in the 2016-2017 academic session are found on [MyOsgoode](#). Click the Syllabus and Enrolment button then on the Course & Seminar Information Tables link.

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:

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).

- Courses without prerequisites: 2000's;
- Courses with prerequisites: 4000's.
- Seminars without prerequisites: 3000's;
- Seminars with prerequisites: 5000's

Fall Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Harten	A	4	2010	4	F15	152	95	FULL
Business Associations	Waitzer/ Au	A	4	2020	4	F15	71	90	FULL
Business Associations	C. Williams	B	4	2020	4	F14	50	90	72
Commercial Law	Geva	B	4	2030	4	F15	36	80	36
Commercial Law	Johnson	A	4	2030	4	F13	38	80	36
Communications Law	Engelhart/ Antecol/ Miller	A	4	2005	4	F13	12	40	9
Conflict of Laws	Walker	A	4	2040	4	F15	22	60	30
Criminal Law II: Ethical Issues	Di Luca/ Dann	A	3	2240B	3	F15	13	20	11
Criminal Procedure	Greene/ Grill	A	4	2690	4	F15	33	80	38
Disability & the Law	Mykitiuk	A	3	4905	3	W15	19	15	FULL
Environmental Law	D. Scott	A	4	2880	4	N/A	N/A	80	N/A
Estates	Black	A	4	2050	4	F15	75	75	64
Evidence	McKechney/ Weinstein	B	4	2490	4	F14	24	80	66
Evidence	Flumerfelt/ B. Davies	A	4	2490	4	F15	18	80	22
Family Law I	Drummond	B	4	2060	4	F15	37	80	42
Family Law I	Mossman	A	4	2060	4	F14	89	80	78
Immigration	Waldman/ Swaisland	A	4	4270	4	N/A	N/A	80	N/A
Insurance Law	Campisi	A	4	2280	4	F15	36	30	28
International Business Transactions	Martyn	A	3	2890	3	F15	20	50	20
International Courts & Tribunals	Okafor	A	4	2442	4	W15	15	40	34
Labour & Employment Law	Slinn	A	4	2315	4	N/A	N/A	95	N/A
Law & Social Change: Community Action Across Borders	Thorne	A	3	2750M	3	F15	15	30	14
Legal Drafting	Benda	A	3	2140	3	F15	35	35	26
Legal Ethics	Mercer	A	3	2059	3	N/A	N/A	20	N/A
Litigator's Guide to Debtor/Creditor Law	Hartman	A	3	2250	3	F15	22	60	20
Native Rights	Daum Shanks	A	4	2110	4	N/A	N/A	65	N/A
Patents	Mgbeoji	A	4	2330	4	F14	24	80	27
Public International Law	Saberi	A	4	2340	4	F15	23	40	19
Real Estate Transactions	C. Carter/ D. Carter	B	4	2070	4	F15	43	60	60
Real Estate Transactions	Rosenblatt	A	4	2070	4	F15	62	60	FULL
Refugee Law	A. Grant	A	4	2470	4	N/A	N/A	65	N/A
Regulation Of Competition	Brown/ McNeece	A	3	2350	3	N/A	N/A	65	N/A
Restitution	McCamus	A	4	2360	4	F15	23	80	23
Securities Regulation	Lastman	A	3	2620	3	F15	98	90	FULL
Taxation Law	Li	A	4	2080	4	F15	60	95	65
Taxation Law		B	4	2080	4	F15	42	95	45
Trusts	Esposito	A	4	2090	4	F15	49	50	FULL

Fall Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Class Actions	Walker	M	2	3010A	3	F14	10	20	10
Administration of Criminal Justice: Mental Illness	Barrett/ Shandler	A	2	5010G	3	F14	9	20	13
Administration of Criminal Justice: Regulatory Offences	Libman	A	2	5010F	3	F15	13	20	11
Administration of Criminal Justice: Wrongful Conviction	Young	A	2	5010D	3	F14	4	20	9
Children And The Law	Kierstead, McGirr	A	2	5230	3	F15	26	20	17
Constitutional Litigation	Lokan/ Fenrick	A	2	3630	3	F15	9	20	14
Consumption Taxes in Canada	Edgar/ Thang	A	2	3066	3	New	N/A	20	N/A
Corporate Governance	B. Nadler/ Griggs/ McCall	A	2	5170	3	F15	14	20	18
Directed Reading: Community Organizing & the Law	Jivani	A	2	6001C	3	F15	12	15	11
Directed Reading: Designing the Future of Justice - Introduction to Legal Design	Aylwin	A	4	6001G	4	New	N/A	15	N/A
Directed Reading: Indigenous Perspectives & Realities	D. McGregor	A	4	6001E	4	New	N/A	15	N/A
Dispute Resolution: Advocacy in the International Criminal Court	Adler	A	2	3007C	3	F15	6	20	7
Dispute Settlement	Del Gobbo	A	2	3980	3	F15	11	20	18
Entertainment & Sports Law	Selznick	A	2	3840	3	F15	24	20	FULL
Estate Planning	Rochweg, Berry	A	2	5110	3	F14	6	20	10
Family Law II - Family Law Policy	Madsen	A	2	5120	3	F15	6	20	6
Health Law	Gilmour	A	2	3004	3	F15	29	20	FULL
Intensive Legal Research & Writing	J. Davis	A	2	3920	3	F15	8	20	8
International Human Rights Law	Okafor	A	3	3440	4	F15	13	20	17
Labour Arbitration	Slinn	A	2	5070	3	F14	5	20	9
Law of War	Mgbeoji	A	2	3730	3	F14	13	20	17
Lawyer as Negotiator	Simmons	A	3	3960	4	F15	92	84	FULL
Legal Values: Current Issues in Reproduction & the Law	Cohen	A	2	3591R	3	F14	5	20	8
Legal Values: Real Estate Finance	C. Carter	A	2	3591N	3	F15	22	20	17
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context	Atkey	A	2	3008	3	F15	9	20	13
Securitization & Structured Financing	Johnson	A	2	5350	3	New	N/A	15	N/A
Sexuality and the Law	Radbord	A	2	3910	3	F15	7	20	10
Tax Lawyering	Kutyan	A	2	3370	3	F15	5	20	8
Taxation of Corporate Transactions	Li	A	2	5210	3	New	N/A	20	N/A
Theory and Practice of Mediation	Simmons	A	3	5960	4	F15	18	16	15
Trial Advocacy	Grinberg/ Rosenthal	A	3	5270	4	F15	96	90	77

Winter Courses

Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Niejenhusi/ Gonsalves/ Braden	P	4	2010	4	W16	48	80	55
Administrative Law	A. Grant	Q	4	2010	4	N/A	N/A	80	N/A
Advanced Torts	Priel	M	3	2480	3	W16	26	65	33
Banking, Payments & Negotiable Instruments	Geva	M	4	2420	4	W16	28	60	18
Bankruptcy & Insolvency Law	Chartrand/ Kauffmann	M	4	2430	4	W16	47	60	36
Business Associations	Imai	P	4	2020	4	W16	53	80	44
Business Associations	Puddicombe/McGovern	Q	4	2020	4	N/A	N/A	80	N/A
Civil Procedure II	M. Watson	M	3	2230	3	W16	21	80	32
Collective Bargaining Law	Schirru/ Kent	M	4	2515	4	W16	18	80	30
Commercial Law	Kraag/ Zverina	P	4	2030	4	W14	64	80	54
Contracts II	Swan	M	3	2460	3	W15	25	80	10
Copyright	C. Craig	M	4	2870	4	W16	57	75	72
Corporate Finance	Cher	M	3	4000A	3	N/A	N/A	40	N/A
Criminal Law II: Advocacy & the Criminal Trial	Greene/ Trehearne	M	3	2240J	3	W15	20	20	FULL
Criminal Law II: Sexual Offences	Chapman/ Dineen	M	3	2240E	3	F14	14	25	15
Criminal Law II: Youth Justice	Bessner	M	3	2240K	3	W16	13	20	13
Criminal Procedure	Tanguay-Renaud	P	4	2690	4	N/A	N/A	80	N/A
Estates	Black	P	4	2050	4	W16	119	75	64
Evidence	Dufraimont	P	4	2490	4	W16	44	80	FULL
Evidence	Dufraimont	Q	4	2490	4	W16	44	80	FULL
Family Law I	Kraft/ Franks	P	4	2060	4	F15	23	80	25
Globalization & the Law	Saberi	P	3	2008	3	N/A	N/A	20; 5 upper	N/A
Individual Employment Relationship	Slinn	M	4	2550	4	F14	18	80	33
Intellectual Property	Sookman/ Mason/ Glover	M	3	2970	3	W16	53	80	50
International Criminal Law	Matthews	M	4	2440	4	N/A	N/A	80	N/A
International Taxation	Li/ Tobin	M	4	4150	4	W16	7	20	12
International Trade Regulation	Wai	M	4	2290	4	W15	23	80	29
Jurisprudence	Priel	M	3	2720	3	W14	12	25	13
Land Use Planning	Mascarin/ Hare	M	3	2320	3	W15	27	75	32
Law & Social Change: Critical Race Theory	Simms	M	3	2750X	3	W15	1	20; 5 upper	2
Law & Social Change: Policing	Beare	M	3	2750B	3	W16	6	20; 5 upper	14
Legal Drafting	Kindbom	M	3	2140	3	W16	68	35	32
Legal Ethics	Goudge/ Devins	M	3	2059	3	W16	9	20	18
Legal Information Technology	Aylwin/ Goyal	M	3	2860	3	W16	13	20	12
Real Estate Transactions	C. Carter/ D. Carter	P	3	2070	3	W16	48	60	38
Securities Regulation	Cattanach/ Wiens	P	4	2620	4	W15	47	95	46
Taxation Law	Philipps	P	4	2080	4	W16	83	95	72
Taxation of Business Enterprises	Li	M	4	4100	4	W16	35	80	24
Taxation of Wealth Transfers	Frankovic	M	4	4080	4	W16	13	80	24
Trademarks	Gill	M	3	2170	3	W16	12	80	19
Trusts	Drummond	P	4	2090	4	W16	44	65	49

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	W16	24	20	17
Administration of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	Podolny/ Swartz	M	2	3010D	3	W16	7	20	14
Administration of Criminal Justice: Justice 360	Chaffe	M	2	5010H	3	W16	7	20	15
Administration of Criminal Justice: Sentencing	Crosbie	M	2	5010C	3	F15	18	20	16
Advanced Commercial Litigation Workshop	McKenna/ Bell/ Woycheshyn	M	3	5005	4	New	N/A	15	N/A
Advanced Securities	Condon	M	2	5280	3	W11	12	20	14
Beyond Bay Street: Starting up a Small or Solo Practice	Bhabha	M	2	3550	3	N/A	17	20	FULL
Climate Change Law	Mason-Case	M	2	3830	3	W16	8	20	6
Comparative Law: Islamic Law	Kutty	M	3	3040H	3	W16	3	20; 5 upper	9
Comparative Law: Privacy & Access to Information	Power	M	3	3040X	3	W16	7	20; 5 upper	FULL
Constitutional Litigation	Schwartz	P	2	3630	3	W16	17	20	18
Contract Remedies	Ali/ Tzoulas/ French	M	3	3050	4	W16	13	20	11
Directed Reading: Methods, Law & Politics of Disaster Governance	Bandopadhyay	M	2	6001H	3	New	N/A	12	N/A
Discrimination & the Law	Case	M	2	3300	3	N/A	N/A	20	N/A
Entertainment & Sports Law	Duarte	P	2	3840	3	W16	30	20	17
Forensic Science & the Law	Rondinelli/ Federico	M	2	3690	3	W16	5	10	5
ICT Colloquium	Wai	M	2	5810	3	W11	7	20	7
International Investment Law	Van Harten	M	2	3100	3	W14	21	20	17
Joint JD/MBA Seminar	Waitzer	M	2	3820	3	W16	17	30	17
Judgment & Decision Making	Corbin	M	2	5650	3	W16	17	20	18
Labour & Employment Law and Policy Colloquium	Slinn	M	2	5550	3	W15	8	20	8
Land Development & Commercial Real Estate Problems	Gross	M	2	5160	3	W16	21	20	FULL
Law & Psychiatry	Bryan/ Perez	M	2	3240	3	W16	14	20	8
Law & Religion in Legal, Social, and Political Perspective	Berger	M	3	3160	3	W15	28	15	13
Law, Gender, Equality	Mossman	M	2	3039	3	N/A	N/A	20; 5 upper	N/A
Legal Values: Commercializing IP	Grimaldi	M	2	3591M	3	W16	5	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 & Literature	Sutherland	M	2	3590V	3	W15	11	20	17
Legal Values: Law, Ethics & Social Media	Jenkins	M	3	3590C	3	W16	2	20; 5 upper	16
Legal Values: Managing Family Law Cases	Kierstead/ Tweyman/ Rotenberg	M	2	3591Y	3	New	N/A	20	N/A
Legal Values: The U.N. Governance & State Building	Peari	M	3	3591E	3	W16	N/A	20; 5 upper	18
Legal Values: Theory & Practice of Human Rights	Saberi	M	3	3591S	3	W16	6	20	12
Litigation Dispute Resolution and the Administration of Justice Colloquium	Simmons	M	2	5007	3	W16	6	10	4
Resources Management	Koehl/ Sahni	M	2	3490	3	W16	9	15	9
Tax As Instrument of Social & Economic Policy	Li	P	3	3006	3	W16	2	20; 5 upper	17
Taxation Policy	Philipps	M	2	5220	3	N/A	N/A	20	N/A
U.S. Securities Regulation in Comparative Perspective	Ritchie	M	2	5620	3	W16	16	20	19
Western Legal Histories	Girard	M	2	6601	3	N/A	N/A	20	N/A

Administration of Civil Justice: Class Actions

(3010A.03 M) *Seminar*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

Class actions are now an important element of the Canadian civil justice system. They seek to promote access to justice, judicial economy and behaviour modification, while supporting traditional procedural values. These often competing aspirations generate considerable interest and debate among practitioners and academics alike.

In this seminar, we welcome a series of leading counsel, judges and professors to discuss with us topics such as the roles of class counsel and defense counsel, and related ethical issues; costs (who should pay and when and how much); court-approved settlement and maximizing value for the class; the role of the representative plaintiff; regulation of communication with the class; and parallel and overlapping class actions and cross-border class actions.

This is an excellent seminar for those considering a career in civil litigation and for those interested in the way class actions are transforming the role of civil justice in society.

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

Administration of Civil Justice: Estate Litigation

(3010B.03 M) *Seminar*

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

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

Prerequisite Courses: Co or pre-requisite - Estates

Preferred Courses: None

Presentation: Presentation: Discussion, lectures, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

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

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

(3010D.03 M) *Seminar*

Instructor(s): R. Podolny, L. Swartz; Adjunct Professors

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities, Bankruptcy & Insolvency

Presentation: Lecture, class discussion, student presentations

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; the Director of the SIU; 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 and how that role actually plays out 'on the ground'. The class and panel will discuss what is required to close the gap between theory and practice.

Evaluation: Discussion and Class Participation – 40%.

A 7000 word research paper fulfilling the UYRWR – 60%

Administration of Criminal Justice: Mental Illness

(5010G.03 A) *Seminar*

Instructor(s): J. Barrett & Justice R. Shandler; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Administration of Criminal Justice: Regulatory Offences

(5010F.03 A) *Seminar*

Instructor(s): 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: No

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

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

Administration of Criminal Justice: Sentencing

(5010C.03 M) *Seminar*

Instructor(s): Justice K. Crosbie, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar examines various aspects of the Canadian sentencing system. This course is primarily legal in its orientation, although the course is augmented with some discussion of sentencing issues with philosophical and criminological literature. The seminar commences with a consideration of the philosophical dimensions of sentencing and an examination of certain empirical issues, such as problems in assessing the efficacy of deterrence theory and of penal measures, and the difficulties involved in substitution of penalties. Thereafter, considerable emphasis is placed on legislative and judicial approaches to the sentencing function, sentencing options and the procedural aspects of the Canadian sentencing system. Other topics for consideration include: victim participation, mandatory and minimum sentences, Aboriginal offenders, young offenders and plea bargaining. The course also involves attending a busy plea court and a discussion 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 February. 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 near the end of term. (Note: if a student does not wish to participate in the moot, arrangements may be made with the professor for an alternative assignment).

Administration of Criminal Justice: Wrongful Conviction

(5010D.03 A) *Seminar*

Instructor(s): Professor A. Young

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

Prerequisite Courses: None

Preferred Courses: Criminal Procedure and Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) A 25-30 page directed research paper worth 90% of the final mark.
2) Class participation worth 10% of the final mark.

Administrative Law

(2010.04 A) *Course*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the body of law that governs administrative and regulatory decision-making. It examines foundational rules and principles that apply across 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.

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: 80

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Praxicum: 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): A. Grant; Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the expansive body of law that governs administrative and regulatory decision-making. In many contexts, administrative law represents a primary mechanism for mediating people's relationships with the state. Learning about administrative law is therefore essential in developing a nuanced understanding of the functioning of modern democracies and vice versa. This course examines the foundational principles of administrative law, principles that apply across many areas of legal practice and policy-making. It is therefore relevant to a wide range of potential career tracks for law students. The administration (or executive branch of government) implements legislative policy and delivers government services in a broad range of fields such as public health and safety, immigration, labour relations, social benefits, securities regulation, business licensing and approvals and environmental protection. Administrative law also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration tribunals, and human rights commissions, that adjudicate legal matters, implement policy and, increasingly, preside over the rights of individuals. 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. 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.

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 instructor 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 Commercial Litigation Workshop

(5005.04 M) *Seminar*

Instructor(s): D. Bell, J. Woycheshyn, C. McKenna; Adjunct Professors

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

Prerequisite Courses: Business Associations is a co-requisite (Students must have already completed Business Associations or be enrolled in the course during the 16/17 academic year.

Preferred Courses: Evidence, Civil Procedure II, and Trial Advocacy are suggested courses.

Presentation: Lecture, discussion, oral and written advocacy exercises. Note: For pedagogical reasons, this seminar is held downtown.

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course will introduce students to the commercial litigation process. The course will revolve around one fact pattern and will progress from the first meeting with the client until the resolution of the matter. Students will engage in both oral and written advocacy exercises over the course of the semester.

Substantive topics that will be covered include: oppression and derivative actions; interlocutory and permanent injunctions; special investigations and working with experts; takeovers and proxy battles; and plans of arrangement. Throughout the course, students will be directed towards the relevant *Rules of Civil Procedure* and other applicable statutes. Practical and strategic theories and considerations that will be addressed include: the client relationship; court filings and documents; commencing an action or application; drafting motion materials; engaging and instructing experts; cross-examination techniques and more.

By the end of the course, students should be able to demonstrate: a basic understanding of common commercial proceedings; an ability to communicate effectively with clients; written advocacy skills in the context of pleadings and motion materials; oral advocacy skills in the context of motions, cross-examinations, and communication with opposing counsel; an understanding of strategic and practical considerations in various stages of the commercial litigation process; an understanding of the procedural aspects of commencing a commercial proceeding; and an understanding of ethical considerations including the Rules of Professional Conduct that arise during commercial litigation.

Evaluation: Interviewing the client & drafting originating documents (20%), reflective piece (11%); preparing and cross-examining expert witnesses (20%), reflective piece 11%; drafting law and argument portion of final-order hearing factum (20%), reflective piece 11%; participation 7%.

Advanced Securities

(5280.03 M) *Seminar*

Instructor(s): Professor M. Condon

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

Prerequisite Courses: Securities Regulation, Business Associations

Preferred Courses: none

Presentation: Discussion, guest speakers, student presentations

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, although issues such as convergence with international regulatory norms will be canvassed throughout. The seminar will begin with a discussion of philosophies of securities regulation and the role of investors in the changing markets. Specific seminar discussions will focus on issues currently being addressed and debated by securities regulators in Ontario and elsewhere, including: changes to securities regulation following the global financial crisis, including the emerging regulation of novel products and of systemic risk; the role of securities regulators in facilitating innovation; updates on the potential for co-operative securities regulation in Canada; globalization of securities markets; emerging issues in financial product regulation, including convergence of products; approaches to enforcement of securities law norms and the role of litigation in addressing 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: 65

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 paying special attention to negligence. But there is more to tort law than negligence, assault, and battery. 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 some topics in the law of damages not covered in first-year tort law. 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 (i) a very brief review of money, (ii) an extensive introductory part on negotiable instruments (bills and notes) and (iii) 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: (a) cheques, (b) payment cards, (c) wire transfers and (d) letters of credit. It will conclude with a brief introduction to the novel topic of 'fintech' covering digital/virtual/crypto currencies and block chain technologies. 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 both as solicitors and litigators. 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 & A. Kauffman; Adjunct Professors

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

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. 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 insolvency trustees, 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: Examination (100%). Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

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

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

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

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

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

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

Business Associations

(2020.04 A) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problem solving, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Business Associations

(2020.04 B) *Course*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem solving

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Either (a) 100% closed-book examination, with relevant statutes provided for the examination or (b) 50% research paper (on a topic pre-approved by the instructor) and 50% closed-book examination, with relevant statutes provided for the examination.

Business Associations

(2020.04 P) *Course*

Instructor(s): Professor S. Imai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, video

Upper Year Research & Writing Requirement: No

Practicum: Yes

This is an alternative introductory business course, suitable for students who are interested in small practice, 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. We will also cover a couple of subjects that are part of the Bar Ad test that are not covered in the other Business Association courses - doing business with Indian reserves and the purchase and sale of a business. 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.

The pedagogy will be problem based approach in which many classes focus on advising clients. The exam will consist of variations of the problems discussed in class. We will also have a number of short Skype appearances by practitioners in the various areas covered, who will tell us about what they like about their practices.

Evaluation: This course is designated as a practicum, so 34% of the mark will be on practical exercises, including the steps for incorporating a business and creating a minute book. The other 66% will be a modified closed book exam of two and a half hours. You will be allowed to bring in five pages of notes, in 12 pt. font, with normal margins. Statutory materials and financial statements will be provided with the exam.

Business Associations

(2020.04 Q) *Course*

Instructor(s): N. Puddicombe & A.M. McGovern: Adjunct Professors

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

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; pre-incorporation contracts; capital structure and activities of a corporation; roles and duties of directors and officers; corporate governance; shareholder rights and remedies; and an introduction to corporate transactions (mergers and acquisitions).

Evaluation: 80% closed-book final examination, 20% participation (including regular in-class key learning reflections). Students may bring an annotated copy of the *Canada Business Corporations Act and Regulations* into the examination.

Children And The Law

(5230.03 A) *Seminar*

Instructor(s): Professor S. Kierstead & P. McGirr, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

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

Note: Students who complete the Child Protection seminar will be eligible to participate in a 4 credit externship during the Winter 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%).

Civil Procedure II

(2230.03 M) *Course*

Instructor(s): M. Watson, Adjunct Professor

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

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. Students may also opt to write an optional paper worth 40% of their overall final grade (length, topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

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 and the Paris Agreement; 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 corporate social responsibility and securities reporting requirements; 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 Requirements (i.e., 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: 80

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 T. Johnson

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lecture, discussion, webcasts

Upper Year Research & Writing Requirement: No

Practicum: No

This course will encompass an examination of the law related to the taking of, and realization on, security interests in personal property. The course involves first, a brief introduction to insolvency law (Canada's *Bankruptcy and Insolvency Act*), followed by a detailed analysis of Ontario's *Personal Property Security Act* . Coverage also includes security interests under Ontario's *Securities Transfer Act*, and a brief look at the special security provisions of Canada's *Bank Act* . Time permitting suretyship, asset securitization, cost of borrowing disclosure and the proprietary aspects of sale of goods will be covered.

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

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

Evaluation: Modified closed book examination: 100%. A table of contents of relevant legislation and a detailed reading list, including a list of cases, will be distributed in the examination room, along with the examination questions. Paper option: 30%.

Commercial Law

(2030.04 B) Course

Instructor(s): Professor B. Geva

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

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): S. Kraag & T. Zverina; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Business Association

Presentation: Lecture & Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on secured credit in lending, wholesale and retail sales transactions and touches upon related areas. Coverage includes a brief introduction to securitization, leasing, insolvency, corporate debt financing transactions and mortgage financings. Most of the course will deal with the financing of commercial and consumer transactions, particularly secured credit under the Ontario Personal Property Security Act. The course will combine statutory interpretation and legal principles as they operate throughout commercial transactions. Neither a prerequisite nor a co-requisite is required or recommended, and the course is appropriate for students who start their second year at Osgoode. Those who wish to take upper year business law courses are encouraged to take it quite early in their upper year law studies.

Evaluation: 100% open-book examination or 50% open-book examination and 50% research paper.

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

Communications Law

(2005.04 A) *Course*

Instructor(s): K. Engelhart, E. Antecol & P. Miller; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course will examine law, policy and regulations concerning the Internet broadcasting (radio, TV and specialty/pay/VOD services) and telecommunications. In the case of the Internet topics will include privacy, the CRTC's New Media Exemption Order and usage based billing. Of particular interest in broadcasting are questions about access, Canadian content, and the implications of competition and new services in the Canadian broadcasting system. In telecommunications, emphasis will be given to issues arising from competition, wireless and new technologies.

Evaluation: Two out of three short tests on practical problems (2 pages each, 10% for each test), a class participation mark (10%) and an intervention in a mock CRTC proceeding (60% for written submission and 10% for oral submission.) Each section (broadcasting, telecommunications and Internet/other) will have a requirement for students to submit a one page question and answer on a practical issue associated with that section. The questions and answers will be discussed in one class per section. The questions and answers will be graded and the grade will be included in the class participation mark. Handing in a question and answer for each section is mandatory for completing the course.

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 16, 2017. 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 18, 2017. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

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: 60

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

In a world of cross-border communication, trade and travel, conflict of laws questions arise in every field of private law. A good understanding of the subject is vital for those 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 on 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 a 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, presentation of oral and written argument

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. The seminars involve working through problems in small groups and presenting positions in class. Debate, questions, banter and discourse are encouraged.

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 a three-minute, opening argument, a draft Notice of Motion, a portion of a draft factum including a schedule of authorities (20%); major end of term 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. The course does meet the Practicum requirement. Students are required to provide a reflection after completing both the initial and final assignments.

Consumption Taxes in Canada

(3066.03 A) *Seminar*

Instructor(s): Professor T. Edgar & S. Thang, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, group discussions, case studies and problem solving exercises.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Consumption taxes are a common feature across all Canadian jurisdictions in the form of the federal Goods and Services Tax and, in some provinces, Provincial Sales Tax. Most Canadians pay consumption taxes on a daily basis on the goods and services they acquire. Globally, consumption taxes account for a significant and growing proportion of tax revenues. This seminar examines the nature and the application of consumption taxes in Canada. It starts by looking at fundamental issues including consumption versus income as a basis for taxation, continues with the unique underlying principles and policies, and includes an overview of the Canadian rules under the *Excise Tax Act*. It also covers important controversies arising from the nature and design of consumption taxes, such as regressivity and the treatment of financial services. Students will learn why consumption is taxed, the different forms of consumption taxes, the key principles underlying modern consumption tax systems, how those principles are operationalized by the Canadian rules, and what the current controversies are. In addition, students will learn how to problem solve by applying normative concepts together with the basic technical rules. This seminar focuses on Canadian consumption taxes but some common principles with consumption taxes in other jurisdictions (such as the European Value Added Tax) will be explored. The seminar will help student develop important legal skills, such as statutory interpretation, advocacy, comparative legal research, problem solving and legal research and writing.

Evaluation: 20% class participation; 80% research paper. The research paper will be eligible for the Writing Requirement.

Contract Remedies

(3050.04 M) *Seminar*

Instructor(s): N. Tzoulas, K. Ali & R. French; 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 requiring students to apply their knowledge in scenarios intended to mimic real private practice experience. Each topic will be introduced by a short lecture, after which students will have until the following class to read the assigned materials, 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 (two class presentations and two written assignments); general participation; final negotiation simulation and paper.

Contracts II

(2460.03 M) *Course*

Instructor(s): A. Swan; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This is a course on the substantive law of contracts. The principal goal of this course is to expose students to the role and problems of the solicitor. These problems are different from those of the litigator and require quite a different approach to thinking about contract problems and reading cases.

The course will deal exclusively with commercial transactions and relations; it will not deal with consumer contracts, *i.e.* , contracts which engage the *Consumer Protection Act* .

The solicitor faces three general problems in advising his or her clients with respect to contractual issues:

- making sure that the step from the non-legal world into the legal world, *i.e.* controlling how and when the client enters a legal relation, is carefully managed;
- allocating the risks (and benefits) that are inherent in any transaction or legal relation between the parties; and
- dealing with the problems that might arise in the performance of the parties' obligations, the operation of their relation, its collapse or its dissolution.

Evaluation: There will be several assignments during the course. Some will involve drafting; some may involve analysis and memo-writing. There will be at least two marked assignments, perhaps three. There will be a final exam on the day fixed by the Faculty.

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, in-class 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 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 case comment (10-12 pages, 25%, no downside risk).

Corporate Finance

(4000A.03 M) *Course*

Instructor(s): G. Cher; Adjunct Professor

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

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 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 the roles of various parties to different types of corporate finance transactions;
- understand risk allocation between issuers, financial sponsors and investors;
- discuss the key terms of underwriting and agency 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); and
- understand key aspects of financial statement reviews.

Students will be provided with reference materials which include financial statements, offering documentation, finance agreements and other pertinent information.

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

Corporate Governance

(5170.03 A) *Seminar*

Instructor(s): B. Nadler, S. Griggs & C. McCall, 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 the 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 development 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 and the competing theories of 'shareholder primacy' vs 'director primacy'; (3) the growing role of institutional investors seeking improved governance, including "activist investors" and the competing governance theories of short termism vs. long termism; (4) "shareholder democracy", including majority voting, say on pay, proxy access, shareholder engagement and controlled or dual class share companies; (5) corporate social responsibility, diversity in the boardroom and 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) international perspectives on corporate governance.

Evaluation: Research paper 70% (not less than 7,000 words and not more than 8,000), Class participation 15%, Class presentation: 15%.

Criminal Law II: Advocacy & the Criminal Trial

(2240J.03 M) *Course*

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

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

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Lectures and discussions

Upper Year Research & Writing Requirement: No

Practicum: Yes

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

Evaluation: Evaluation will be based on written and oral assignment (30%), class participation and discussion (10%) and a final take-home assignment (60%).

Criminal Law II: Ethical Issues

(2240B.03 A) *Course*

Instructor(s): J. Di Luca & E. Dann; Adjunct Professors

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

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 Crown and defence lawyers face in the day-to-day practice of criminal law. 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; and ix) the prosecution and defence of sexual offences. The course is presented in a lecture format with an emphasis on class discussion and debate of challenging ethical issues. Guest speakers are invited to share case specific insights and experiences.

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

Criminal Law II: Sexual Offences

(2240E.03 M) *Course*

Instructor(s): S. Chapman & M. Dineen; Adjunct Professors

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

Prerequisite Courses: Criminal Law I

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Criminal Law II: Youth Justice

(2240K.03 M) *Course*

Instructor(s): R. Bessner; 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, Australia and New Zealand will be compared with Canada's youth justice system.

Evaluation: Class Participation - 7%

Role Playing and Reflection -33%

Research Paper- 60% - 7000 words excluding footnotes and bibliography.

The Research Paper topic must be approved.

Criminal Procedure

(2690.04 A) *Course*

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

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

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): Professor F.Tanguay-Renaud

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

Prerequisite Courses: First-year criminal law

Preferred Courses: none

Presentation: Lectures, in-class discussions, problems

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. It will end off with a brief consideration of the law of sentencing. Throughout, various theoretical perspectives on criminal law and process will be addressed.

Evaluation: 100% open book final examination, or option of open book exam worth 50% and research paper on a topic approved by the professor worth 50%. There is a participation requirement which may result in a downgrading of a student's grade, were a student regularly to fail to attend class or to participate.

Directed Reading: Community Organizing & the Law

(6001C.03 A) *Seminar*

Instructor(s): J. Jivani; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 15

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) that impact communities with diminished access to justice and minimal participation in Canada's democracy.

Part 3: Students will participate in community organizing projects in partnership with the Citizen Empowerment Project, a Toronto-based community organizing and public education group focused on issues that impact youth, newcomers and low-income families. Students will be encouraged to take a leadership role as often as possible.

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 from the ground-up and the top-down. 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 re-purposed to do practical work.

Students will work in teams of 3-5 under the supervision of Visiting Professor Jamil Jivani, who is the founder of the Citizen Empowerment Project and was named the 2015 Young Lawyer of the Year by the Canadian Association of Black Lawyers.

Projects in the course change each year. However, the community organizing projects led by students in this class last year are indicative of the types of projects students can expect. Last year's projects were:

- #JaneAndFinchVotes - a voter mobilization campaign in the Jane and Finch community that contributed to an 11% increase in voter turnout in the community for the 2015 Canadian federal election
- Policing Literacy Initiative - a project to gather and document community perspectives on the Government of Ontario's new rules on carding to prevent racial profiling
- Policing Literacy Initiative - a project to help community organizations engage with the process of pre-charge diversion under the Youth Criminal Justice Act

You can learn more about each of these projects at www.citizenempowerment.ca

Evaluation: Students will be evaluated on their in-class attendance, participation in team meetings and the quality of their work in community organizing projects. Students will be asked to submit two short reflection papers about course readings (750 words each) and two memos about issues explored and lessons learned in their projects (1,500 words each). Toward the end of the semester, students will deliver

a presentation (alone and/or in groups) about their projects.

Directed Reading: Designing the Future of Justice - Introduction to Legal Design

(6001G.04 A) *Seminar*

Instructor(s): N. Aylwin; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 15

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar - students will spend two hours a week in class learning the theory and practice and then an additional two hours working directly with their community partners.

Upper Year Research & Writing Requirement: No

Practicum: Yes

There is a significant need for innovation within the justice system. Current pressures to deliver “better, faster, and cheaper” legal services, along with the need to better leverage technology to make justice more accessible, has created a need for lawyers that have both the ability to recognize opportunities for innovation and the skills to design services that directly address the needs of justice users.

This course will allow students to develop these skills by focusing on the theory and methodologies of human-centered design and how it can be applied to facilitate innovation in the justice system. Students will gain hands-on experience in designing human-centered legal services by working directly with community partners to develop engaging new solutions to a real-life legal service delivery and access problem. Over the course of 13 weeks, students will:

- Be introduced to the theory of human-centred design – which puts human needs, capabilities and behaviour at the centre of the design process.
- Learn how to identify opportunities for innovation in legal service delivery.
- Become comfortable planning and leading design sessions, and applying design tools to unlock solutions to complex legal service delivery and access problems.
- Work collaboratively with non-legal partners to creatively solve complex problems.

The theoretical portion of the course provides a critical examination of innovation discourse within the legal field. Claims that the profession is resistant to innovation, that increased access to justice depends on new modes of legal services delivery, and that the administration of justice must better take into account user experience, will be examined. Students are encouraged to draw their own conclusions regarding questions around the need for innovation in the justice system and the effectiveness of a human-centered design approach to increasing access for currently underserved populations.

By the end of the course, students will be poised to become leaders in a human-centered approach to legal innovation.

Evaluation: Participation 20%; Legal Services Design Assessment 10%; Design Journal 20%; Final Design Process Document 50%

Directed Reading: Indigenous Perspectives & Realities

(6001E.04 A) *Seminar*

Instructor(s): Professor D. McGregor

Fall: 4 credits; 4 hours; max. enrollment: 15

Prerequisite Courses: None

Preferred Courses: None

Presentation: This is an experiential learning course. Students are expected to participate in all aspects of the course, including lectures, class discussions, field excursions and experiential learning activities. Course delivery includes, guest lectures, videos, podcasts, storywork and news stories drawn from real world examples. Students are required to participate in 3 one-day weekend field trips.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course will introduce students to fundamentals of knowledge systems that inform Indigenous understandings of law, justice, governance and treaties. It is intended to provide students with a deeper understanding and appreciation of the lived experience of Indigenous peoples in Canada. This course is offered as an experiential education opportunity that will assist students in gaining familiarity, in a variety of contexts, with the diversity of Indigenous worldviews, ontologies and epistemologies that frame Indigenous reality. The course will examine major political, educational, economic, legal, and cultural issues facing Indigenous peoples and communities in Canada in both present-day and historical contexts. Course material will be drawn from the Truth and Reconciliation Commission, the Ipperwash Inquiry, the Royal Commission on Aboriginal Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples; as well as other materials that provide insights into the contemporary reality of Indigenous peoples.

As the main goal of the course is for students to demonstrate a sound appreciation for the perspectives and realities of Indigenous peoples, students will learn directly from Indigenous peoples through various field excursions and experiences in the Aboriginal community in Toronto and elsewhere. Students will be required to participate in Indigenous events outside of the law school.

The course will be framed around the concept of 'place' (e.g., urban Toronto) and explore relationships to place from a variety of experiential perspectives (e.g., Indigenous, ally, settler Canadian, newcomer).

Evaluation: Class and experiential learning participation (10%), Written assignments based on course materials and experiential/reflection activities (3 short writing assignments worth 10% each), and a 7,000 word research paper (60%).

Directed Reading: Methods, Law & Politics of Disaster Governance

(6001H.03 M) *Seminar*

Instructor(s): S. Bandopadhyay, Visiting Professor

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

Prerequisite Courses: none

Preferred Courses: International law, environmental law, human rights, humanitarian law, some background in the social sciences

Presentation: Discussion, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

Disasters, however narrowly or broadly construed, have long been an inevitable part of social life. The 20th and 21st centuries have witnessed the development of high-risk technologies, the rapid deterioration of ecosystems, and the parallel democratization of mass communication technologies, leading to a heightened awareness of disasters near and afar. But the regularity of disasters has not made them unremarkable, nor has the availability of news footage afforded them a well-defined meaning. The aim of the seminar is to introduce law students to the trans-disciplinary field of disaster governance that tries to explain, and manage the occurrence and impact of calamitous events.

Legal scholarship on the subject of disasters is extremely limited, which is particularly surprising since legal rules and regulations has long been the dominant response to disasters. In its current, albeit nascent form, disaster management practices engage a multitude of legal rules and sub-fields such as environmental law, international law, human rights and humanitarian law, tort law, insurance law, administrative law, as well as codes and regulations related to property, housing, food and healthcare, to name but a few. But in order to be able to appreciate what legal rules and policies attempt to do, law students have to become conversant with significant bodies of social and natural sciences research ranging from history, science and technology studies, geography, anthropology, and sociology, to name but a few. (The course does not presume previous knowledge of any of the abovementioned fields of inquiry.) Our ultimate goal will be to bring the insights of these other bodies of research to bear on the emerging field of disaster law and policy. This seminar will prepare law students: to critically examine disasters as particular events, that are in turn part of pre-existing socio-technical structures in a given society; to become familiar with the laws, policies, practices and controversies that characterize the regime(s) of disaster governance currently emerging across the world; to engage with ongoing debates regarding disasters across the social sciences and to draw on their insights in analyzing the content of legal prescriptions; and finally, to develop analytical, research, writing and presentation skills as they attempt to synthesize a diverse array of knowledges into coherent narratives and arguments.

Note : Laptops are not permitted during the seminar.

Evaluation: Participation (2 response notes + 1 presentation + classroom participation = 30%); research paper (7,000 words, excluding footnotes and bibliography) (70%).

Disability & the Law

(4905.03 A) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: interactive discussions, student presentations,

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This course offers in-class instruction in an interactive lecture/discussion/presentation 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 and Attendance: 10%, Research Paper: 70%, Class Presentation: 20%.

Discrimination & the Law

(3300.03 M) *Seminar*

Instructor(s): P. Case; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, presentations, simulation, class discussion and reflection

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The human rights revolution is barely seventy years old. Since WWII, we have created a rights language that is often taken for granted and that is used to describe rights that are based on an expanding array of personal characteristics. Those rights are adjudicated not only in human rights tribunals but, as the result of judicial and legislative decisions, in far flung areas of the administrative state as well as in courts. The decided cases give meaning to the ways in which human rights are understood in vast numbers of workplaces and services throughout Canada. Notwithstanding the vibrancy of our case law, none of us can say that recent years have not been characterized by a growing confusion about how to think about and address matters such as sexual harassment and discrimination, racial profiling, disability based discrimination and the differential treatment of trans people. Through the study of the decided cases and other material, the purpose of this course is to, examine how discrimination, equality and equity issues are identified and addressed. The seminar will focus on the theoretical and the practical. After learning about the history of human rights in Canada, participants will study theories of rights. Participants will consider the modern political, cultural and recent historical forces that contributed to the development of human rights concepts and their relationship with international human rights provisions. In the contexts of workplaces and the provision of services, participants will consider topics such as the duty to accommodate, intersectionality, secularism, the freedom of expression, evidence in human rights matters, remedies for human rights violations and the enforcement of human rights remedies. Throughout the course, participants will be asked to engage in reflective thinking about topics under study. Later in the semester, participants will engage in a simulation during which they will apply theories and practices learned throughout the course.

Evaluation: Weekly 15-minute reflective writing exercise (15%); Simulation set (tentatively) in a fictional provincial correctional institute (15%); Research Paper of 7000 words (satisfying the Upper Year Research & Writing Requirement) (60%); Class Presentation (10%).

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 and / or other advanced criminal law courses

Presentation: Moot presentations, discussions,

Upper Year Research & Writing Requirement: No

Practicum: Yes

The focus of this advanced seminar is three-fold:

- a. To pick a three-person team to represent Osgoode at a moot in New York City and thereafter in the International Criminal Court at The Hague, in the Netherlands, and
- b. To pick a two-person team to represent Osgoode at a moot at the court where the International Military Tribunal occurred in Nuremburg, Germany after World War II, and
- c. To give participating students an in-depth knowledge 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 criminal legal principles, 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 cases set for both:

1. The International Criminal Court Moot, to be held in New York and The Hague in March and May of 2017; as well as
2. The International Nuremburg Moot to be held in Nuremburg in July of 2017.

This class provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for both Moots 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 or near the top, 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! And now we are adding Nuremburg.

Evaluation: In-term written assignments, including a draft factum, and oral presentations.

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 provides 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 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, abiding characteristics, institutionalized forms, and implications for legal professional responsibility. Second, we will consider the design and implementation of innovative context- or community-specific models such as problem-solving courts, restorative justice, and aboriginal paradigms, both at the level of principle and in particular cases. Third, we will survey the growing field of systems design ("post-ADR"), applying legal and non-legal skills to tailor dispute resolution 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. Our focus throughout will be in-depth analysis and critique of dispute resolution theory and practice, drawing on insights from critical race studies, feminist legal theory, legal history, and international perspectives, among others, to assess the appropriateness of different settlement process features.

Classes will be conducted in a seminar format with issues for debate arising from detailed consideration of the readings (articles, case law, literature, film) as well as real-life and simulated case studies. Throughout the seminar and particularly in their written work, students will be invited to engage with dispute resolution problems that interest them, using what they have learned to brainstorm new, revised, or adaptive models 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 (three pages each) on readings or simulations assigned in the course (20%); and active classroom participation in 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.

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 intellectual property legal issues are resolved in practice.

Evaluation: Class participation (15%), assignments based on class and reading materials (25%), and a 7,000 word research paper (60%).

Environmental Law

(2880.04 A) *Course*

Instructor(s): Professor D. Scott

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

Prerequisite Courses: None

Preferred Courses: None

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

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, short films, 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 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); international law and the environment (eg multilateral environmental agreements, international trade and investment law); judicial review of environmental decision-making (eg standard of review, public interest standing); economic policy instruments (eg carbon taxes and trading); federal toxic substances regulation; environmental impact assessment; endangered species protection; and parks and protected areas. We take up major federal environmental statutes including the Fisheries Act, Canadian Environmental Protection Act, Canadian Environmental Assessment Act and Species at Risk Act, as well as the Ontario Environmental Bill of Rights. Throughout the course, we use cross-cutting issues like climate change to understand complex legal and policy problems.

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

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

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

Estate Planning

(5110.03 A) *Seminar*

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

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

Prerequisite Courses: Tax, Tax of Wealth or Tax of Business Enterprises, Trusts or Estates

Preferred Courses: All prerequisite alternatives and Business Associations

Presentation: Discussion, lectures and guest speakers.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Estates

(2050.04 A) *Course*

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

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

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: 75

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.

Evidence

(2490.04 A) *Course*

Instructor(s): R. Flumerfelt and B. Davies; 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): R. McKechney; Adjunct Professor

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

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

Evidence

(2490.04 P) *Course*

Instructor(s): Professor L. Dufraimont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, Problem Solving. Section P is Held Tuesdays and Thursdays from 10:30 - 12:30.

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 Q) *Course*

Instructor(s): Professor L. Dufraimont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, Problem Solving. Section Q is held Tuesdays and Thursdays from 2:30- 4:30 p.m.

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

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course explores fundamental relations between families and law, focusing on three contexts: the creation of the family unit, the regulation of the on-going family, and problems at family breakdown. The course provides an introduction to basic themes about families, and then focuses on these three contexts:

Creating Families through marriage (and cohabitation) and parent-child relationships (including adoption and assisted reproduction;

Regulating On-Going Families in terms of issues about child care, child protection, and family violence; and

Family Breakdown issues of divorce and separation including family contracts and dispute resolution (and corollary relief issues about property, spousal support, custody and access, and child support).

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

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

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

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

*The critical case comment is not a research assignment, but requires a critical assessment of one of several cases designated by the instructor, related to but outside the course syllabus, and submitted on specified dates during the semester (approx 2500 words). These assignments are graded and returned during the semester.

OR

Students may write an essay focusing on themes in family law (in relation to cases discussed in the course, and specified on the exam -- with some choice) during an additional 50 minutes of the final examination.

Family Law I

(2060.04 B) *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 P) *Course*

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

Winter: 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 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.

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%.

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture; class discussion; student presentation. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2017. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course critically examines the phenomenon of globalization in its connection with law from different angles. The main objective of investigation is to ask: if globalization is really a new phenomenon and what it means to relocate it in historical perspective; if it is uniformly visible and equally significant in various spheres of social life; what is the connection, if any, between the globalization of ideas and material objects in the social world; whether law merely reflects and adapts to the inevitability of globalization or it has an active role in the formation of the concept, and more. In this pursuit, we will take aid from other disciplines just as from in-depth readings, discussions, potential guest speakers, and collective, in-class exercises.

Evaluation: Class participation 25% (general participation including regular attendance and active contribution to class discussions 15%; paper presentation 10%). Final research paper on a pre-approved topic (of 5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography) 75%.

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, aboriginal health and law, 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%.

ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: Students must be enrolled in the ICT Program and have completed their pillar requirements (2 of Public International Law, Conflict of Laws, or Comparative Law) or be a qualified exchange student. Graduate Program (research stream LLM or PhD) students in the ICT area may also enrol. See below under "Preferred" for the admission of other JD students.

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

Presentation: Seminar discussion; student presentations (in the last classes of term) of essays-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 seminar 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. JD and graduate students will be graded separately.

The ICT Colloquium for Winter 2017 explores how key sectors of contemporary 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 2017 seminar will be organized in three parts.

- (1) Three sessions will explore theoretical approaches that offer insights about the overall character and complexities of ICT law, such as (a) legal pluralism; (b) global justice; (c) global administrative law; and (d) global value chain analysis.
- (2) 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.

(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 2017, the colloquium will also involve participation of various Osgoode faculty with expertise in ICT subjects.

Although the seminar will focus on particular examples and theories, 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 paper (80%). Paper description and outline are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.

Immigration

(4270.04 A) Course

Instructor(s): L. Waldman & J. Swaisland; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course begins with an overview of the Canadian immigration system and international migration patterns with the objective of understanding who is coming to Canada and why. The basic features of the *Immigration and Refugee Protection Act* and the *Regulations* will then be discussed including: family sponsorship, economic immigration, refugee law, and inadmissibility. Embedded in this discussion will be an overview of how immigration decision-making takes place and the reviewability of immigration administrative decisions. The final portion of the course will be devoted to looking at current topics in immigration law including those that arise out of the application of the *Charter of Rights and Freedoms* and national security interests.

Evaluation: In-Class Participation and Assignments (20%), Open-book examination (80%).

Individual Employment Relationship

(2550.04 M) Course

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: (All students must write the final examination. Students may opt to undertake an additional form of evaluations (research paper, case comment, etc.) for up to 50% 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 the 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.

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: 80

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% exam. Candidates may bring into the examination room the textbook, assigned readings, slides, a list of cases, and his/her own prepared lecture or study notes, but no other written materials, no library books and no electronic devices (unless they are using their own laptop).

Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

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: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

International Courts & Tribunals

(2442.04 A) *Course*

Instructor(s): Professor O. Okafor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures and Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The last several decades have witnessed a near explosion in the number and spread of international courts and tribunals in the world. What role can and do these courts/tribunals play in our current global (dis)order? How do these bodies contribute to or detract from the effort to promote and protect international criminal, human rights and humanitarian law? This course will examine a number of related topics including the socio-legal context in which international courts and tribunals operate; the nature and limits of their mandates and jurisdiction; the nature of their composition; their workings and operations; their relationships with national courts and other domestic bodies; relationships to other international bodies; the implementation and enforcement of their decisions and judgments; any politics, biases or blind spots that afflict their work; and any patterns in their decision-making and operations.

Evaluation: Take Home Group Assignment 20% + Open Book Final Exam 80%

International Criminal Law

(2440.04 M) *Course*

Instructor(s): Professor H. Matthews

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

Prerequisite Courses: None

Preferred Courses: Public International Law

Presentation: Lectures, discussion, case studies, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course will provide an introduction to the main concepts, rules and institutions of “international criminal law.” It will explore the core international crimes of aggression, war crimes, crimes against humanity, and genocide, as well as terrorism. In addition to providing students with a strong foundational knowledge of the field, including how it is situated in the context of public international law and domestic criminal law, this course will help students develop a critical toolkit with which to assess the global (individualized) legal regulation of political violence. Using a historical, political, and philosophical approach throughout, we will examine the broader distributional stakes of the global criminal justice project. Law in the face of mass atrocity reveals some of the most pressing issues confronting international law and lawyers today. Through case studies and theoretical texts, we will grapple with fundamental questions of global jurisdiction, constituency, effectiveness and legitimacy.

Evaluation: Reaction papers: 25% (6 papers, 500 words each, top 4 graded; Class participation: 15%; Final paper: 60% (7,000 words, excluding footnotes and bibliography).

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 special 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 including expropriation, fair & equitable treatment, national treatment, and most-favoured-nation treatment; jurisdiction and admissibility of claims in investment arbitration; umbrella clauses, investment contracts, and privatization; remedies and state liability; recognition and enforcement of awards. The aim is to provide students with a sound grounding in technical issues while affording opportunities to engage in critical discussion of this area of the law and possible reforms and to develop their analytical, presentation, and research/ writing skills. The course will also include a role play exercise such as a mock arbitration or advocacy session in which students represent different interests, such as those of a major multinational, national government, or local community group involved in a foreign investment-related dispute.

Evaluation: Research paper (70%); participation/ class activities (30%).

International Taxation

(4150.04 M) *Course*

Instructor(s): Adjunct Professor S. Wilkie

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

Prerequisite Courses: Taxation Law

Preferred Courses: none

Presentation: Lecture, discussions, problems, case studies,

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This Praxium course is co-taught with a leading tax lawyer. It covers one of the most dynamic and fascinating areas of tax law – taxation of cross-border transactions. Because Canada has a small and open economy cross-border transactions are important to taxpayers and the government. Knowledge and skills learned from this course will help anyone interested in pursuing a career in law (not necessarily tax law), business or public policy.

This course builds on the knowledge and skills learned from introductory Tax Law and applies them to cross-border transactions (e.g. foreign corporations doing business or investing in Canada; Canadians doing business or investing overseas; and transactions between members of multinational corporate groups, etc.). It will also cover international tax treaties and international tax avoidance (and evasion) (issues disclosed in the Panama Papers!)

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) 85%: (i) 8-hour take-home exam, or (ii) a research paper of 7,000 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.

International Trade Regulation

(2290.04 M) *Course*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Joint JD/MBA Seminar

(3820.03 M) *Seminar*

Instructor(s): Professor E. Waitzer

Winter: 3 credits; 2 hours; max. enrollment: 30

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: Yes

Practicum: No

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. In order to achieve this objective we 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 D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Courses in jurisprudence typically focus on the question “what is law?” and treat this as a philosophical question to be answered by reflecting on the relationship between law and morality. This course takes a different approach. It seeks to offer a bird’s-eye view on what the law is by thinking about the kind of problems it seeks to solve and the way it tries to solve them. The question “what is law?,” if it is to be answered at all, is to be answered by examining what law does and how it does it. This approach thus takes a more interdisciplinary approach to jurisprudence, not treating it as just legal philosophy, but rather draws on philosophy along with other disciplines: economics, political science, psychology, etc. The ultimate aim of this course is to show how awareness of these theoretical issues can be helpful to the understanding (and hopefully solution) of real-world legal problems.

Evaluation: 100% final examination. Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade. This optional paper will not be eligible for the upper year writing requirement.

Labour Arbitration

(5070.03 A) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: Collective Bargaining Law, Labour & Employment Law

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

Upper Year Research & Writing Requirement: No

Practicum: Yes

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 (20%), written assignment (60%), and seminar participation (20%).

Labour & Employment Law

(2315.04 A) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, guest speakers

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.

Labour & Employment Law and Policy Colloquium

(5550.03 M) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: None

Presentation: Class discussion, guest speakers, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. This will include focusing on identifying and assessing the underlying goals of labour and employment law, evaluating whether the existing law meets these objectives, and considering alternatives for reform. Attention will be given to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant workers), changes in production, and the problems experienced by young workers. The implications of these and other trends for minimum labour standards, collective bargaining and the common law contract of employment will be considered. The role of constitutional and international law may also be considered.

Topics will vary depending on the instructor's and the students' research interests.

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

Land Development & Commercial Real Estate Problems

(5160.03 M) *Seminar*

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

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

Prerequisite Courses: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

Upper Year Research & Writing Requirement: 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 and urban developments, commercial real estate including a 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, and the negotiation of agreements of purchase and sale.

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

Land Use Planning

(2320.03 M) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, formal student presentations

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

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

3. Class Participation - 10% of final grade

Law of War

(3730.03 A) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Evaluation is by term paper (80%) and student participation (20%), including one brief class presentation.

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 or the practicum requirement.

Law & Religion in Legal, Social, and Political Perspective

(3160.03 M) *Seminar*

Instructor(s): Professor B.L. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Student Participation and Reflection, Short Lectures

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Law & Social Change: Community Action Across Borders

(2750M.03 A) *Course*

Instructor(s): 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 and interactive exercises will also be utilized during 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 19, 2017. 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: Weekly reflections: 200-word reflections on course readings - 15%; In-class participation (small group work) and attendance - 10%; Research Paper – 7000 words (75% of final grade)

See break down below:

One-page research proposal based on a minimum of five formal sources (i.e., journal articles and research-based texts - 10% ; Twelve-page intermediate draft of paper based on a minimum - 20% of ten formal sources - 20%; Ten-minute presentation of current work on paper - 10% (Week 7 & Week 8). Final Paper -7000 or 8000 words 35%

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 17, 2017. 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: 84

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups, with experienced negotiators as coaches and faculty.

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 will be encouraged to reflect on and discuss their weekly negotiations in small working groups 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 be graded on a credit/no credit basis. Full participation and preparation is required in order to receive a credit for this course.

Law, Gender, Equality

(3039.03 M) *Seminar*

Instructor(s): Professor M.J. Mossman

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Discussion, student presentations, problem solving. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2017. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses on gender and the legal profession, including the history of women's admission as lawyers as well as some contemporary issues that may reflect a historical culture of male exclusivity. Class discussions, problem-solving and student presentations will focus on assigned readings (including cases and articles) that explore the stories of some early women lawyers, as well as social, political and economic contexts that enabled some women to enter the legal profession in Canada in the twentieth century. The assigned readings will also include recent challenges and policy responses to gender issues within the legal profession. The seminar will engage with ideas about women's history and biography, the culture of professionalism, and gender theories in relation to differences in women's identities and experiences. The primary focus for readings and discussion will be Ontario and Canada, although students may elect to focus on issues about gender and the legal profession in other jurisdictions in relation to the seminar research paper.

Evaluation: This seminar meets the UYRWR of a 7000-word paper (exclusive of notes, bibliography and appendices), and is valued at 85% of the overall seminar grade. This value includes submission at an early date (TBA) of a one-page paper topic and outline and a starting bibliography. Seminar papers may focus primarily on a topic that is historical or contemporary, although some effort to connect the issues addressed is expected (depending on the topic). Student presentations and participation will be valued at 15% of the overall grade. The seminar instructor will be available for consultation and guidance during the period of the seminar.

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 realities 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.

The objective and theme is to equip students with the tools to creatively draft contracts, solve problems and address risk issues — all things outside the competency of a computer or software.

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.

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 Ethics

(2059.03 A) *Course*

Instructor(s): M. Mercer; Adjunct Professor

Fall: 3 credits; 3 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. The course examines both individual professional responsibility and the regulation of legal profession by the Law Society. The course has two main goals.

1. The course introduces students to ethics and professional responsibility in the legal profession and to legal services regulation. 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 particularly noteworthy ethical or professional issues and to present one issue both in a team-based class setting and another issue through a research paper.

Evaluation: There are three components to the evaluation:

1. Class participation, worth 20% 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 7,000 words (not including footnotes or bibliography) worth 60% of the overall course grade.

Legal Ethics

(2059.03 M) *Course*

Instructor(s): Justice S. Goudge & R. Devins; Adjunct Professors

Winter: 3 credits; 3 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, to a maximum of 7500 words, (excluding footnotes) worth 70% of the overall course grade.

Legal Information Technology

(2860.03 M) *Course*

Instructor(s): M. Goyal, N. Aylwin; Adjunct Professors

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

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; 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 16, 2017. 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, as well as a general overview of pertinent tax and structural topics.

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 WLG 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: Seminar discussion

Upper Year Research & Writing Requirement: Yes

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, society has evolved outside of the heteronormative mould, 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 of people in different ways. For example, reproductive technologies are particularly important to LGBTQ 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, and 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 and legislation to contrast with how Canadian courts have been dealing with these issues. We will then delve more deeply and discuss various issues relating to fertility law from a more theoretical perspective.

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

1. seminar attendance and engagement (10%);
2. two critical reflections and presentations on readings (15%);
3. paper outline and presentation (10%);
4. paper outline feedback (5%); and
5. a research paper of at least 7,000 words worth 60% of the final mark.

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 including the World Trade Organization. The role of other institutions is also examined in individual seminars, including that of national governments/ central banks, private banks/ hedge funds, and the World Bank/ regional development banks.

The seminar content will probably evolve in an effort to capture current developments in the relationship between states, international institutions, and financial markets. In a previous year, for instance, we examined offshoring and tax havens, government responses to the 2008-2009 financial crisis, the causes and evolving risks of financial instability, and the unfolding power relations among states and between states and private actors. Significant time is allocated in the seminar for critiques and for discussion of pending/ possible reforms. Students are afforded opportunities to develop their analytical, presentation, and research/ writing skills, in particular. The course will also include a role play exercise such as a sovereign debt negotiation in which students represent different interests, such as those of the IMF, the indebted country's government, creditor countries, major banks, or citizens' groups in the indebted country.

Evaluation: Research paper (70%); participation/ class activities (30%).

Legal Values: Law & Literature

(3590V.03 M) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1) A paper worth 75% of the final mark. Students will determine their own paper topics in consultation with the instructor.

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

Legal Values: Law, Ethics & Social Media

(3590C.03 M) *Seminar*

Instructor(s): P. Jenkins; Adjunct Professor

Winter: 3 credits; 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 19, 2017. 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 mooted.
- 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: Managing Family Law Cases

(3591Y.03 M) *Seminar*

Instructor(s): Professor S.Kierstead, D. Rotenberg, & M. Tweyman; Adjunct Professors

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

Prerequisite Courses: Family Law I

Preferred Courses: None

Presentation: Lectures, discussion, role plays, break-out sessions

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar will focus on simulated family law cases. As “counsel” for these cases, students will examine and apply legal principles, tactical, ethical and policy considerations, and rules of practice and professional responsibility to complete tasks and resolve problems that arise in the day to day work of family law practice. Throughout the seminar, students will be exposed to the interdisciplinary nature of family law. Work with complex fact patterns will assist students to develop advanced analytical skills and to understand how to work effectively with professionals such as mental health experts and business valuers to achieve optimal outcomes for clients. The seminar meets the practicum requirement.

Evaluation: Role plays; document drafting (ex: pleadings, motion and affidavit material, separation agreement); reflection (100%).

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: Research paper (7,000 words, excluding footnotes and bibliography), potentially also with a participation component as well (TBA).

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 19, 2017. 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. 80% of the grade is based on a long essay of no more than 7000 words (excluding the bibliography and footnotes).

2. 20% of the evaluation is based on class attendance, participation and presentation.

Legal Values: Theory & Practice of Human Rights

(3591S.03 M) *Seminar*

Instructor(s): Professor H. Saberi

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

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 19, 2017. 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 prepare them to 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 broader legal and moral questions.

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: 10

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: 60

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: 90% open book examination and 10% attendance/participation, or alternatively a 65% open book examination and 10% attendance/participation together with a 25% research paper with the research paper option election to be made on or before October 14, 2016 on an approved topic.

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: No

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 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, Global Affairs Canada, CBSA, Transport Canada, CIC);

(b) national security objectives (preventing threats from home and abroad to the security of Canada);

(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; and

(d) national security tools and techniques.

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: There will be a multiple choice examination in December, worth 60% of the final mark. The remaining 40% will be assigned by the instructor based on beginning class presentations (10%) on assigned institutions of national security, and substantive presentations (30%) on assigned chapters from Forcese and Roach "False Security - The Radicalization of Canadian Anti-Terrorism", Irwin Law Inc. 2015 (the text prescribed for this seminar).

Native Rights

(2110.04 A) *Course*

Instructor(s): Professor S. Daum Shanks

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a critical survey of the law as it relates to Indigenous peoples whose history and modern form interact with Canada and Canadian society. The class is taught through the use of a variety of techniques, including class exercises, videos, and collaborative problem-solving. Topics will include but are not limited to: a historical context and constitutional framework; Aboriginal rights and title; Indigenous laws; self-government; treaties and treaty rights; the Indian Act; the authority and obligations of the federal and provincial governments.

This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments. It is also recommended for students who plan to take the advanced seminar on First Nations and the Law.

Evaluation: Closed book exam worth 70% of final grade. Short paper worth 30% of final grade.

Patents

(2330.04 A) *Course*

Instructor(s): Professor I. Mgebeji

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

This course deals with the law of patents in Canada. Patent law is one of the main headings of intellectual property law (along with copyrights and trademarks); trade secrets arise from a combination of contracts, equity and property law. The regime of patents protects inventions by granting inventors a limited monopoly of twenty years in exchange for disclosing the invention to society. The essential justification of the patent system is that it enables and rewards innovation. Arguments may also be made that patents afford a secure means by which inventions may be put to commercial use by investors. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of both primary and subsidiary regulations of Canadian patent law. The course will also locate developments in Canadian patent law in the context of international and regional transformations in the field. In this context, the course will explore contemporary controversies over the expansion of patent rights in biotechnology (from patenting mousetraps to patenting mice), and the shift from copyright protection to patent protection for computer programs. It is expected that at the end course, students would have a solid understanding of Canadian patent law as well as how international developments shape and influence Canadian patent law.

Evaluation: Open-book examination (100%). Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade. This optional paper will not be eligible for the upper year writing requirement.

Public International Law

(2340.04 A) *Course*

Instructor(s): Professor H. Saberi

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

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 & D. 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): A. Grant; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Immigration Law; Administrative Law

Presentation: Lectures & discussion. This course is scheduled Fridays 12:30-2:30 and Mondays 10:30-12:30.

Upper Year Research & Writing Requirement: No

Practicum: No

Refugee law is likely the most powerful and frequently invoked human rights mechanism the world has ever known. And yet, refugee protection is in a state of global crisis, straining under the pressure of domestic conflicts, mass movements of people and the resistance of many states to adjust their admission policies accordingly. 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. Practical components of the course will include guest lectures from practitioners, possible attendance at refugee hearings and/or simulated refugee determination proceedings.

Evaluation: Open-book examination (60%); 2,000 - 2,500 word written assignment (30%); participation (10%).

Regulation Of Competition

(2350.03 A) *Course*

Instructor(s): C. Brown & K. McNeece; Adjunct Professors

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion, merger simulation exercise

Upper Year Research & Writing Requirement: No

Practicum: No

Understanding the basic tenets of competition law is essential to the practice of corporate, criminal and international law in Canada today. Whether in the context of reviewing M&A transactions or investigating conduct that may be offside competition laws, including criminal conspiracies (cartels), the Competition Bureau and its foreign counterparts have become increasingly active in recent years. This course provides a background into the role and importance of competition law through: i) a survey of Canada's Competition Act, with comparative analysis of the US and EU competition regimes; ii) the economic and policy considerations that underpin competition laws; and iii) current developments in the field of competition law.

Last year's course included a merger simulation exercise with top officials from the Competition Bureau, an interactive in-person discussion with former Supreme Court Justice Marshall Rothstein on his groundbreaking decision in the *Tervita* case, and a guest lecture on cartel investigations in real life. We anticipate making arrangements for similar interactive activities for the upcoming semester, which will shed light on the practical applications of competition law in Canada.

Evaluation: Open-book examination 80%; participation 20%

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: Yes

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: Evaluation will be based on the completion of a 7,000 to 8,000-word research paper on a subject approved by the instructors -- 60% of mark. The remainder of the mark will be based on class participation (20%) and one in-class presentation of 15 mins duration on a course reading (20%).

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: 90

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: Open-book examination. Optional research paper or essay for 50 percent of the grade (not in substitution for the examination) also available.

Securities Regulation

(2620.04 P) *Course*

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

Winter: 4 credits; 4 hours; max. enrollment: 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 in which we will deliver an overview of securities regulation in Canada from a practitioner's perspective. We will review in detail the Ontario Securities Act, regulations and policies, and will reference securities laws in other jurisdictions as well. We will study certain key securities regulatory concepts and how they intersect with today's corporate finance markets. Our review will include: the meaning of terms such as "security", "trade" and "distribution"; primary and secondary distribution of securities; prospectus offerings; private placement exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; capital pool companies; continuous and timely disclosure; takeover bid legislation; mergers and acquisitions; primary and secondary market civil liability; and regulatory enforcement issues. Our goal is to have our students leave the course with a solid grounding in Canadian securities law as well as a good understanding of how these laws impact corporate finance in Canada.

Evaluation: 100% open book examination, with a student's option to write a paper for 25% of the grade whereupon the final exam will be 75% of the grade.

Securitization & Structured Financing

(5350.03 A) *Seminar*

Instructor(s): Professor T. Johnson

Fall: 3 credits; 2 hours; max. enrollment: 15

Prerequisite Courses: Business Associations, Commercial Law, Securities Law, Tax Law or Taxation of Business Enterprises; or permission of the instructor.

Preferred Courses: none

Presentation: Discussion and lectures led by instructor and invited practitioners; simulations of structured finance transactions and student presentations, with the emphasis on participation and learning in small groups.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Securitization of traditional assets and structured finance transactions have become an essential alternative source of funding that improves the availability of credit to borrowers in both Canada and the U.S., with outstandings of approximately \$90 billion in Canada alone. The goals of this seminar are to introduce students to securitization and specific forms of structured finance; to develop transactional skills; and to encourage critical analysis of these forms of transactions.

The course is divided into two parts. In the first part students will be introduced to the business, regulatory, financial and legal issues involved in advising clients in securitizations and structured finance transactions. The second part consists of four modules, covering transactions such as residential mortgages, auto loans and leases (retail and wholesale), equipment finance, trade receivables, and credit cards. In each of the four modules students will explore, through review and analysis of relevant documentation, different forms of structured finance, and will perform simulation exercises in small groups under the guidance of the instructor and invited practitioners.

For the practicum requirement students will be required to attend class regularly, participate in the simulation exercises, prepare short reflective papers subsequent to each exercise (minimum 3 pages per exercise), make brief presentations of the issues raised in those papers, and participate in seminars throughout the semester.

Evaluation: Research paper (60%) (minimum 7000 words, not including footnotes or bibliography); reflective papers and presentation (20%); participation (20%).

Sexuality and the Law

(3910.03 A) *Seminar*

Instructor(s): J. Radbord; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and Participation

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

Students will assist with an actual Charter case, *Grand v. Ontario* (Ministry of the Attorney General), challenging discrimination in relation to parental recognition.

Students will meet with LGBTQ families to ground their understanding of this 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 consider family law, substantive equality, reproductive autonomy and privacy, and fertility law. There will be an opportunity to observe and participate in interviews with clients and possibly expert witnesses. Students will hone practical legal skills by conducting research, drafting parts of a factum, reviewing and drafting proposed legislation, and preparing 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 reproduction; who is a parent; and what is in the best interests of children.

Evaluation: (1) 65% of the grade: Student's choice of either one or more practice-oriented writing assignments (ie. research memos, factum drafting) totaling 7,000 words OR a single research paper of 7,000 words excluding footnotes or endnotes, bibliography and appendices. The latter qualifies for the Upper Year Research and Writing Requirement.

(2) 35% of the grade for participation: Students will prepare 7 short written reflections (prepared in the week following a class of interest). The reflections will engage with the student's choice of one or more the week's readings. Each should be approximately 500 words. The student's participation grade will be based primarily on the quality of these written reflections (worth 5% each for 35% of the total grade).

Tax As Instrument of Social & Economic Policy

(3006.03 P) *Seminar*

Instructor(s): Professor J. Li

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2017. 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 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.

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 the fundamentals of income tax law. It focuses on individual taxation but also covers the basic rules applicable to corporations and trusts. 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 J. Li

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

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 Corporate Transactions

(5210.03 A) *Seminar*

Instructor(s): Professor J. Li

Fall: 3 credits; 2 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: No

After a primer on corporate taxation in the first class, the seminar focuses on corporate transactions, such as financing, reorganizations, mergers and acquisitions. Having taking the course on Taxation of Business Organizations is helpful, but not essential. The corporate transactions and pertinent income tax issues will be discussed in class, using real tax cases or case studies. Tax planning and the general anti-avoidance rule (GAAR) will constant themes in the seminar.

The corporate transactions will be organized into modules. 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, discussions or "mooting". Ms. Richards and Mr. Baum will lead these sessions and provide feedback.

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 (20%) and a position/research paper (5000-7,000 words, excluding footnotes and bibliography) on a topic approved by Professor Li (80%).

Taxation of Wealth Transfers

(4080.04 M) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

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

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).

Taxation Policy

(5220.03 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. Subject to the particular interests of students, these will likely 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%).

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) three or 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: 80

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 2250 words (not including footnotes) 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.

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 co-requisite (i.e. either completed last year or enrolled in the fall term.)

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 that satisfies the Practicum requirement. 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: 50

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. 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.

Evaluation: 100% open-book examination. Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

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: 100% open-book examination. Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

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; the developing role of shareholder activism; and trends in enforcement and class action litigation. 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%

Western Legal Histories

(6601.03 M) *Seminar*

Instructor(s): Professor P.Girard

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

Prerequisite Courses: Permission of the instructor is required for enrolment in this Graduate level seminar.

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: Yes

Practicum: No

Law grows out of past law; law changes by escaping (or rediscovering) past law. Particularly in common law countries, law is in constant and paradoxical dialogue with history as well as current issues. The seminar explores the deep roots of legal systems, precedent, the authority of custom, the distinction between 'high law' and 'low law,' and a selection of substantive doctrines. Research interests of seminar members help determine which substantive areas (from criminal, evidence, labour, contract, tort, family law, etc) are emphasised in any given year. The approach is interdisciplinary and comparative, designed for students in either law or history, bringing the perspectives of both disciplines to the seminar. The seminar is cross-listed in the graduate programs of Law, History, and Socio-Legal Studies; it is also open to JD students (with permission of the instructor).

Evaluation: Presentation of research/participation: 30% (Presentation of research in progress, 15%; critique of some course readings and general participation, 15%). Research paper of 7,000 words, excluding footnotes: 70%.