2017

Osgoode Syllabus of Courses and Seminars: 2017 - 2018

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The Syllabus and timetables provide information available as of June 2017 to enable upper-year students to complete course selection for the 2017-2018 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.
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ACADEMIC REQUIREMENTS

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

STUDENTS GRADUATING CLASS OF 2018 (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 1;
3. Complete the 40 hour Osgoode Public Interest Requirement on page 1;
4. Complete a course or seminar that satisfies the Praxicum requirement on page 2;
5. Complete the Fiduciary Relationships in Commercial Context requirement on page 2;
6. Complete the Principles of Canadian Administrative Law requirement on page 2;
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 50 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 enroll in a course, seminar or other option which satisfies the requirement.

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 unpaid, law-related, public interest work over their three years at law school and will receive recognition for their work on their final transcript. 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.

For detailed information visit OPIR on the Osgoode website.

**Praxicum Requirement**

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

**Praxicum Requirement (Academic Rule A.3.8)**

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

For the purposes of this Rule, “designated” means a seminar, course or Intensive Program designated as meeting the praxicum 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”.

**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.”
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 of the JD program.

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 Personal Research Papers
- 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 an Intensive or clinical program do not need to prioritize the intensive courses since they will be automatically enrolled in that program.

Students who have been accepted and confirmed into an Exchange Program should leave the exchange term blank. The exchange credits will be input after the lottery is run.

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 2017-2018 online through the Law Select website from June 26th to July 5th, 12:00 noon. 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 24th. 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 28th. 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 24th until Tuesday, 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, 2018 until January 16, 2018.

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 the 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 active 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 supervised research paper 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 S. Kierstead, Program Director

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

The competitions for which Osgoode students may receive credit varies from year to year. Some teams are selected via a consolidated tryout process each Spring, while others have their own selection processes throughout 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: F. 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 mooting 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 mooting 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
mooting and who also enrol in the Appellate Advocacy Workshop.

**Osgoode Hall Law Journal**
LW 8010.04 or 8010.02 (fall & winter)
Professor D. Priel, 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 S. Lawrence, 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

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 meets 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 Programs & Records 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 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: 2017-2018

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 and seminars on offer for the 2017/2018 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 and seminars contained in each subject-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:**
- Comparative Law: Indigenous Rights in Four Settler States (year 1 only)
- Directed Reading: Indigenous Perspectives and Realities
- Energy Law
- Indigenous Peoples and Canadian Law
- International Human Rights Law
- Resources Management

**Level Three:**
- Intensive Program in Aboriginal Lands, Resources and Government

**BUSINESS LAW**

**Level One:**
- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Intellectual Property Law
- Law and Economics
- Real Estate Transactions
- Securities Regulation

**Level Two:**
- Advanced Securities
- Beyond Bay Street: Starting up a Small or Solo Practice
- Corporate Finance
- Corporate Governance
- International Business Transactions
- International Investment Law
- Investor Protection Seminar
- Legal Values: Governance of the International Financial System
- Legal Values: Real Estate Finance
- Money and Payments
- Regulation of Competition
- 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
- Advanced Corporate/Commercial Litigation Workshop
- Osgoode Business Clinic

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**Level One:**
- Administrative Law
- State and Citizen

**Level Two:**
- Civil Liberties
- Constitutional Litigation
- Disability and the Law
- Indigenous Peoples and Canadian Law
- Statutory Interpretation
- U. S. Constitutional Law
Level Three:
- Anti-Discrimination Intensive Program
- 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
- Business Associations
- Commercial Law
- Contracts II
- International Business Transactions
- Legal Drafting
- Restitution
- Statutory Interpretation

**Level Three:**
- Administration of Civil Justice: Assessing Risk in Commercial Litigation
- Case Studies in Business Enterprises
- Chinese Law
- Contract Remedies
- Copyright Law
- Entertainment and Sports Law
- Insurance Law
- International Dispute Resolution: International Commercial Arbitration
- Legal Values: Real Estate Finance
- Patents
- Trademarks

**Level Four:**
- Advanced Corporate/Commercial Litigation Workshop
- Osgoode Business Clinic

**CRIMINAL LAW**

**Level One:**
- Criminal Law

**Level Two:**
- Criminal Procedure
- Evidence
- International Criminal Law

**Level Three:**
- Administration of Criminal Justice: Justice 360
- Administration of Criminal Justice: Regulatory Offences
- Administration of Criminal Justice: Sentencing
- Administration of Criminal Justice: Wrongful Conviction
- Criminal Law II: Homicide
- Criminal Law II: Youth Justice
- Directed Reading: Advocating for Vulnerable Clients
- Evidence and Proof
- International Dispute Resolution: Advocacy in the Int’l Criminal Court
- Law and Social Change: Policing
- Law of War
- 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
• International Dispute Resolution: International Commercial Arbitration
• Lawyer as Negotiator
• Theory and Practice of Mediation
• Trial Advocacy

**Level Three:**
• Administration of Civil Justice: Assessing Risk in Commercial Litigation
• 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:**
• Energy Law
• International Environmental 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
• Family Law I
• Property Law

**Level Two:**
• Business Associations
• Conflict of Laws
• Dispute Settlement
• Estates
• Health Law
• Immigration
• Law, Gender and Equality
• Lawyer as Negotiator
• Refugee Law
• Taxation Law
• Trusts

**Level Three:**
• Administration of Justice: Estate Litigation
• Advanced Children and the Law Workshop
• Children and the Law: Child Protection
• Feminist Advocacy: Ending Violence Against Women Clinical Program
• 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
INTELLECTUAL PROPERTY LAW

Level One:
- Copyright
- Intellectual Property
- Legal Values: History and Theories of Intellectual Property (Year 1 only)
- Patents
- Trademarks

Level Two:
- Artificial Intelligence: Law, Ethics and Policy
- Comparative Law: Privacy and Access to Information
- Entertainment and Sports Law
- Intellectual Property Theory
- Legal Values: Commercializing Intellectual Property
- Legal Values: Copyright Policy in the Making
- Legal Values: Reforming Intellectual Property Law

Level Three:
- Intellectual Property and Technology Intensive

LABOUR LAW

Level One:
- Property Law
- State & Citizen
- Collective Bargaining Law
- Immigration
- Individual Employment Relationship
- Labour and Employment Law

Level Two:
- Advanced Labour
- Labour Arbitration
- Occupational Health and Safety

Level Three:
- Intensive Program in Poverty Law (Workers’ Rights Division)
Level Four:
- Labour and Employment Law and Policy Colloquium

LEGAL THEORY

Level One:
- Jurisprudence
- Legal Theory (Year 1 only)

Level Two:
- Artificial Intelligence: Law, Ethics and Policy
- Directed Reading: Designing the Future of Justice
- Directed Reading: Legal History Workshop
- Disability and the Law
- Law and Economics
- Law and Film
- Law and Social Change: Policing
- Legal Ethics
- Legal Values: Judgment
- Legal Values: Law and Literature
- Legal Values: Law, Ethics and Social Media

NATURAL RESOURCES AND THE LAW

Level One:
- Environmental Law
- Indigenous Peoples and Canadian Law
- Municipal Law

Level Two:
- Energy Law
- International Environmental Law
- 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

PROPERTY LAW

Level One:
- Property Law

Level Two:
- Estates
- Municipal Law
- Real Estate Transactions
- Trusts

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

REGULATORY LAW

Level One:
- State and Citizen
- Administrative Law

Level Two:
- Bankruptcy and Insolvency
- Collective Bargaining Law
- Comparative Law: Privacy and Access to Information
- Conflict of Laws
- Corporate Governance
- Energy Law
- Environmental Law
- Legal Values: Governance of the International Financial System
- Health Law
- Immigration
- Insurance Law
- International Environmental Law
- Intensive Legal Research and Writing
- International Trade Regulation
- Land Use Planning (alternate years FES and Osgoode)
• Labour and Employment Law
• Law and Film
• Legal Drafting
• Legal Information Technology
• Money and Payments
• Municipal Law
• Occupational Health and Safety
• 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
• Environmental Law
• Family Law I
• Immigration Law
• Indigenous Peoples and Canadian Law
• Labour and Employment Law
• Law and Social Change: Critical Race Theory
• Legal Ethics
• Refugee Law

Level Two:
• Civil Liberties
• Criminal Law II: Youth Justice
• Directed Reading: Advocating for Vulnerable Clients
• Law, Gender and Equality
• Law and Social Change: Community Action across Borders (ILP students only)

Level Three:
• Administration of Criminal Justice: Wrongful Conviction
• Anti-Discrimination Intensive
• CLASP Intensive
• Criminal Law Intensive
• Disability and the Law
• Disability Intensive Program
• Feminist Advocacy: Ending Violence Against Women Clinical 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 as Instrument
• Tax Lawyering
• Taxation of Business Enterprises
• Taxation Planning

Level Three:
• Tax Law and Policy Colloquium

TECHNOLOGY AND THE LAW

Level One:
• Directed Reading: Designing the Future of Justice - Introduction to Legal Design
• Legal Information Technology

Level Two:
• Artificial Intelligence: Law, Ethics and Policy
• Legal Values: Law, Ethics and Social Media
TRANSNATIONAL LAW

Level One:
- Ethical Lawyering in a Global Community
- Globalization and the Law
- Public International Law

Level Two:
- Chinese Law
- Conflict of Laws
- Immigration
- International Courts and Tribunals
- International Dispute Resolution: International Commercial Arbitration
- International Environmental Law
- International Investment Law
- International Trade Regulation
- Law of War
- Legal Values: Governance of the International Financial System
- Legal Values: UN, Governance and State Building
- Refugee Law
- U.S. Constitutional 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)
- Summer Abroad Programs

Level Four:
- International and Transnational Law Intensive Program
- ICT Colloquium (ICT stream students and with permission of the instructor, other JD students)

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 follow the requirements for the stream as set out in the Syllabus. The course of studies of those students who elect to enroll 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 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 Curricular Streams page on the Osgoode Hall Law School website.

**International, Comparative and Transnational Law Program (“ICT Program”)**
2017 – 2018 Convenor – Professor C. Williams

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;
- experiential opportunities with partners inside and outside Canada, such as through intensives programs (such as in Aboriginal Lands, Resources and Governments; International and Transnational Law; Immigration and Refugee Law), mooting 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 notation of completion of the program on their JD transcript, and will also receive a letter from the Dean and Convenor confirming graduation with the ICT Program specialization.

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

Bridging
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

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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 E. Tucker

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

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

- 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 in the LELP and related courses, in accordance with the above requirements.

Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")
Convenor – Professor M. Simmons

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")
Convenor – Professor J. Li

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 (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 an 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.

**Advanced Business Law Workshop II**

**Mergers & Acquisitions (LW 7190.05)**

Director: P. Olasker, Adjunct Professor

The Advanced Mergers & Acquisitions Workshop draws together various aspects of securities and corporate law under the broad title of “M&A” and applies that knowledge to analyzing typical problems that confront a business lawyer involved in M&A transactions. It is also intended that students will develop 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 2017. ABLW II - Mergers & Acquisitions will be offered in January 2018.
practical skills including the negotiation and presentation skills necessary for a business lawyer. The workshop is conducted by Patricia Olasker and other partners at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on 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 and discussion, 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 critical. 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 and one weekend day in early March.

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 2017. ABLW II - Mergers & Acquisitions will be offered in January 2018.

ABLW II satisfies the Praxicum requirement.

Anti-Discrimination Intensive Program (LW 7900.10, 7910.02, 7920.03)
Director: Professor B. Ryder

The Anti-Discrimination Intensive Program consists of a placement at the Human Rights Legal Support Centre, an academic seminar, and a research paper. The 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 2017 – 2018

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 establishing and growing business enterprises, a sense of current issues in this area, and a foundation of practical 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 by providing advanced coverage of topics that are dealt with tangentially in other courses, such as: choice of enterprise structure; shareholders' agreements; business financing; employment law; intellectual property; purchase and sale of a business; and restructuring a business. We will also deal with business-related topics such as: accounting; tax; regulatory constraints; and governance. Focus will also be given to 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 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)
Suzanne Johnson, Clinic Director; Sara Kun, Review Counsel; Natasha Persaud, Review Counsel; Cornelia Mazgerean, 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), and 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 in 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 meets weekly in the fall term. The seminar is graded and for three credits. The research paper is also graded for 3 credits and the students will meet five- six times during the winter term 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: Visiting Professor C. Tess Sheldon, Interim Academic Director

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 in October, December and February. 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 seminar 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 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 add 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: Professors D. Scott, E. Van Wagner & Adjunct Professor D. Estrin

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, Indigenous 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 sovereignty, 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 legal services that advance sustainable or social enterprise. Clients may include individuals, community groups, public interest non-governmental organizations, Indigenous organizations, First Nations, municipalities, cooperatives, social enterprises and other groups 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 provided by external organizations, this means lawyer(s) at the external organization. Students working on external files are not placed physically with external organizations, but 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 collective reflection on theory and practice. The intervening Seminar meetings are devoted to special topics in environmental justice and sustainability, student presentations, and 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. Each student must also prepare a blog post about a Seminar topic, or a current development related to the themes of the clinic. The blog post must be posted to the Program’s website (up to 750 words) on an agreed upon date (these will be staggered throughout the fall and winter terms). The breakdown of the Seminar grade is: 40% participation, 30% leadership of one Seminar meeting, and 30% blog post. 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. Students may work individually or in teams. Topics are approved by the academic directors no later than Nov.17, 2017. Students submit a research proposal (2-3 pages), on which they receive
formative feedback. In the Winter term, each student (individually or in teams) must also give an in-class presentation of their research project, including visual aids (e.g. slides or short videos) (roughly 20 minutes per student including questions and discussion).

The breakdown of the research assignment grade is 40% presentation about the research project, and 60% 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 provided that it is written by one student and not by a group. 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 enroll 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 7080.04 (Fall), LW 7081.02 (Winter) & LW 7082.03 (Winter)
Director: Adjunct Professor J. Birenbaum and Adjunct Professor D. Mattoo

Up to 12 students will be selected to participate in Osgoode’s new clinical program, “Feminist Advocacy: Ending Violence Against Women.” Through a partnership between Osgoode Hall Law School and the Barbra Schlifer Commemorative Clinic, students spend 8-9 hours/week throughout the Fall and Winter semesters providing direct service to women 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 includes 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. Some number of the clinical hours entail court observation and conversations with the presiding judge, justice of the peace, or counsel, as well as an intensive training period in early September.

The seminar component considers the features central to anti-oppressive legal practice. It focuses on 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 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 are, whenever possible, 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 is worth 75% of the overall grade, and 4 short reflective assignments based on readings and work at the Clinic comprise the remaining 25%. The 6 credits of clinical work are evaluated on a credit/no credit basis, with 4 clinical credits assigned to the Fall and 2 assigned to the Winter semester. The seminar meets every other week throughout the year, and the 3 credits for the seminar will be assigned to the Winter term. In some of the 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 meets 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 P. D’Agostino

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

**Program Outline**

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

A key component of this clinical program is 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: Professor A. Young and Adjunct Professor E. Rondinelli

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

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 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

Not offered 2017 - 2018

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

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

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

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

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

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

Requirements
This 15-credit program is available to up to 20 students. A letter grade is given for the major research paper and each module (except for the placement, which is assessed on a pass/fail basis). The prerequisites for the program are Immigration Law and Refugee Law. Administrative Law is recommended but not required.
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 regularly happen in the evenings and on weekends. Students are required to participate in a minimum of 40 hours of community work over the course of their term. 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 (Students) or Assistant Dean, Students who will consult with the Academic Director.

Praxicum & UYRWR
The Intensive Program in Poverty Law satisfies the Praxicum 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.

**Investor Protection Clinic (IPC)**
LW 7670.03 (Fall), 7671.03 (Winter) – clinical component and 7672.03 (Winter) - seminar
Director: Professor P. Puri

The first program of its kind in Canada, the IPC consists of two components: (1) A Clinic that provides students the opportunity to grapple with real-life problems and issues of harmed individual investors; and (2) An Academic Seminar that facilitates the integration of reflection and practice, building upon work being undertaken by students at the Clinic and providing a more conceptual framework for their practical day-to-day work. Students will develop specialized, advanced and critical knowledge of investor protection issues, investor recovery mechanisms and gaps in the current system through a program that integrates scholarly perspectives, skills development and reflective practice.

Pre-requisite or Co-requisite: Securities Regulation and Business Associations

The Investor Protection Clinic (IPC) consists of two closely integrated components:

(1) The Clinic, housed at Osgoode Hall Law School, will offer students the opportunity to grapple with difficult and complex legal issues relating to investor protection and investor recovery (such as through litigation, mediation and arbitration procedures, and investor education outreach); and (2) An Academic Seminar whereby students will develop specialized, advanced and critical knowledge of investor protection issues in an academic program that integrates scholarly perspectives, skills development and reflective practice. The seminar will also enable students to develop skills in dispute resolution, negotiation, oral and written advocacy and legal research and writing.

**Clinic (6 Credits, Credit/No Credit):** Open to second and third year students, the IPC requires participation during the entirety of the
The Clinic will begin with a training program to prepare students for the breadth and depth of issues that they may encounter at the Clinic. It will include an overview of: (i) Key types of investments and investment products; (ii) The range of issues that may arise (misappropriated funds, fraud, unsuitable investment recommendations, unsuitable recommendations to borrow to invest, nondisclosure of fees, churning, inappropriate advice, unauthorized trading, misrepresentation, corporate oppression, and so on); (iii) Key mechanisms available (court, mediation, arbitration, regulatory complaints, ombudservices, criminal complaints, and internal corporate complaints processes) as well as procedural aspects for each; and (iv) Client intake skills. This skills training at the beginning of the year will provide a foundation for students to commence at the Clinic and deepen their learning through regular group and one-on-one meetings with the Academic Director as well as ongoing supervision by lawyers from the supervising law firm. The Clinic’s clients will be selected by the Academic Director based on need.

Students will work closely with their supervising lawyers to interview potential clients, suggest legal options to clients, draft documents (including complaint letters), assist clients with ombudsservice resolution processes, facilitate mediation and arbitration procedures and/or assist with court hearings.

Academic Seminar (3 Credits, Graded): The Academic Seminar provides a critical understanding of the theory, policy, nature and design of the investor protection framework in the Canadian legal and regulatory landscape. Students will develop perspectives from which to understand, critically assess and think constructively about what investor protection means as a dynamic social, economic and political construct. Students will be encouraged to consider the competing and complimentary nature of public regulatory mechanisms, private civil lawsuits through the courts, self-regulatory mechanisms including mediation and arbitration, and corporations’ internal complaints mechanisms. Students will be encouraged to explore the challenges and gaps in the current framework of investor protection.

Topics to be covered include: (i) History and development of the investor protection mandate; (ii) Current debates on deterrence versus investor compensation and recovery; (iii) Efficacy of current investor recovery procedures, their policy rationales and where they leave gaps or fall short; (iv) Innovative mechanisms on the horizon in Canada and other jurisdictions; (v) Reflective practice (praxis) in the context of investor protection; (vi) the potential and limits of the utilization of corporate law, securities law, contract law and fiduciary duties in the quest for better investor protection outcomes.

There will be two evaluation components: Presentations and short, reflexive essays of a maximum of 500 words (worth 25% of the grade) and a substantial research and writing project (worth 75% of the grade). Each student will be expected to prepare written work of at least 7000 words in length, excluding notes, bibliography and appendices. As such, the seminar will satisfy one of the upper year writing requirements.
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 intergovernmental organization located in Canada or abroad, or a law clinic, non-governmental organization or law firm in Canada that grapples in a significant way with international law questions/issues (such as through litigation, legislative change and other advocacy);

(2) an online academic seminar conducted once a week by videoconference; and

(3) a research paper, related to the work of the placement organization.

Students develop specialized, advanced and critical knowledge of international and transnational law and its daily, on-the-ground operations in a program that integrates scholarly perspectives, experiential learning, skills development and reflective practice.

There are two further components of ITLIP. One is the Public International Law pre-requisite; students must have completed this course in the Fall semester if they have not already done the course. (Furthermore, students are advised by the Co-Directors of other Fall semester courses they might take to enhance preparation for their specific placements.) The second is a pre-placement training session held at Osgoode in the first week of January (Jan. 3-5, 2018) before students leave for their placements.

To different degrees depending on a student’s placement, ITLIP enables students to develop skills related to dispute resolution, handling ethical dilemmas, collaborative/team work, work-flow and time management, international law implementation processes (both at international and national/local levels), research and writing, and policy development and advocacy. Open to second and third year students, ITLIP is offered in the Winter term of every academic year. It begins with a three-day intensive training program in the first week of January prior to students travelling to their placements (Jan. 3-5). This program is conducted on-site at Osgoode and attendance is mandatory. Its purpose is to prepare students for their placements at the relevant organizations, which begin on Jan. 8, 2018.

The on-line seminar meetings commence once the students are in place with the partner organizations and continue every week for the rest of the Winter semester. During the placement, students are required to submit four journals – approximately, every two to three weeks. These journals serve as a basis for the Co-Directors to engage students on their progress and challenges in their placements; aspects of the journals also serve as a basis for sharing of experience amongst the students during the on-line Moodle and in the on-line video seminar sessions, alongside substantive readings on selected aspects of international and transnational law.

ITLIP is divided into three separate courses for purposes of students’ transcripts:

Seminar LW 7371.02, (2 Credits, graded): The seminar takes place online once a week on a day and at a time that is worked out with the students during the preparation period in early January, taking into account time zones. That
said, it is presumptively to be on Tuesdays, at 10 am – 12 noon Eastern Standard (Toronto) Time. The seminar is offered using an online video-conferencing platform (called Zoom) for the real-time online weekly class and using Moodle for asynchronous discussions between the Zoom sessions. Where the seminar takes place during the ordinary work day for a given placement, students should ensure their partners understand the need (already conveyed to the partners by the Co-Directors) to have a scheduled break from placement work for that online session every week. The seminar contains a mix of readings designed to deepen students’ understanding of the nature, design, work and impact of international law, international organizations, transnational law, and non-governmental actors as a dynamic set of interacting social institutions rooted in history, competing normative perspectives, and unequal power relations. Students will develop perspectives from which to critically assess and think constructively about international and transnational law and associated institutions’ impact on society, both globally and locally. The seminar topics will push students beyond the contexts in which they are working. Six of the twelve seminars will be devoted mostly to academic readings and discussion and the other six seminars will focus on experience exchange and revisiting some aspects of the readings relevant to the experiences of students in their placements.

Placement LW 7370.10, (10 Credits, credit/no credit): In the Winter semester, students are placed at an intergovernmental organization or a Canadian law clinic, non-governmental organization or law firm for three (3) months, from Monday, January 8, to Friday, April 6, 2018. Exceptionally, placement is possible with a non-governmental (versus intergovernmental) organization outside Canada. Students will be engaged in providing international legal and related services within these organizations and to any clients that the organizations might have, and/or critically engaging with international law questions/issues as legal research and/or policy analysis. Placement decisions are to be made by the Co-Directors in consultation with the relevant organizations, but prospective students are asked to rank their preferences for placements such that these preferences are taken into account in allocating placements. The Co-Directors will work with prospective students to strengthen their applications to the partner international organizations where those organizations have their own application processes. The internal (Osgoode) pre-selection process will align with the regular Osgoode clinical programs calendar. Journaling is a mandatory component of the placements; four journals are required, sent to the Co-Directors every two to three weeks. These journals also feed into the experience-exchange component of the online seminar. Placements for 2017-2018 will include UNICEF (Bangkok), the Mechanism for the International Criminal Tribunals (The Hague and Arusha), the Office of the United Nations High Commissioner for Human Rights (Geneva) – with multiple placements in each – as well as the Foundation for Human Rights Initiative (Kampala), Amnesty International (Ottawa), Government of Canada Trade Law Bureau (Ottawa), Centre for Law and Democracy (Halifax), Canadian HIV/AIDS Legal Network (Toronto), Canadian Centre for Policy Alternatives (Ottawa), Justice for Children and Youth (Toronto), and Refugee Law Office (Toronto).

Research Paper LW 7372.03, (3 Credits, graded): Students research and write a 7000-word academic paper, to be submitted on the
same date as research papers are due for all Osgoode Winter courses. Pre-requisite: Public International Law

Preferred courses: Where a student’s placement is known in advance of the course selection period, the Co-Directors may recommend to the student another course besides Public International Law if a course is being offered in Fall semester that is especially relevant to their placement.

The ITLIP satisfies the Osgoode “praxicum” criteria, the Osgoode Public Interest Requirement (OPIR) 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: Professor M. Simmons

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 and qualifies for the Upper Year Research and Writing 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 –
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 and social change, 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 social change strategy, 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; remedies; funding litigation; expert evidence; and appellate procedure. Readings include traditional materials like case law and scholarly
writing, but also podcasts, court filings, and transcripts from hearings.

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 Assistant 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 Assistant 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
Assistant 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 Assistant Dean, Students.

The Assistant 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.

Graduation Requirements

- 45.00 credit-hours of Schulich School of Business courses
- 81 credit-hours of Osgoode Hall Law School courses (36 first year and at least 45 upper year)
- successful completion of the Upper Year Research and Writing requirement (one in Year 3 and one in Year 4)
- 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

- 36 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 or Osgoode, provided they maintain the required standards of each.

A combination of Schulich and Osgoode courses, consisting of:

- at least 15.00 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000 3.00 Strategic Management and MGMT 6090.00/MGMT 6100. 3.00 Strategy Field Study can be taken in either Year 3 or Year 4.
- at least 45 academic credits of Osgoode Hall Law School courses
- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)
- completion of the Praxicum Requirement
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)
further information and details about the progress of courses over both the three year and four year options, please contact one of the program’s directors: Professor Ed Waitzer (ewaitzer@osgoode.yorku.ca) or Professor Peter Macdonald (pmacd@rogers.com) and/or visit the Schulich website.

**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 visit the Faculty of Environmental Studies website.

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 Dayna Scott, Law faculty coordinator, dscott@osgoode.yorku.ca, or Professor Mark Winfield, 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 (giudice@yorku.ca) or Professor Palma Paciocco (ppaciocco@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)
- University of Copenhagen (Denmark)
- University of Amsterdam (Netherlands)
- Maastricht University (Netherlands)
- Radboud University (Netherlands)
- Vrije 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)
Details on international and exchange programs can be found on the Osgoode website.

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.

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.

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 14 areas of competency by completing specific tasks during the placement. 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 five-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.

2017 English LPP at Ryerson University
The Law Practice Program at Ryerson University will be held from late August to mid-December. 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 specific dates. The four month work placement will take place from January – April. Future candidates are encouraged to visit the Law Practice Program on the Ryerson University website.

2017 French LPP at Ottawa University
The Law Practice Program at the University of Ottawa will be held from late August to mid-December. 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.

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 F. Bhabha – Fall & Winter terms
- Professor R. Buchanan – Winter term
- Professor C. Craig – Winter term
- Professor A. Dhir - Fall & Winter terms
- Professor J. Gilmour – Fall & Winter terms
- Professor P. Girard – Fall & winter terms
- Professor S. Imai – Fall & Winter terms
- Professor I. Mgebeoji – Winter term
- Professor J. Mosher – Fall & Winter terms
- Professor R. Mykitiuk – Fall & Winter terms
- Professor L. Philipps – Fall & Winter terms
- Professor F. Tanguay-Renaud – Fall & Winter terms
- Professor G. Van Harten – Winter term
- Professor J. Walker – Winter term
- Professor P. Zumbansen - Fall and Winter terms

**COURSE INFORMATION TABLES**

The list of courses and seminars offered in the 2017-2018 academic session are found on MyOsgoode. Click the Syllabus and Enrollment 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
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<td>U.S. Securities Regulation in Comparative Perspective</td>
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Administration of Civil Justice: Class Actions
(3010A.03 A) 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

Praxicum: No

Class actions are 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 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: 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

Praxicum: 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
Praxicum: 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: Estate Litigation
(3010B.03 M) Seminar
Instructor(s): H. S. Black; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 15
Prerequisite Courses: Co or pre-requisite - Estates
Preferred Courses: None
Presentation: Discussion, lectures, student presentations

Upper Year Research & Writing Requirement: Yes
Praxicum: 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
Praxicum: 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 valuators, 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
Praxicum: 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: Justice 360
(5010H.03 M) Seminar
Instructor(s): Justice J. Chaffe & A. Pilla; Adjunct Professors
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
Praxicum: 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
Praxicum: 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
Praxicum: 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
Praxicum: 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: Sentencing
(5010C.03 M) Seminar
Instructor(s): E. Dann; 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 will explore sentencing law and procedure in Canada. The course will begin with a consideration of the concept of punishment and the philosophical dimensions of sentencing law, including an exploration of the purposes and principles of sentencing. The remainder of the course will be devoted to exploring legislative and judicial approaches to sentencing. More specifically, we will consider the various sentencing options available in Canadian law, the procedural and substantive aspects of sentencing hearings and the interplay of sentencing and plea negotiations. Particular attention will be paid to the sentencing of aboriginal offenders, youth offenders and offenders with mental health issues. Other topics for consideration may include mandatory and minimum sentences, Charter litigation and sentencing and victim participation in sentencing. The seminar will include visiting a busy Toronto plea court.

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 Monday, April 9, 2018 at 3:30 pm. 2) Class participation worth 15% of the final mark. This will include attendance and participation in class discussion. 3) A sentencing exercise worth 15% of the final mark.
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

Praxicum: 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.
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 7,000 word directed research paper worth 90% of the final mark.
2) Class participation worth 10% of the final mark.
Administrative Law  
(2010.04 A)  Course  
Instructor(s): Professor L. Sossin, Dean  
Fall: 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, and the dynamics of administrative justice. The executive branch of government implements legislative policy and delivers government services in a variety of contexts including immigration, human rights, communications, health, energy regulation, labour relations, natural resources, business activities, freedom of information, and others. As a result, this course is foundational to the study of any particular administrative or regulatory regime. The course will explore both the laws developed by and for administrative decision-makers, as well as 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: There will be a variety of evaluative options from which students may choose, including a final take home examination, and options for equivalent short and long writing assignments. All students will cover the same learning objectives with respect to the breadth and depth of the coverage of the materials in the course.
**Administrative Law**  
*(2010.04 B) Course*  
Instructor(s): A. Grant; Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: none  
Preferred Courses: none  
Presentation:  
Upper Year Research & Writing Requirement: No  
Praxicum: 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.
Administrative Law
(2010.04 P) Course
Instructor(s): B. Van Niejenhuis, A. Gonsalves & A. Dantowitz; 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
Practicum: No

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

Evaluation: Final examination (100%) - take home.
In compliance with the requirement of an additional evaluation method, students may also opt to prepare a paper on a topic to be approved by the instructors in the range of 15-25 pages (precise page limit and date requirements TBD). In that event, the paper will be weighted as 30% of the final grade, and the final examination will be weighted as 70% of the final grade.
Admin. of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk

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. Praxicum designation pending approval.

Upper Year Research & Writing Requirement: Yes
Praxicum: Yes

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. To this end, the course will cover a number of topics relevant to in-house practice, and present other topics from both external and in-house counsel perspective.

The seminar will provide students with practical tools to advise business leaders on financial services and 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, in-house corporate counsel, corporate lawyers, criminal counsel and business valuators, 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.

This seminar constitutes a Praxicum including an emphasis on the lawyer’s relationship with clients, communications by corporate counsel to in-house clients, and hands-on client presentations.

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, Proceeds of Crime (Money Laundering) and Terrorist Financing Act, Canada’s Anti-Spam Legislation, Personal Information Protection and Electronic Documents Act, Pension Benefits Act and class action legislation.

Evaluation: Research paper of at least 7,000 words - 65%, 25% presentation, 10% participation.
Advanced Children & the Law Workshop
(5006.04 M) Seminar
Instructor(s): S. Kierstead; Adjunct Professor
Winter: 4 credits; 3 hours; max. enrollment: 12
Prerequisite Courses: Children & the Law seminar
Preferred Courses: None
Presentation:
Upper Year Research & Writing Requirement: No
Praxicum: Yes

The Advanced Children and the Law Workshop is an externship program aimed at continuing to develop students’ understanding of both the practical and theoretical aspects of child protection cases. Against the theoretical basis acquired during the Children and the Law: Child Protection seminar during the fall term, students will attend two separate externship placements which will further expose them to a number of core aspects of child protection work.

The exact externship experience will vary depending on placements, but the following are typical activities: observation of preparation for a temporary care hearing, summary judgment motion, or trial preparation with parent’s counsel or society counsel; observation of a supervising lawyer negotiating a temporary or final resolution of a child protection case; attending with a supervising lawyer at court and/or mediation, and debriefing with the lawyer after the attendance; observation of Children’s Aid Society supervised access visit and subsequent debrief; spending a day with a child protection team, including a meeting to determine the level of intervention required for a family that has come to the team’s attention, and subsequent debrief.

In addition, all students will receive a day of child protection-related document drafting training with Legal Aid Ontario personnel, and will participate in learning activities organized and presented by the Office of the Children’s Lawyer. At different points during the term, students will meet with each other and their faculty supervisor to debrief their externship experiences. Students may have the opportunity to visit a community service location that serves young parents and their babies.

Evaluation: Ten percent (10%) of the evaluation will be based on attendance at and appropriate participation in the two externship placements. Fifteen percent (15%) of the evaluation will be based on active participation in the group portions of the externship. Seventy five percent (75%) of the evaluation will be based on a 25 page paper reflecting on the externship experience as it relates to the student’s background understanding of law, procedure, policy and/or theory.

or

A journal (worth 75%) consisting of five or more entries (for a total of 25 pages), completed contemporaneously with the externship, reflecting on various externship experiences as they relate to the student’s background understanding of law, procedure, policy and/or theory.
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
Praxicum: 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 Commercial Litigation Workshop
(5005.04 M) Seminar
Instructor(s): C. McKenna, J. Woycheshyn & R. Swan; Adjunct Professors
Winter: 4 credits; 3 hours; max. enrollment: 16
Prerequisite Courses: Business Associations is a pre-requisite.
Preferred Courses: Evidence, Civil Procedure II, and Trial Advocacy are suggested courses.
Presentation: Lecture, discussion, oral and written advocacy exercises. Note: This seminar is held downtown.

Upper Year Research & Writing Requirement: No
Praxicum: Yes

This course will introduce students to the commercial litigation process, including the Commercial List branch of the Ontario Superior Court. The course will revolve around a fact pattern and will progress from the first meeting with the client to the resolution of the matter before a judge. 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, special and permanent injunctions; special/internal investigations; working with and cross-examining experts; case management, settlement and ADR. Throughout the course, students will be directed towards the relevant Rules of Civil Procedure and other applicable statutes and practice directions. 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; commercial litigation factums; oral advocacy and presentation; strategic settlement considerations 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; understand the importance of and develop oral and written advocacy skills in the context of pleadings, motions and cross-examinations; an understanding of strategic and practical considerations in various stages of the commercial litigation process, including settlement; and an understanding of ethical considerations in pursuing or resolving litigation, including the Rules of Professional Conduct.

Evaluation: Interviewing the client & drafting originating documents (25%), reflective piece (5%); effective cross-examination of expert witnesses (25%), reflective piece (5%); drafting factum for final adjudication (25%), reflective piece (5%); and participation (10%).
**Advanced Labour**
(5060.03 M) *Seminar*
Instructor(s): F. Faraday; Visiting Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Individual Employment Relationships and/or Labour Relations
Preferred Courses: None
Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes
Praxicum: No

This seminar offers a critical structural examination of the existing labour and employment law system as it relates to the construction and regulation of precarious work. The seminar also offers in depth and intersectional analysis of current legal and policy reforms initiatives aimed at building protection for decent work. The seminar will examine the nature of precarious work, the application and enforcement of employment and labour laws in the context of precarious work, and the interrelationship between the regulation of work and social programs that aim to support economic security. In addition to examining broad legal principles and regulatory systems, the seminar will use current topics in precarious work as case studies for in-depth analysis. These case studies may address issues such as migrant labour, the gig economy, guaranteed basic income, the gender pay gap, broader based bargaining and community benefit agreements.

Evaluation: Research paper of at least 7,000 words (not including footnotes or bibliography) (70%); class participation (20%) and class presentation based on research paper (10%).

**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
Praxicum: 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 Securities
(5280.03 M) Seminar
Instructor(s): R. Cattanach & A. Wiens; Adjunct Professors
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Securities Regulation, Business Associations
Preferred Courses: None
Presentation: Seminar, including student presentations, guest lecturers

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. The seminar will begin with a discussion of the principles behind securities regulation and the role of market participants and regulators in the capital 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 in the years since the global financial crisis, including the emerging regulation of novel products and access to the capital markets; the role of securities regulators in facilitating innovation; recent cases and the impact on the interpretation of securities laws; updates on the movement to co-operative securities regulation in Canada; globalization of securities markets; emerging issues in financial product regulation and approaches to enforcement of securities law.

Evaluation: Research Paper - 70%; class participation - 15%; class presentation - 15%. 
Bankruptcy & Insolvency Law
(2430.04 M)  Course
Instructor(s): A. Kauffman; Adjunct Professor
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

Praxicum: 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 is that of a process for the liquidation of the assets of a debtor on a collective basis 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 affected stakeholders.

Bankruptcy and insolvency is also an institutional system and the course will examine the role of the various administrative 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

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

Praxicum: 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.
Beyond Bay St.: Starting up a Small or Solo Practice
(3550.03 M) Seminar
Instructor(s): B. Pooran; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar, discussion, simulations

Upper Year Research & Writing Requirement: No
Praxicum: 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 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. Au, 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
Praxicum: 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): R. Forbes; Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 80
Prerequisite Courses: none
Preferred Courses: none
Presentation: Lecture, problem solving, discussion

Upper Year Research & Writing Requirement: No
Praxicum: 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 P) Course  
Instructor(s): Professor C. Williams  
Winter: 4 credits; 4 hours; max. enrollment: 90  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture, discussion, problem solving  

Upper Year Research & Writing Requirement: No  

Praxicum: 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. Alternative business forms such as non-profits, social enterprises, co-operatives and Aboriginal businesses will also be discussed.  

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 Q) Course  
Instructor(s): N. Puddicombe & A. 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  

Praxicum: 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, professional corporations 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.  

Evaluation: 80% limited open-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 and a copy of the course syllabus into the examination. Students may write an additional 3000 word essay about a corporate law topic of their choice. The additional essay will count toward 25% of a student's final mark, meaning the final exam will then be worth 55% of the student's final mark.
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
Praxicum: 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%).
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  
Praxicum: 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 the Advanced Children and the Law Workshop/Externship during the Winter 2018 term.

Evaluation: Evaluation - Final Research Paper (60%); class presentations/role plays/case preparation (40%).
**Chinese Law**  
(3130.03 A) *Seminar*  
Instructor(s): Professor M. Boittin  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: none  
Preferred Courses: none  
Presentation: Combination of focused discussion and lecture  
Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

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

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

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

Evaluation: 70% Final Paper (7000 words, excluding footnotes and bibliography). 30% Other (attendance, class participation, short reading responses, and in-class presentation). This course satisfies the upper year writing requirement. The paper can be focused entirely on an issue tied to domestic Chinese law. It can also be comparative (for example, examining how China and another country address one issue). It can also be tied to a question of China and international law. All topics must be approved by the professor.
Civil Liberties
(2220.03 M) Course
Instructor(s): Professor J. Cameron
Winter: 3 credits; 3 hours; max. enrollment: 30
Prerequisite Courses: None
Preferred Courses: None
Presentation: None
Upper Year Research & Writing Requirement: No
Praxicum: No

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

Evaluation: 60% for a final, take-home examination; 25% for an in-course component (choice between a written assignment – a short, critical commentary of about 1200-1500 words – and a short class presentation app. 10-12 minutes long); and 15% for class attendance and participation.
Civil Procedure II
(2230.03 M) Course
Instructor(s): M. Watson; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 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 100% 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
Praxicum: 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): Professor S. Slinn  
Winter: 4 credits; 4 hours; max. enrollment: 90  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture, discussion  

Upper Year Research & Writing Requirement: No  
Praxicum: No

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

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

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

Evaluation: (1) 100% open-book final exam; or, (2) an additional form of evaluation such as a research paper or course comment, as approved by the instructor, worth 25% of the final course mark, in which case the open-book final exam is worth 75% of the final course mark.
Commercial Law  
(2030.04 A) Course  
Instructor(s): Professor B. Geva  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, discussion  

Upper Year Research & Writing Requirement: No  
Praxicum: 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  
Praxicum: 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.
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
Praxicum: 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.
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 17, 2018. 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 (7000 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

Praxicum: No

In a world of cross-border communication, trade and travel, crossborder disputes arise regularly 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: 100% 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

Praxicum: 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 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  
Praxicum: 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

Praxicum: 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 Praxicum requirement. Students are required to provide a reflection after completing both the initial and final assignments.
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  

Prxicum: 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 Prxicum 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  
Praxicum: 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.
Consumption Taxes in Canada
(3066.03 A) Seminar
Instructor(s): 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
Praxicum: No

Consumption taxes are imposed across all Canadian jurisdictions in the form of the federal Goods and Services Tax and, in some provinces, Harmonized Sales Tax or Provincial Sales Tax. Globally, consumption taxes account for a significant and growing proportion of tax revenues. Most Canadians, however, pay consumption taxes every day on the goods and services they acquire without knowing “why?” This seminar examines the nature and the application of consumption taxes in Canada. It starts by looking at fundamental issues like consumption versus income as a basis for taxation, continues with the underlying principles and policies, and includes an overview of the Canadian rules under the Excise Tax Act. It also covers important challenges with the nature and design of consumption taxes, such as regressivity, e-commerce, fraud, and financial services. Students will learn why consumption is taxed, the different forms of consumption taxes, the key principles of modern consumption tax systems, and how those principles are operationalized by the Canadian rules. Students will also learn about current controversies such as Uber, Netflix, and crowdfunding. 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, analytical thinking, comparative legal research, problem solving and writing. Income tax is not a prerequisite.

Evaluation: 20% class participation; 80% research paper. The research paper will satisfy the Writing Requirement.
Contract Remedies
(3050.04 M) Seminar
Instructor(s): N. Tzoulas, K. Ali & R. ffrench; 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.
Contract Remedies  
(3050.04 M) Seminar  
Instructor(s): N. Tzoulas, K. Ali & R. ffrench; 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  

Praxicum: Yes  

This seminar provides an in-depth analysis of historical and contemporary issues in the area of contractual remedies. Taught by three practitioners with experience in civil litigation and corporate transactions, 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. All three practitioners typically attend each class to provide students with varying perspectives on the different legal topics. Students complete 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: classification of contract terms; nature and scope of the contractual relationship; "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 contractual remedies, such as for lack of good faith.  

Evaluation: Written Assignment #1 = 12.5%; Written Assignment #2 = 12.5%;  
Oral Assignment #1 = 12.5%; Oral Assignment #2 = 12.5%;  
Participation = 15%; Final Paper (including reflection piece) = 35%.
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

Praxicum: 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 claims are ubiquitous, covering everything from angst-filled teenage poetry to impersonal, algorithmic recreations of a Rembrandt masterpiece; from commercially lucrative musical compositions and digital code, to (potentially) priceless vampire fan fiction. This course is designed to introduce students to the universe of rules, theories, policies and controversies that characterize the Canadian copyright system which regulates monopoly interests in musical, literary, dramatic and artistic works. The course will examine questions such as: What is a copyright? When does it vest? How long does it persist? Who can be an author? And, what are the relevant rights and obligations? We will consider the relationship between the private expectation of owning one’s own work, and the public need for knowledge and information, and evaluate the legal and para-legal mechanisms through which this tension is controlled if not resolved.

The majority of the course readings will be drawn from statutory code and judicial decisions. However, since copyright law plays a substantive role in our understanding of ownership, creativity, and cooperation in society, this course will pay substantial attention to the social, moral/political and economic theories that underpin the legal regime. While the majority of prescribed cases and readings will be focused on the Canadian legal system, we will, as relevant, consider notable divergences in, and alternatives offered by, other legal systems.

The in-person classroom meetings, twice a week (2 x 2 hours), will be divided into (i) preliminary lectures (designed to review the rules and theories that students will have already studied before class), and (ii) case-study discussions (designed to rehearse applying the rules and theories on hypothetical fact situations). Students will be expected to familiarize themselves with the materials listed on the syllabus before class; in-class lectures and discussions will place substantial emphasis on problem solving (rather than the more-traditional lecture form of instruction).

Evaluation: Part I: 2-hour, closed-book examination (during exam period) designed to test your knowledge of copyright law doctrine (50%); Part II: a take-home essay designed to test your understanding of copyright theory and policy, due before the start of exam period (50%); students will have to answer one of two essay questions (2000 words max., including footnotes).
The course is designed to introduce the students to the various types of corporate finance transactions available to businesses and the role that a lawyer plays in these transactions. This course will examine corporate financing alternatives and techniques using actual recent financings by Canadian public and private companies as case studies. The role of securities regulators, self-regulatory organizations and stock exchanges will also be discussed.

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

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

Evaluation: 45% for two class assignments, 45% for a final examination and 10% for class participation.
Corporate Governance
(5170.03 A) Seminar
Instructor(s): 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
Praxicum: 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%.
**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  
Praxicum: 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: Homicide**  
*(2240H.03 A)*  
**Course**  
Instructor(s): J. Klukach & T. Breen; Adjunct Professors  
Fall: 3 credits; 3 hours; max. enrollment: 40  
Prerequisite Courses: Criminal Law I  
Preferred Courses: None  
Presentation: Lectures, Discussion  
Upper Year Research & Writing Requirement: No  
Praxicum: No  

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

Evaluation: Evaluation will be based upon a 1500 - 2000 word midterm paper (50%) and a 2 hour final
exam (50%).
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 circumstances in which adult sentences are imposed on youths under the Youth Criminal Justice Act. 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  
Praxicum: No  

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

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

Criminal Procedure  
(2690.04 P)  Course  
Instructor(s): Justice R. Libman & J. Greenwood; Adjunct Professors  
Winter: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture  
Upper Year Research & Writing Requirement: No  
Praxicum: No  

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

Evaluation: Open book exam worth 100%, or option of open book exam worth 50% and research paper on topic approved by professor worth 50%.
Directed Reading: Advocating for Vulnerable Clients
(6001N.03 M) Seminar
Instructor(s): J. Greenwood & J. Nefs; Adjunct Professors
Winter: 3 credits; 2 hours; max. enrollment: 15
Prerequisite Courses: None
Preferred Courses: Criminal Law
Presentation: There will be presentations, lectures, course work and attendance at both the Fred Victor (downtown) drop in hours and at the Provincial Offences Courts in Toronto. Praxicum designation pending approval.

Upper Year Research & Writing Requirement: No

Praxicum: Yes

This is an experiential learning course that builds on the work done by Fair Change Community Services. Students will have the opportunity to interact with vulnerable clients and attend at Provincial Offences Court. Each student will be assigned a client file and, under supervision, will be work with their client to create an affidavit and a factum. Students will learn skills to work with and advocate for marginalized populations.

Students will learn about completing documents essential for a provincial offences appeal. Students will work on active appeal cases before the Ontario Court of Justice, and an opportunity to argue the appeal in court. The course work and lectures are divided into 3 sections: 1) Theory and legal ethics for working with vulnerable clients, 2) Writing for appeals: affidavits and factums, 3) Presenting oral arguments before the court. Students will need to research case law and legislation relevant to the issues present in the individual cases assigned. Additional course reading material will be drawn from: academic journals, government publications and best practice guides for working with vulnerable populations. In some weeks, seminar time and reading time will be re-purposed to do practical work, specifically client intake sessions at the Fred Victor Centre and affidavit interviews with their client and a course instructor.

Evaluation: Students will be evaluated based on attendance (10%), participation in discussion (20%) and the quality of their work on client files (20%). Students will be asked to submit two short reflection papers, one on working with vulnerable clients (25%), and a second, discussing issues explored and lessons learned through practical legal work (25%) (1,500 max. words each). There will also be a mock negotiation and mock trial exercise.
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

Praxicum: 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  
(6001G.04 A) Seminar  
Instructor(s): N. Aylwin; Adjunct Professor  
Fall: 4 credits; 3 hours; max. enrollment: 15  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar - students will spend 2 hrs a week in class learning the theory and method of human-centered design and an additional 2 hrs working with community partners.  
Upper Year Research & Writing Requirement: No  
Praxicum: Yes  

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.  

What do justice users want? What are their needs? How can we work collaboratively with the people that use the system to design legal services in ways that are more accessible?  

This course will seek to answer these questions by introducing students to the theory and method of human-centered design - a process for designing innovative products and services that begins with the people you are designing services for and ends with a product/service that meets their needs.  

Students will gain hands-on experience with the methods of human-centered design by working directly with community partners to develop creative solutions to a real-life legal service delivery and access problems. Over the course of semester, students will:  

- Be introduced to the theory of human centered design – which puts human needs, capabilities and behavior at the center of the design process.  
- Learn how to identify opportunities for innovation in legal service delivery that will increase access to justice.  
- Become comfortable planning and appropriately applying human centered design  
- Work collaboratively with partners to creatively solve complex justice 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 consider 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 Service Design Assessment 20%; Final Design Process Document 50%; Final Presentation 10%
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

Praxicum: 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 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 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

Praxicum: 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: Indigenous Perspectives & Realities
(6001E.04 M) Seminar
Instructor(s): Professor D. McGregor
Winter: 4 credits; 3 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

Praxicum: 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%).
Directive Reading: Legal History Workshop
(6001J.03 M) Seminar
Instructor(s): Professor P. Girard
Winter: 3 credits; 2 hours; max. enrollment: 10
Prerequisite Courses: None
Preferred Courses: None
Presentation: Discussion, participation. Fall Term Schedule: Wednesday, 6.15 – 8.15 p.m. & Winter Term Schedule: Wednesday, 6.15 – 8.15 p.m. Location: University of Toronto Faculty of Law

Upper Year Research & Writing Requirement: No

Practicum: No

The Workshop, also known as the Osgoode Society Legal History Workshop, takes place on Wednesday evenings throughout the year. It meets approximately seven times a term, on roughly alternate Wednesdays. The schedule for the first term will be arranged during the summer of 2017 and will be available by August. The schedule for the second term will be arranged during the first term and will be available by the end of November. Topics may be on any aspect of legal history, from any jurisdiction or time period.

Attendees at the workshop in addition to J.D. students are graduate students and faculty in law and history from U of T and York, as well as members of the profession and other interested parties. Paper presenters are mostly workshop members, but some are visitors from other Canadian and American Universities. Workshop presenters in recent years from outside Toronto have included Constance Backhouse (Ottawa), Blaine Baker (McGill), David Fraser (Nottingham), Robert Gordon (Yale), Sally Hadden (Eastern Michigan), Elsbeth Heaman (McGill), Rande Kostal (Western), Brad Miller (British Columbia), Michel Morin (Montreal), Rebecca Scott (Michigan), and Brian Young (McGill).

All members of the law school community are welcome to attend any workshop. JD students wishing to register in the workshop for credit may do so.

Evaluation: Students will attend a minimum of 10 of the workshops. In addition, students will prepare a minimum of 4 comments on the papers, of 250-300 words each. Students will also write a paper of c. 5,000 words (not including bibliography and footnotes) on any legal history topic. The topic for these papers must be approved by the instructor. Evaluation will be based on the paper (80%) and workshop participation (20%), which includes the comments on papers and contributions to discussion. Students must pass both the paper and the participation component to receive credit for the workshop.
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): T. Sheldon, Adjunct Professor
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

Praxicum: 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 PERSONS 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
Praxicum: 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
Praxicum: 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 Nuremberg, 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 Nuremberg Moot to be held in Nuremberg 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
Praxicum: 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.
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
Praxicum: 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 collaborative lawyering, restorative justice, and indigenous 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 violence. 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.
Dispute Settlement
(3980.03 P) Seminar
Instructor(s): S. Kohli; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Classroom lectures, supplemented with panel discussions, interactive exercises, instructional videos, and small/large group debate/discussion. This seminar is not open to students who previously completed this as a Perspective Option.

Upper Year Research & Writing Requirement: Yes

Praxicum: No

This Dispute Settlement seminar provides students with an introduction to and overview of appropriate ways to resolving disputes in the civil and family law context. Students will be introduced to a variety of topics, including: mediation theory & practice, how to build a reflective mediation practice, how to effectively participate as counsel to a civil or family law mediation; negotiation theory and practice, and how to develop effective mediator and negotiator micro-skills. Teaching methods include: lectures (Socratic and otherwise), facilitated class discussions, interactive exercises, instructional videos, and panel discussions with guest speakers.

Students are expected to attend all classes and to actively participate in the class and in the various course exercises, to complete the required readings for each class, and to complete any in-class assignments. In addition, students will be expected to prepare a research-based paper.

Evaluation: Students will be evaluated based on their performance in two categories: (1) Attendance and Participation, including attending all classes and participating in class discussions, and in-class Assignments – 25%, and (2) A research paper of approximately 7000 words in length, double-spaced, which relates to approved topics relevant to alternative dispute resolution theory and/or practice. Reflection, based on personal or professional experiences, may be incorporated into the paper – 75%.
Energy Law
(2950.03 A) Course
Instructor(s): M. Zajdeman; Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Some lectures, class discussion

Upper Year Research & Writing Requirement: No

Praxicum: No

This course introduces students to the stakeholder engagement and consultation required to successfully permit an energy/infrastructure project. The course will address: a) landowner, municipal and community consultation (collectively, "Community consultation"); and, b) Indigenous consultation. The focus will be on gaining social licence through a community-centric, bottom’s up approach to project planning, by examining what meaningful, responsive, iterative consultation is. The Community consultation segment will address land use rights acquisition; consultation plans and mitigation plans. The Indigenous consultation segment will examine the duty to consult and appropriately accommodate; delegation of the procedural aspects of the duty to the industry proponent; the role of the tribunal; declaration of Aboriginal title; if consent required; and the UN Declaration on the Rights of Indigenous Peoples. Other issues to be canvassed are: cultural sensitivity; capacity funding; and Impact Benefit Agreements (economic accommodation). Sessions will combine some lectures with class discussion.

Evaluation: Final exam: 80%. Class presentation: 20%. 

**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
Praxicum: 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 A) Seminar
Instructor(s): T. Duarte; Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar, discussion

Upper Year Research & WritingRequirement: Yes
Praxicum: 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 film, television, and digital media production and distribution. 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 timed exclusivity of markets and media; cross collateralization; residuals; royalties and other gross and net revenue participations; accounting transparency; and commission fee structures. We will extend this to a study and in-class negotiation of the financing of a television series 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 internet streaming, video gaming and social media. We will study how legal and business practices of this industry are informed by its commercial and legal risks and which of these risks are unique to this industry.

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 or media law or those with an interest in intellectual property and how substantive intellectual property legal issues are resolved in practice.

Evaluation: Class participation (10%), assignment based on class and reading materials (30%), and a 7,000 word research paper (60%).
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%).
Entertainment & Sports Law  
(3840.03 P  Seminar)  
Instructor(s): S. Selznick; Adjunct Professor  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar - Lecture, discussion  
Upper Year Research & Writing Requirement: Yes  
Praxicum: 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%).
Environmental Law  
(2880.04 A) Course  
Instructor(s): Professor D. Scott  
Fall: 4 credits; 4 hours; max. enrollment: 65  
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, class participation, 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%; participation 10% and final open-book exam 60%.
Estate Planning  
(5110.03 A) Seminar  
Instructor(s): M. Rochwerg & 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  
Praxicum: 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.

Estate Planning  
(2050.04 A) Course  
Instructor(s): H. S. Black; Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, discussion  
Upper Year Research & Writing Requirement: No  
Praxicum: 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: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, discussion  

Upper Year Research & Writing Requirement: No  

Praxicum: 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 incapacitated persons; and the resolution of estates disputes, including a review of available alternative dispute resolution procedures.

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

**Evidence**  
(2490.04 A) Course  
Instructor(s): Professor B.L. Berger  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures; discussions; problem solving.

Upper Year Research & Writing Requirement: No  

Praxicum: No  

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

Evaluation: 100% open book examination; or 60% open book examination with an optional written assignment worth 40%.
Evidence
(2490.04 B) Course
Instructor(s): R. McKechney & S. Weinstein; Adjunct Professors
Fall: 4 credits; 4 hours; max. enrollment: 85
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures; discussion; problem-solving

Upper Year Research & Writing Requirement: No
Praxicum: 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): R. Flumerfelt and P. Scrutton; Adjunct Professors
Winter: 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
Praxicum: 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 Q) Course  
Instructor(s): B. Davies; Adjunct Professor  
Winter: 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  
Praxicum: 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 and Proof: Theory and Practice

Seminar

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

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

Prerequisite Courses: Evidence

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: No

Praxicum: Yes

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

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

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

WARNING: The materials used both in the seminar and in the take-home assignment are from actual cases involving violent crimes, they are graphic and disturbing. Therefore, if you suspect that you may have difficulty being exposed to such materials you should refrain from enrolling in this seminar.

Evaluation: 20% classroom participation / half way through the term, a set of written reflections (500 to 750 words), which is pass/fail / and a final case brief assignment worth 80%
Family Law I  
(2060.04 A)  Course  
Instructor(s): Professor S. Kierstead  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, discussion  
Upper Year Research & Writing Requirement: No  
Praxicum: No

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

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

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

Evaluation: 10% participation and either: A two hour exam worth 65% and an in-term written case comment worth 25% OR a three hour written exam worth 90%.
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  
Praxicum: 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: 20% for two 700 word reflection pieces (10% each) on two group oral pleading exercises to be conducted in class respectively one third and two thirds of the way through the course.  

10% attendance grade.  

70% open-book examination. Students may also opt to write an optional paper (3,500-4,000 words) to be graded as follows: The full exam has to be written as well, however the exam will count for 35% and the paper for the other 35%. If the student does better on the exam than the paper, then only the exam will be counted for the final 70% mark.
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
Praxicum: 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 praxicum 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 praxicum 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 praxicum 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
Praxicum: 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 17, 2018. Each session will be 3 hours.
Upper Year Research & Writing Requirement: Yes
Praxicum: 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

Praxicum: 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%.
Health Law
(3004.03 M) Seminar
Instructor(s): T. Sheldon; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Interactive discussions, student presentations

Upper Year Research & Writing Requirement: Yes
Praxicum: No

Society has an interest in assuring the conditions in which people can be well. How can the law support this aim? Public health law is built around this question and many others.

What are the legal powers of the state and state actors in implementing public health measures? We begin by canvassing the fundamental principles of public health law, by reviewing various legal instruments that illustrate the state’s public health powers and duties. In particular, this course draws on the twin fields of human rights law and public health.

To what extent can the state legitimately impinge on individual rights in its efforts to promote or protect the public’s health? Those advocating for a broadened role for public health focus on improving the population’s health, the effectiveness of deterrence and the importance of promoting social justice. Critics instead point to the importance of individual liberties and self-reliance, the problem of paternalism and the slippery slope of government intervention. This course explores the application of these conflicting views to examples of public health measures.

How does the language of law ("rights," "duties" and "justice") animate current debates about public health? Selected topics in public health law illustrate the relationship between human rights and state’s duty to protect public health: fluoridation of the water supply, mandatory vaccination, responses to pandemics and communicable diseases, regulation of reproductive technologies, criminalization of HIV non-disclosure, the detainment by quarantine order to avoid the spread of infectious diseases, proposals for a “fat tax” and GMO labeling.

What is the potential of public health law to improve population health and remediate health inequities? We canvass and critically evaluate various legal approaches to advancing wellbeing. We explore the role of law (including criminal law, constitutional law, tort law, privacy law, and administrative law.) in the development, implementation and frustration (through judicial challenge) of public health measures.

Evaluation: Participation and reflection 10%; class presentation 10%; final paper outline and bibliography 10%; final paper 70%
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  
Praxicum: 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.
ICT Colloquium
(5810.03 M) Seminar
Instructor(s): Professor C. Williams
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

Praxicum: 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 2018 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 2018 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) efforts to regulate the activities of Canadian mining companies in South and Central America and East Asia; (c) efforts to regulate global financial institutions after the financial crisis; 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 2018, 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): A. Grant; Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 80  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures  

Upper Year Research & Writing Requirement: No  
Praxicum: No  

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

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

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

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

Evaluation: Evaluation in the class will be conducted by way of an experiential learning project (40%) to be completed either individually or in groups, class participation (10%), and a final open-book examination (50%).
Indigenous Peoples and Canadian Law (2110.04 A) Course
Instructor(s): Professor A. Boisselle
Fall: 4 credits; 4 hours; max. enrollment: 50
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes
Praxicum: No

This course will provide a critical survey of state law as it relates to Indigenous peoples in Canada. Topics will include: the historical context and constitutional framework; Aboriginal rights and title; self-government; treaties and treaty rights; the Indian Act; Inuit rights; Métis rights; and the authority and obligations of the federal and provincial governments.

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

Evaluation: 7000 word paper worth 60% of final grade. Closed-book exam worth 40% of final grade.

Indigenous Peoples and Canadian Law (2110.04 P) Course
Instructor(s): Professor S. Daum Shanks
Winter: 4 credits; 4 hours; max. enrollment: 50
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, Discussion

Upper Year Research & Writing Requirement: No
Praxicum: 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, collaborative problem-solving and Indigenous legal norms. 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.
Individual Employment Relationship
(2550.04 A) Course
Instructor(s): S. Regenbogen; Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Praxicum: 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, restrictive covenants and privacy rights.

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

Praxicum: 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)  
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

Praxicum: 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
Praxicum: 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.
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
Praxicum: 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 M)**  
*Course*  
Instructor(s): M. Martyn; Adjunct Professor  
Winter: 3 credits; 3 hours; max. enrollment: 50  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar, discussion  
Upper Year Research & Writing Requirement: Yes  
Praxicum: 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  
Praxicum: 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: 75
Prerequisite Courses: None
Preferred Courses: Public International Law
Presentation: Lectures, discussion, case studies, guest speakers

Upper Year Research & Writing Requirement: Yes
Praxicum: No

Law in the face of mass atrocity reveals some of the most pressing issues confronting international law and lawyers today. This course will provide students with an introduction to the main concepts, rules and institutions of the field known as 'international criminal law.' It will explore the core international crimes of aggression, war crimes, crimes against humanity, and genocide, as well as terrorism. Students will gain a strong foundational knowledge of the field, including how it is situated in the broader contexts of public international law and domestic criminal law.

In addition, this course will help students develop a critical toolkit with which to assess the global (individualized) legal regulation of political violence. The idea of the international criminal has come to occupy a huge amount of the global legal imaginary, especially since the end of the Cold War. He stands in, often at one and the same time, for the human rights violator, the political enemy, and the social, philosophical and theological scapegoat. However, while the core institutions, rules and structures of this (relatively) new legal field are well established, the goals of the field remain elusive and contradictory.

International criminal law is said to, variously: subject the use of force to the rule of law, punish the worst crimes and deter their commission, provide an accurate historical record of mass atrocity, provide redress and reparation to victims, address threats to international peace and security, facilitate social transition from armed conflict and totalitarian regimes to democracy, and provide a common global vocabulary through which to articulate the legal regulation of acts that 'shock the conscience of mankind.' But these objectives do not sit easily together, either from a theoretical or a practical perspective.

The course approaches international criminal law as a global policy tool with myriad and indeterminate potential effects. We will look at 'international criminal law' as a global criminal justice project deployed by specific actors. This course invites students to engage with international criminal law as active political agents, asking whether, and how, this body of law and set of institutions and practices could be strategically deployed to secure progressive ends. Using case studies and interactive learning, students will be asked to concretely evaluate the stakes of international criminal law across a variety of jurisdictional contexts, asking how – and for whom – international criminal law might be a good or a bad thing. Historical, political, theoretical and aesthetic lenses will also be deployed throughout, challenging students to evaluate doctrine and case law in light of fundamental questions of global jurisdiction, constituency, effectiveness and legitimacy. We will particularly emphasize the place of film in the practice, scholarly study of, and activism around, international criminal justice questions.

Evaluation: Reaction papers: 25% (5 papers, 500-1000 words); Class participation: 15%; Final paper: 60% (7,000 words, excluding footnotes and bibliography).
International Dispute Resolution: Advocacy in the International Criminal Court
(3007C.03 A) Seminar
Instructor(s): L. Adler; Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: International Criminal Law and / or other advanced International law courses and / or other advanced criminal law courses
Presentation: Moot presentations, discussions,
Upper Year Research & Writing Requirement: No
Praxicum: Yes

The focus of this advanced seminar is three-fold:

a. To pick a three-person team to represent Osgoode at the qualifying 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 an ICC moot at the court where the International Military Tribunal presided 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; as well as

2. The International Nuremburg Moot to be held in Nuremberg in late July.

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 Moots, we have excelled in the Competitions, 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!

Evaluation: In-term written assignments, including a draft factum, and oral presentations.
International Dispute Resolution: International Commercial Arbitration  
(3007D.03 M)  Seminar  
Instructor(s): H. Meighen; Adjunct Professor  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, discussions, presentations  
Upper Year Research & Writing Requirement: No  
Praxicum: No  

This seminar will introduce participants to the resolution of international disputes through arbitration, and in particular, the key stages of an international arbitration, including the drafting of arbitration clauses, constitution of the tribunal, managing the arbitral procedure, evidentiary hearings, and finally, the set aside and enforcement of awards. In addition, the seminar will provide particular instruction on key features of international commercial arbitration, including arbitral institutions, investor-state arbitration, and various procedural rules.  

Special emphasis is placed on the practical management of complex international arbitral proceedings by counsel. In this regard, the seminar will include particular instruction on client management, maximizing costs and efficiency, arbitrator selection, key advocacy skills, and ethical challenges that can arise in the context of international commercial arbitration.  

By the end of the seminar, students should be comfortable with the key legal concepts underpinning the arbitral process and considerations structuring and managing an effective arbitral process.  

Evaluation: Two in-term take-home Assignments - 70%; Participation - 30%.
International Environmental Law
(4880.03 M) Course
Instructor(s): D. Estrin; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 60
Prerequisite Courses: none
Preferred Courses: None
Presentation: Lectures, discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: Yes
Practicum: No

This course will introduce students to the foundations and guiding principles of the evolving field of international environmental law. It explores the dynamics of the international legal system with a focus on the key actors, interests and ideas. Selected environmental issues will be examined in close detail in seminars incorporating student research and "reaction papers". Students are expected to contribute actively to the critical analysis of sources and mechanisms of international environmental law and to discussion of new approaches to global environmental problems. By the end of the course, the students should be familiar with the major issues in international environmental protection, with the central legal responses to them, and with a range of theoretical perspectives and frameworks through which to understand these problems and to evaluate the effectiveness of various international environmental law instruments.

Evaluation: 75% research paper and 25% class participation OR 3 "reaction papers" of 25% each and 25% class participation.
International Human Rights Law  
(3440.04 A) Seminar  
Instructor(s): Professor O. Okafor  
Fall: 4 credits; 3 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar time devoted to active student participation, in addition to lectures and discussions.  
Upper Year Research & Writing Requirement: Yes  
Praxicum: 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 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
Praxicum: 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.

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Evaluation: Attendance (10%); participation (10%); outline of final paper (pass/fail), final paper (80%).
International Investment Law
(3100.03 A) Seminar
Instructor(s): Professor G. Van Harten
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar discussion

Upper Year Research & Writing Requirement: Yes

Praxicum: No

International law is weak, except when it comes to protecting the assets of foreign investors, especially large multinationals and super-wealthy individuals, that have been given special powers to bring international claims for compensation against countries. This seminar examines current developments in this field of international investment law and investment arbitration, also known as investor-state dispute settlement (ISDS). It may be of special interest to students who are interested in public international law, international arbitration, business law and regulation, political economy of law, 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 investment agreements (e.g. Canada-China FIPA, other BITs) and regional trade agreements (e.g. NAFTA, CETA). The seminar also examines the burgeoning body of arbitration awards pursuant to investment treaties.

Anticipated topics include: policy issues in regulation of foreign investment; background to investment treaties and relevant arbitration treaties; major arbitration institutions and rules; foreign investor protections including from direct or indirect expropriation and to fair & equitable treatment, national treatment, and most-favoured-nation treatment; jurisdiction and admissibility of claims in investment arbitration; umbrella clauses, remedies and state liability; and international enforcement of awards. The aim is to provide students with a sound grounding in technical issues while giving 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 an international dispute.

Evaluation: Research paper (70%); participation/ class activities (30%).
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
Praxicum: 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): S. Wilkie; Adjunct Professor  
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: No  
Praxicum: Yes  

This covers one of the most dynamic and fascinating areas of tax law – taxation of cross-border transactions. In fact, the aspect of taxation described as "international taxation" is as much concerned with countries interacting with each other in relation to income earning circumstances of taxpayers as it is about the typical relationships between taxpayers and those countries’ tax regimes and tax authorities. Because Canada has a small and open economy cross-border transactions and related relations are not only important to taxpayers and the government but they are unavoidable. Accordingly, a working awareness of how Canada’s tax system addresses the circumstances of persons from elsewhere who establish income earning connections with Canada and the circumstances of Canadians whose income earning activities extend beyond Canada’s borders is an important addition to a tax practitioner’s resources. More broadly, the connection between “international taxation” and trade and the necessary dependence of taxation generally on a strong familiarity with private law and public law make this course an opportunity for students to develop and enhance their legal knowledge and skills from several perspectives. 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.) and other relations of and among persons that may justify the taxing claims made by more than one country at the same time. In that connection, it will also cover issues concerning international tax treaties and international tax avoidance (and evasion) which continue to be topical in contemporary discussions and commentaries on “international taxation” including, notably, by the Organisation for Economic Co-operation and Development, the United Nations, the International Monetary Fund and the World Bank. While not formally a co-requisite or pre-requisite, familiarity with the taxation of corporations will be helpful to students even though students can be successful in this course without this background.  

A detailed Syllabus and class discussion notes will be provided to guide students’ learning. Each segment of the course will address practical problems to anchor the studying of the substantive law and related policies and guidance by tax authorities.  

Evaluation: Evaluation will be by way of a 48 hour take-home examination during any continuous 48 hour period during the examination schedule and otherwise according to law school rules and requirements for take-home examinations. Students may, if they wish, also choose to write a research paper of 4,000 words, excluding footnotes and bibliography; students making this choice still will write the examination. The grade for students who choose to write a research paper will be attributed equally (50%) to each of the examination and the research paper unless the examination grade is higher in which case the 100% of the overall grade will be attributed to the examination. Students who choose to write research papers should select topics as soon as possible after the course begins. The topic should be oriented to the application of the Canadian tax system to international transactions, events and circumstances.
The option paper requires Professor Wilkie’s approval. Students opting for the paper are expected to present their research (up to 10 minutes per student) in class and nevertheless to attend classes in the normal manner. Suggested topics will be available on the course website and Professor Wilkie will be available throughout the course to discuss the selection of topics and the progress of papers.
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 introductory 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, 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. This year there will also be some emphasis placed on regional free trade areas and preferential trade agreements such as the NAFTA (including aspects for potential renegotiation), as well as distinctive features of the international treaties recently negotiated by Canada including the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

Evaluation: Mid-term assignment (25%); open-book final examination (75%).
Investor Protection  
(5410.04 M) Seminar  
Instructor(s): Professor E. Waitzer & J. McNish; Adjunct Professor  
Winter: 4 credits; 3 hours; max. enrollment: 20  
Prerequisite Courses: Business Associations and Securities Regulation  
Preferred Courses: None  
Presentation: Seminar, discussion, presentations. Note: This seminar is held downtown.  
Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

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

This advanced seminar, engaging both senior year law students and financial journalists, is intended to provide an opportunity to:  
(i) actively explore this intersection of law, business and public policy and  
(ii) interact with each other and develop mutual knowledge of the law and practice relating to investor rights and remedies.

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

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

Joint JD/MBA Seminar  
(3820.03 M) Seminar  
Instructor(s): Professor E. Waitzer  
Winter: 3 credits; 2 hours; max. enrollment: 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  
Praxicum: 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.
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 student's 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 A) **Course**

Instructor(s): E. Kidd White, Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Praxicum: No

This is a course in the philosophy of law that approaches its subject matter through the lens of politics and political philosophy. It will involve critical discussion of classic issues and texts in political and legal philosophy from the 17th century to the present. The organizing topics are: legitimacy, justice, and the nature and moral significance of law. Special emphasis will be placed on the ways in which various philosophical conceptualizations of the human person intersect with justifications for political and legal arrangements, including distributions of rights, goods, and powers. Students will develop competence and facility over several historically influential texts in legal philosophy (from Hobbes, and Locke to Rawls, Raz, Waldron and Dworkin). Students will sharpen their analytical, reasoning and critical reading skills, and will learn to develop, evaluate, and critically reflect upon normative arguments about the law.

Evaluation: 80% final examination, 10% participation, 10% two short reaction papers (300-400 words each). Students may also opt to write an optional paper, worth 40% of their overall final grade. Exams for students electing this 40% paper option will be worth 40% 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-rerequisite 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

Prxicum: 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 Arbitration  
(5070.03 M)  Seminar  
Instructor(s): S. Blackstone & K. Allen; Adjunct Professors  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Pre or co-rerequisite courses: Labour & Employment Law, Collective Bargaining Law. Students with relevant experience in labour relations or human resources may enrol with permission of instructor.  
Preferred Courses: Collective Bargaining Law  
Presentation: Lecture/seminar, class discussion, in-class exercises, guest speakers and mock arbitration.  
Upper Year Research & Writing Requirement: No  
Praxicum: 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 (40%), written assignment (40%), and seminar participation (20%).
Labour & Employment Law
(2315.04 A) Course
Instructor(s): Professor E. Tucker
Fall: 4 credits; 4 hours; max. enrollment: 90
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: Yes
Praxicum: No

The purpose of the course is to provide students with a foundation for engagement with labour and employment law. It provides 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, including the ILO and NAFTA. In addition to law, the course examines the role of legal institutions, including government departments such as ministries of labour, administrative tribunals, such as labour relations boards and human rights tribunals, grievance arbitrators and courts. It also is attentive to the historical, social, economic and political context within which labour and employment law is created, operates and is enforced.

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 in discussions between between the instructor and student, taking into account the length and complexity of the project. A paper written for this course may satisfy the UYWR provided that it counts for more than 60% of the final grade and is at least 7000 words (not including footnotes and bibliography). 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
Praxicum: 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%).
Labour & Employment Law and Policy Colloquium

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.

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

Evaluation: Research paper (7,000 words excluding footnotes, bibliography and appendices) (60%), commentary (20%), and, presentation of draft research paper (20%).
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.
**Law and Film**  
(3200.03 A)  
Instructor(s): Professor R. Buchanan  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar, discussion  
Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

Visual images are an increasingly important form of communication, and the legal field is not exempt from these developments. This course will introduce students to the expanding landscape of visual media in public culture, courtrooms and other legal advocacy settings through the close consideration of a diverse selection of films, both documentary and fictional. Substantively, the course will examine key legal/cultural concepts such as justice, judgment, retribution, memory and reconciliation. It will assess, analyze and seek to understand the cultural mechanisms through which the meanings and institutions of law are understood, interpreted and constantly re-negotiated in Canada and in the world. We will study the contestations of legal power by examining the ways in which questions of justice are represented by a variety of filmmakers, and will consider whether insights gained from the study of film might help to engender a more responsive and inclusive legal order. Films studied will range widely from the 1959 anti-nuclear dystopian film “On the Beach” to the award-winning indigenous documentary “Angry Inuk” (2016).

Students will be guided towards the development of critical and generative attitudes to the role and value of the visual in law through the readings, reflective writing exercises, mini-lectures and focused seminar discussion. Most weeks during the semester, students will be expected to preview a feature length film as well as assigned reading in advance of the seminar. Class participation and five short film commentaries will be evaluated as a proportion (30%) of the course grade, while the primary evaluation (70%) will be based on a student’s final essay, on a topic to be determined in consultation with the Professor. This course will satisfy the upper year writing requirement.

**Evaluation:**  
Class Participation: = 10%, Film Commentaries (5) = 20%, Final Paper (at least 7000 words excluding notes and bibliography) = 70%
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

Praxicum: 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 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 & Economics
(2560.03 M) Course
Instructor(s): Professor S. Daum Shanks
Winter: 3 credits; 3 hours; max. enrollment: 5
Prerequisite Courses: None
Preferred Courses: None
Presentation: The first two meetings will be lecture presentations by the professor. After those sessions, meetings will run similarly to a seminar, with the professor leading a general discussion about the assigned readings for that specific meeting. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2018. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes
Praxicum: No

This course is an examination of various concepts and arguments considered part of the subfield known as “law and economics”. Each week, we meet to discuss these components and debate their implications upon all levels of legal argumentation in both Canadian and international jurisdictions. Topics include but are not limited to Rational Choice Theory, Game Theory, Neuroeconomics, Public Choice Modulations, Nudges, Political Economy, Behavioural Law and Economics, Public Administration, Rent Seeking, and Risk Analysis.
This course is constructed so that no previous background in economics is required.

Evaluation: Students will write a synopsis of one article from the class readings and a short summary of a concept that is part of Law and Economics subfield (together worth 25%), and a final paper worth 75%. For upper year students, word count is 7,000 words, excluding footnotes and bibliography. For first year students, word count will be discussed further in class.
**Law & Psychiatry**  
(3240.03 M) Seminar  
Instructor(s): K. Bryan & M. Perez; Adjunct Professors  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Criminal Law  
Preferred Courses: None  
Presentation: Discussion and Student Presentations  

Upper Year Research & Writing Requirement: No  
Praxicum: 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 praxicum requirement.
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

Praxicum: 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 praxicum 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  
Praxicum: 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: 20
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
Praxicum: 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, while exploring the realities of global and domestic legal practice.

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, and guest speakers will be featured. 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%).
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) provides a framework for identifying, articulating, and proposing solutions to inequity within a society. Two of the defining features of CRTs are as follows:

1) Group identities—e.g., race, gender and sexual orientation—are social constructs.
2) Social systems—e.g., law, education and the media—are 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. Anchored in the works of Richard Delgado, Jean Stephancic, Carol Aylward, Constance Backhouse and coupled with presentations from a number of lawyers who currently utilize critical race theory in their practice, the course will explore race, racism and Canadian law.

Evaluation: Weekly reflections (200-word reflections on course readings) -15%; In-class participation (small group work) and attendance- 10%; Research paper (7000 words for upper year students and 5000 words for first year students) - 75% of final grade

See breakdown of research paper 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 of ten formal sources - 20%; Ten-minute presentation of current work on paper - 10% (Weeks 7 & 8); Final paper (5000 or 7000 words) - 35%.
**Law & Social Change: Policing**  
(2750B.03 M) Course  
Instructor(s): Elizabeth Kirley; Adjunct Professor  
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 16, 2018. 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 research paper -- evaluation divided between a detailed outline and annotated preliminary bibliography and the final submitted research paper; 10% for an assigned book review; and 15% participation including both group and individual 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

Praxicum: 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.
**Lawyer as Negotiator**

(3960.04 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups, with experienced negotiators serving 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 forms of alternative dispute resolution, including negotiation and mediation. *Lawyer as Negotiation* is designed to familiarize students with representative negotiation theory and practice, and specifically how theory informs the development of legal bargaining strategy. Students will attend weekly lectures, conduct negotiation simulations, and participate in small group discussions and reflections which will introduce and critique the principles of representative negotiation. Students will be expected to prepare detailed negotiation plans for their weekly negotiations as well as two final negotiations held at the end of the semester. Students will be coached and critiqued by experienced negotiators throughout the year, and will be encouraged to reflect on and discuss their weekly negotiations in small working groups of either 14 or 16 students.

The first half of the course will introduce students to distributive and integrative bargaining techniques as well as the importance of developing a negotiation strategy and a detailed plan for each negotiation. The second half of the course will focus on the importance of communication, integrity, power, gender, and culture, among other issues, 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
Praxicum: 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.
Law, Gender, Equality  
(3039.03 M) Seminar  
Instructor(s): Professor K. Sutherland  
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 17, 2018. Each session will be 3 hours.  
Upper Year Research & Writing Requirement: Yes  
Practicum: No  

This seminar will consider developments in law and social policy which engage gender equality or have gendered effects. A range of topics will be covered including regulation of appearance, regulation of single gender spaces, barriers to reporting sexual violence, and the law’s role in and response to violence against Indigenous women. Readings and discussion will be attentive to the intersection of gender with other factors including race, sexuality, and disability. Course materials will include cases, academic articles, and literary texts. Each week’s readings will be considered not only in terms of substantive content, but also in terms of the research and writing process as students develop or refine the skills necessary to write and revise a legal research paper.  

Evaluation: The primary mode of evaluation is a research paper (worth 75% of the final grade). For first year students, the paper must be at least 5000 words long (exclusive of notes, bibliography and appendices); for upper year students, the paper must be at least 7000 words long (exclusive of notes, bibliography and appendices) to meet the upper year writing requirement. Students will determine their own paper topics in consultation with the instructor. In addition, over the course of the term, students will be required to complete series of assignments worth 25% of the final mark. This will include short commentaries on course readings, a paper proposal, and an in-class presentation.
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. Praxicum designation pending approval.

Upper Year Research & Writing Requirement: No
Praxicum: Yes

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): J. Shin Doi; Adjunct Professor  
Winter: 3 credits; 3 hours; max. enrollment: 40  
Prerequisite Courses: Contracts  
Preferred Courses: None  
Presentation: Lectures, discussion  

Upper Year Research & Writing Requirement: No  
Praxicum: No  

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

Evaluation: Three take home assignments: 25%, 25%, 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  
Praxicum: 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  
Praxicum: 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, in-class workshops and frequent use of computers & video.
Each lecture session will be 3 hours.

Upper Year Research & Writing Requirement: No
Praxicum: Yes

Disruption, Technology and Change in Law: The Future is Now.

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 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.

This course introduces students to the future of the legal profession and empowers them to participate in and lead the transformation of legal service delivery. It does NOT require a technical background.

The course emphasizes the value of 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, improves accessibility, enhances productivity and democratizes the practice of law.

The course includes experimentation with new legal technologies, workshops that convey a realistic technology design experience (which take place during class time), and process mapping exercises, among other experiential learning opportunities.

The theoretical portion of the focuses on a critical analyses of legal 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).

The course culminates in a final project and pitch presentation where students utilize basic technology application design and methods to develop concepts for 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.

Evaluation: 20% for participation; 60% for the final project; 20% Final Presentation
**Legal Values: Artificial Intelligence - Law, Ethics & Policy**

(3592A.03 A) *Seminar*

Instructor(s): M. Grossman; 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

Praxicum: No

This first-of-its-kind, multidisciplinary, cross-listed seminar will bring together (through videoconference rooms at both locations) computer science graduate students from the University of Waterloo and law students from Osgoode Hall to explore cutting edge legal, ethical, policy, and technical challenges implicated by the rise of artificial intelligence, robotics, and big data, in applications as varied as criminal law, health care, autonomous vehicles, and lethal autonomous weapons. Students will: (i) learn about what is technically feasible today—and will likely be possible tomorrow; (ii) identify important challenges that individuals and society are likely to face as a result of emerging technologies; and most importantly, (iii) explore and grapple with how the legal system and public policy is responding—or should respond in the future—to the issues presented by artificial intelligence, automation, and big data. Students will be afforded substantial opportunities to develop and articulate their views (and address opposing views) both orally and in writing. Topics to be addressed may include: defining what AI and robots are, and what they can do or be expected to do in the foreseeable future; whether AI agents and robots have rights and if so, what those rights might be; relationships between AI agents or robots and their human counterparts; who is liable when "good AI/robots go bad"; military uses of AI; issues of algorithmic bias and transparency, particularly in the criminal law context; regulation of AI and robots, including privacy issues; and automation and technological unemployment as a result of the explosion of AI. Course materials will be drawn from scholarly work in both the scientific and legal domains, as well as from popular media, including videos and movies. Law students who take this course will be afforded the unique opportunity to develop and hone their technical, analytical, research, writing, and advocacy skills in conjunction with those who will be responsible for developing the next generation of AI technologies, in the hopes that both groups will become more sensitized to and thoughtful about the legal, ethical, and policy implications of these emerging technologies.

Evaluation: Weekly one-page commentaries or position papers (top 8 out of 10 = 40%); class participation (20%); final small-group project, which will include a written work product and probably, a brief class presentation (40%).
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  
Praxicum: 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 ad 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: Commercializing IP
(3591M.03 M) Seminar
Instructor(s): M. Medeiros and Christopher Hunter; Adjunct Professors
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar, discussion. This seminar is not open to students who previously completed this as a Perspective Option.

Upper Year Research & Writing Requirement: Yes

Praxicum: 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 ad 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: Copyright Policy in the Making  
(3591X.03 M) Seminar  
Instructor(s): R. Bucholz; Adjunct Professor  
Winter: 3 credits; 2 hours; max. enrollment: 6  
Prerequisite Courses: none  
Preferred Courses: none  
Presentation:  
Upper Year Research & Writing Requirement: No  
Praxicum: No

This course stems from a collaboration between several Canadian law schools (Osgoode, University of Toronto, Ottawa, McGill, and Universite de Montreal) and the Federal Government (Departments of Canadian Heritage and Innovation, Science and Economic Development). The course exposes law students to the process of crafting public policy, and is uniquely timed to coincide with the s. 92 parliamentary review of the Copyright Act. Students in each of the participating law schools will research and prepare a thorough policy report on one topic to be selected from several live themes proposed by the participating government departments. The course will culminate in a Grand Oral in Ottawa, where teams representing each of the participating law schools will present their reports before a panel of experts and officials (e.g., senior policy analysts, academics, various stakeholders from the industry and decision makers). This is a unique opportunity for students to showcase their research skills, policy chops, and oral presentation abilities. Students will have access to a community of professionals and policy specialists in developing and presenting their own views and recommendations on important current issues in Canadian copyright law.

Students will convene in weekly 2-hour seminars over course of the semester. In addition to covering the fundamentals of the selected policy themes, class time will include team preparation of the investigation topic, and hands-on instruction and feedback on drafting and presenting policy briefs. Two joint sessions will be co-taught by Canadian government officials on an introduction to policy development, drafting and briefing in the context of Canadian copyright law.

Evaluation: Written report (60%), oral presentation (20%), participation and engagement (20%).
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.
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. The seminar begins with sessions on the history, economics, and politics of the international financial system, examining concepts such as money, the balance of payments, rules and discretion, soft law, and sovereignty. It then turns to the evolution of the IMF and its Articles of Agreement, its regulation of the current and capital accounts of national economies, the allocation of IMF voting power, and the IMF's relationship to other institutions. The role of other institutions is also examined in individual seminars, including that of national governments/central banks and private banks/hedge funds.

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 sovereign debt, 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 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: 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
Praxicum: 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: Introduction to Economic, Social and Cultural Rights
(3592.03 D) Seminar
Instructor(s): R. Ferguson, Adjunct Professor
Winter: 3 credits; hours; max. enrollment:
Prerequisite Courses: none
Preferred Courses: none
Presentation: Seminar style, discussion of readings led by course director, student presentation of paper topics, lectures for some topics

Upper Year Research & Writing Requirement: TBA

Praxicum: No

This seminar will explore economic, social and cultural rights, as a sub-regime of international human rights law. It will look at the historical development of this category of rights, including the political context in which the International Covenant on Economic, Social and Cultural Rights was drafted; the scope and content of provisions of the Covenant; the practical and theoretical challenges to their implementation and enforcement; the nature of violations; the role of nonstate actors, such as the treaty body, non-governmental organizations, and civil society; and recent jurisprudential developments that enhance the justiciability of these rights.

While the development of these rights has lagged behind that of their civil and political counterparts, they have begun to enjoy greater recognition globally. Present day issues ranging from economic austerity to environmental destruction to hunger to health care are all relevant to this category of rights and the demands for their respect and fulfillment will only become louder in the coming years. The objectives of this seminar are to introduce students to the topic of international socio-economic rights and to develop student’s legal research paper writing abilities.

Evaluation: Paper 75% • Presentation 10% • Participation 15%
Legal Values: Judgment
(3591W.03 M) Seminar
Instructor(s): Professor J. Nedelsky
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Discussion

Upper Year Research & Writing Requirement: Yes
Praxicum: No

This course explores the nature of the human capacity for judgement, based on Hannah Arendt’s (incomplete) work on judgment and the many commentaries and extensions her theory has generated. The core of her argument is that judgment involves taking the perspective of others. We will be looking at the connections and differences between the judgements we make every day (is it a good course, book, movie) and moral, political and legal judgements. We will look at problems such as judging between incommensurable stories and the ways that creating space for diverse voices raises challenges to the conventional virtues of judicial judgment: neutrality, impartiality, objectivity.

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 sets of readings, responses to other students’ commentaries, a paper proposal, and in-class discussion.

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
Praxicum: 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 & 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  
Praxicum: 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  
Praxicum: 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 ascendency 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 mooting.  

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: 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 18, 2018. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Praxicum: 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 ascendency 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 mooting.

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 (5,000 words for first year students and 7,000 words for upper year students, excluding footnotes and bibliography), 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

Praxicum: 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 valuators to achieve optimal outcomes for clients. The seminar meets the praxicum 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: 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
Praxicum: 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: 100% Research paper (7,000 words, excluding footnotes and bibliography),
Legal Values: Reforming Intellectual Property
(3591C.03 A) Seminar
Instructor(s): Professor D. Vaver
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: A course or seminar on intellectual property law or one of its elements (e.g., Patents, Copyright, Trade-marks)
Preferred Courses: None
Presentation: Discussion

Upper Year Research & Writing Requirement: Yes
Praxicum: No

This seminar aims to provide students with a deep understanding of current intellectual property legislation and policy and the challenges to reform. It will do so by examining the structure, content and language of current laws and attempting to develop an integrated intellectual property code that is logically structured, user friendly, and attuned to the needs of a modern economy. The seminar will first consider the justifications for IP and the legal and political constraints in reforming it. Students will then take individual responsibility for reforming a field of IP law. They will write a preliminary memorandum on that field’s shortcomings in the context of an integrated IP code, and how to address them. After feedback and any consequent revision of their memorandum, they will produce possible model provisions for that field. After further feedback, a final version of the proposed legislation will be produced.

Evaluation: Preliminary and final memoranda (30%); preliminary and final draft legislation (50%); participation (20%). The final paper submitted will combine the final memorandum and final draft of the legislation and should be between 7,000 - 9,000 words long, including footnotes and bibliography.
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

Praxicum: 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."

Not withstanding 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 sectionalist 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: 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 an eleven-week period, beginning January 18, 2018. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Praxicum: No

In the aftermath of World War II, various States saw the compelling necessity for 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 designed principally, to quote Article 1 of the UN Charter, 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 seems to be often paralyzed by political gridlock. In addition, the collective action envisioned by the founders of the UN has often yielded to geopolitical and sectionalist forces. The result is that the UN seems to struggle with maintaining international peace and security. This course tackles the normative underpinnings of the UN and interrogates the structure and processes by which the UN grapples with the task of maintaining international peace and security.

By the end of the course, students are expected to have gained a solid understanding of:
1. The normative underpinnings of the UN and the theoretical frameworks of international institutions committed to peace maintenance.
2. The role and function of the UN in peace maintenance;
3. The geo-political calculations and economic considerations that often influence decision-making by permanent members of the UN Security Council;
4. The successes and failures of the UN Security Council in peace-maintenance across the globe;
5. The structure and processes of peace-making since 1945;
6. State-building and the geo-politics of multilateral efforts at peace maintenance;
7. The need for reform of the UN.

Evaluation: 1. 80% of the evaluation is based on a long essay of no more than 5,000 words for first year students (excluding the bibliography and footnotes) and no more than 7,000 words for upper year students. This essay satisfies the Upper Year Writing Requirement;

2. 20% of the evaluation is based on class attendance, participation and presentation.
Legal Values: Theory & Practice of Human Rights

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
Praxicum: 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

Praxicum: 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.
Litigation Dispute Resolution and the Administration of Justice Colloquium
(5007.03 M) Seminar
Instructor(s): Professor M. Simmons
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

Praxicum: 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.
Money and Payments in the Digital Age
(3075.03 A) Seminar
Instructor(s): Professor B. Geva
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Class discussion, presentations

Upper Year Research & Writing Requirement: Yes

Praxicum: No

A study on selected major legal aspects of money, payment, clearing and settlement in the digital age. Their evolution is addressed from a Canadian and international perspective. From the dawn of history payment in money has been the lifeblood of the exchange economy. Over the years, technology and socio-economics have played a major role in shaping means as well as methods of payments. As was highlighted in the recent Task Force Payment Systems Review in Canada, means and methods of payment keep undergoing revolutionary developments. They thus require constant adaptation and adjustment of platforms and laws. Against the background of ongoing innovation and emerging new technologies facilitating new developments such as mobile payments, Bitcoin, virtual currencies, digital cash and distributed ledger technology (DLT), the seminar addresses basic concepts of money and payment, the design and structure of the monetary and payment systems, and the various elements of the infrastructure designed to accommodate the payment and settlement of consumer, commercial and financial transactions.

Specifically, the seminar covers topics such as:

1. Introduction: money in an interdisciplinary perspective;
2. Central banks and the modern monetary system;
3. Payment, clearing and settlement: DNS, RTGS;
4. The Canadian Payment system: access, architecture and governance;
5. Retail payment networks: card and mobile payments;
6. Credit transfers: large value payment systems, global funds transfers, international remittances and retail ‘fast payments’;
7. Payment system risks;
8. Fintech and alternative currencies: virtual currency, blockchain, and digital cash;
9. Money services and virtual currency businesses; and

Evaluation: Evaluation will be on the basis of 7000 words (text- not including footnotes and bibliography) independent research paper, submitted at the end of the term, on a topic selected by the student and approved in advance by the instructor (by the middle of the term). At the instructor’s discretion, this grade may be adjusted by:

1. Half a mark that may be taken away or added (e.g. from B to B+ and vice versa) for a class presentation of a weekly reading assignment as designated by the instructor (usually on a subject not related to the research paper, once or twice during the term); and

2. Up to one full mark (e.g. from B to C or C to B) that may be taken away or added for class participation (including attendance)
Municipal Law
(2305.03 A) Course
Instructor(s): J. Mascarin; Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 50
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture

Upper Year Research & Writing Requirement: No
Praxicum: No

This course will seek to provide students with an understanding of the legal powers and duties of municipalities and the rights available to citizens, residents and taxpayers when dealing with local government. The course will examine the history of municipalities in Canada and their legal and policy frameworks, including the lack of constitutional status for local government. The course will trace the evolution of municipalities and their powers from the “Baldwin Act” in 1849 to the “modern” municipal legislative model that has been adopted in virtually every jurisdiction in Canada, with specific reference to the Municipal Act, 2001 and the City of Toronto Act, 2006.

Topics will include a review of the form and structure of municipal government; municipal powers and jurisdiction as well as duties and liabilities; the role of municipal council and the head of council; the role of statutory officers and municipal administration; by-laws and resolutions as municipal legislation; the doctrine of ultra vires; the open meeting rule; the inapplicability of the indoor management rule; the enforcement of municipal by-laws and challenges to municipal actions; the discretionary enforcement principle and the unique self-help remedy available to taxpayers in Ontario. The course will also canvas municipal elections, conflict of interest legislation, municipal accountability and transparency, the municipal financing framework and municipal freedom of information and protection of privacy laws.

Evaluation: Midterm examination (30%); final examination (60%); and class participation (10%).
National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context

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
Praxicum: 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).
Occupational Health & Safety  
(3260.03 A) Seminar  
Instructor(s): Professor E. Tucker  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: One of: Labour and Employment Law; Individual Contract of Employment; or Collective Bargaining  
Presentation: Discussion, student presentation, lecture, guest speakers and films.  

Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

In 2015, the last year for which we have national statistics, Canadian workers’ compensation boards recognized that about 230,000 Canadian workers suffered work-related disabling injuries and about 850 were killed. While these figures under-estimate the toll that work takes on workers’ lives and health, it is also probably the case that fewer workers are killed and injured on the job today than in previous decades. In this seminar we will explore how occupational health and safety regulation has contributed to this improvement, but also has it still fails to protect workers.  

We focus on legal and policy dimensions of regulating hazardous working conditions. The nature of the subject matter lends itself to a multidisciplinary approach, including economic, scientific and sociological perspectives, which are considered as appropriate throughout the course.  

Topics to be examined may include: (1) the human cost of work-related disability; (2) theoretical perspectives on occupational health and safety regulation; (3) historical development of OHS regulation in Canada; (4) current dimensions of work-related injury, disease and fatality, and problems with existing statistics; (5) overview of the internal responsibility system mandated by statute, including the rights to know, to be consulted and to refuse unsafe work; (6) the role of external enforcement including the powers of inspectors; (7) prosecuting and defending regulatory offences under the OHS Act; (8) the role of criminal sanctions; (9) comparative perspectives; (10) current law reform initiatives.  

Evaluation: Major research paper 8-10,000 words (70%); class participation (20%); short written comment on one set of class readings (10%). For the major research paper, students must meet with the instructor to discuss topics by the end of week 3. Outline and preliminary bibliography are due by the end of week 5. Drafts are optional. Students will present their work to the seminar.
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: 60
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Praxicum: 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

Praxicum: 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: 100% 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 brokers and 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 Professors
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: 100% Open-book examination; 25% optional paper.
Refugee Law
(2470.04 A) Course
Instructor(s): Professor A. Bhatia
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: none
Preferred Courses: Immigration Law; Administrative Law
Presentation: Lectures & Discussion

Upper Year Research & Writing Requirement: No
Praxicum: No

Refugee protection is in a perpetual state of crisis, both domestically and abroad. Many refugee law practitioners and scholars argue that states are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread “abuse” by economically motivated migrants. Still others suggest that refugee protection regimes either distract from or help reinforce 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 collaborative examination of refugee law instruments, institutions and jurisprudence in international and domestic forums, with a heavy emphasis on Canada. We may supplement our learning with guest speakers and field trips as relevant and available. This course requires active student participation throughout the term: attendance, reading the materials in advance, participation in class exercises and discussion of course materials, and engagement with colleagues and guest speakers.

Evaluation: open-book examination (60%); class participation and written assignments (40%)
Regulation Of Competition  
(2350.03 A) Course  
Instructor(s): A. Di Domenico; Adjunct Professor  
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  
Praxicum: 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  
Praxicum: 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%).
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

Praxicum: 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  
Praxicum: 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: 100% Open-book examination. Optional research paper or essay for 50 percent of the grade (not in substitution for the examination) also available.

Securities Regulation  
(2620.04 P) Course  
Instructor(s): Professor M. Condon  
Winter: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: Business Associations  
Presentation: Lectures, discussion  
Upper Year Research & Writing Requirement: No  
Praxicum: No

This is a four hour course that attempts a detailed coverage of the Ontario Securities Act, with reference to other provincial or international regulation where appropriate, as well as new draft provincial and federal legislative initiatives. Included in this coverage are the definitions of key securities regulatory concepts such as “security”, “trade”, and “distribution”; primary and secondary distribution of securities; prospectus disclosure; exemptions and resale rules as well as recent changes here; continuous and timely disclosure with particular reference to insider trading; mergers and acquisitions with particular reference to takeover bid legislation; primary and secondary market civil liability; enforcement issues.  
Evaluation: 100% examination (combination of open book and closed book) OR 50% examination plus 50% research paper.
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
Praxicum: 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 praxicum 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  
Praxicum: 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).
Statutory Interpretation  
(2930.03 A) Course  
Instructor(s): B. Kettles & G. Jenner; Adjunct Professors  
Fall: 3 credits; 3 hours; max. enrollment: 65  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture, Discussion  
Upper Year Research & Writing Requirement: No  
Praxicum: No  

This course will: (a) introduce students to legislative language; and (b) give students the opportunity to develop practical skills in the interpretation and application of statutory provisions. Various topics will be discussed, including:

1. Judicial approaches to statutory interpretation;  
2. Interpretive Theory;  
3. The nature of “legislative intent”;  
4. Maxims and Rules of Interpretation, both common law and statutory;  
5. Interpretive Presumptions;  
6. Judicial notice;  
7. Practical considerations in legislative drafting;  
8. Evidence of legislative intent, and  
8. Indeterminacy and Critical Legal Studies  

The overall emphasis is on the language of the law and the practical application of statutory language.

Evaluation: 60% Take-Home Examination, 25% In-Class Presentation, 15% Class Participation
Tax As Instrument of 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 disposable the full range of governing policy instruments including the criminal law, tort and contract law, regulation, direct subsidies, and government direct ownership and production. One of the most pervasive policy instruments the government uses in achieving almost all of its objectives is tax law. There are over 100 provisions in the tax system that have nothing to do with the technical tax system, but whose sole purpose is to assist in achieving these and other broad government objectives. They are frequently referred to as tax expenditures.

This seminar is not an examination of technical tax law and students who enroll in the seminar are assumed to have no background in tax law. Instead it is an examination of tax expenditures. What government purposes are being served by these implicit spending provision? Are they valid government purpose? What other policy instruments might the government have used in achieving these purposes? Why did it use the tax system? What are the program designs implicit in the tax provisions? Are they target-efficient? Who benefits from it? What effect do they have on the allocation of resources? And so on.

The seminar is intended to be an interdisciplinary seminar that, in the context of tax law, examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives from which issues of public policy can be examined. The seminar will view these issues from a comparative perspective.

Evaluation: Presentation, short critical memo, and analytical or policy oriented research paper.
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 disposable the full range of governing policy instruments including the criminal law, tort and contract law, regulation, direct subsidies, and government direct ownership and production. One of the most pervasive policy instruments the government uses in achieving almost all of its objectives is tax law. There are over 100 provisions in the tax system that have nothing to do with the technical tax system, but whose sole purpose is to assist in achieving these and other broad government objectives. They are frequently referred to as tax expenditures.

This seminar is not an examination of technical tax law and students who enroll in the seminar are assumed to have no background in tax law. Instead it is an examination of tax expenditures. What government purposes are being served by these implicit spending provision? Are they valid government purpose? What other policy instruments might the government have used in achieving these purposes? Why did it use the tax system? What are the program designs implicit in the tax provisions? Are they target-efficient? Who benefits from it? What effect do they have on the allocation of resources? And so on.

The seminar is intended to be an interdisciplinary seminar that, in the context of tax law, examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives from which issues of public policy can be examined. The seminar will view these issues from a comparative perspective.

The seminar also emphasizes research and writing skills as well as oral communication skills.

Evaluation: Presentation, short critical memo, and analytical or policy oriented research paper.
Tax Law and Policy Colloquium  
(5330.03 M) Seminar  
Instructor(s): Professor J. Li  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Tax Law and at least one other tax course  
Preferred Courses: none  
Presentation: Interested students are asked to contact Professor Li to set up a supervised research paper.  

Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

This tax policy seminar is open to students who are enrolled in the "tax stream". It serves as the capstone course for the Tax Law Program. Its purposes are to help students bring together the knowledge and skills they have developed in the tax and related courses they have taken, to further develop their critical thinking and writing abilities, and to engage them actively in the production of new knowledge in the tax field. Although the precise content of the course will vary from year to year, basically the seminar will involve an examination of current research in tax law and policy. At the end of the seminar students should have the ability to read the most sophisticated tax articles - whether theoretical or practical - critically and with understanding and to write publishable tax commentaries.  

There will be few scheduled classes as students are expected to meet with the Instructor on his/her research program.  
Evaluation: Students will be evaluated on the basis of a 100% 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  
Praxicum: 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.  

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**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

Praxicum: 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: 90
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Praxicum: 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.

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, the nature of reading is intense, requiring more thinking and reflection. Students are encouraged to bring questions to the class.

Please note: There will be no class during the week of August 28, 2017 and one hour will be added to each scheduled class during the week of Sept. 4 and 11.

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%). A research proposal needs to be approved by the Instructor by October 26, 2017.
Taxation Law
(2080.04 B) Course
Instructor(s): J. Frankovic, Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 90
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course surveys most aspects of the taxation of the individual: the appropriate tax unit and structure of
tax rates; the concept of residency; employment, property and business income; the deduction of
expenses; the taxation of capital gains and losses; and tax avoidance.

While the course involves technical tax law and in particular the interpretation of the Income Tax Act and
related case law, there is a significant tax policy element to the course.

Evaluation: 100% open book examination. Additional evaluation: Optional 50% paper but must write the
final exam; if the exam mark is higher, the exam counts for 100%.
Taxation Law
(2080.04 P) Course
Instructor(s): S. Wilkie; Adjunct Professor
Winter: 4 credits; 4 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No
Praxicum: 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. Students will also gain a basic familiarity with how the tax law applies on a more extended basis to corporations, trusts and partnerships, and in an international setting too, even though a detailed study of the taxation of these legal constructions and “international taxation” is beyond the scope of this course. It is important nevertheless for students to develop an awareness of taxation as a “system” in order to understand its various specific “parts”.

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.

It is preferred that laptops or mobile devices not be used during class. This is to encourage active participation. Class notes will be provided to students from time to time on key topics and the discussion of them during the class. Attendance is expected. Handouts also 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. Discussion in the course will address practice-oriented aspects of income taxation to explain and enliven study of the Act’s particular provisions.

Evaluation: Main method: 5% for class participation, and 95% for a 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 the examination grade is higher, it will count for 95%.
Taxation of Business Enterprises

(4100.04 M) Course
Instructor(s): G. Turner; Adjunct Professor
Winter: 4 credits; 4 hours; max. enrollment: 65
Prerequisite Courses: Taxation Law
Preferred Courses: none
Presentation: Lectures and discussion

Upper Year Research & Writing Requirement: No
Praxicum: 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 partners. The course considers corporate tax rates (including the small business deduction), the integration system for taxing shareholders (including the tax treatment of dividends and other distributions), the reorganization provisions which allow for tax-deferred transfers of property to a corporation, and tax-deferred capital reorganizations, amalgamations and liquidations. This course will cover the foundational corporate tax rules and tax policy concepts for students pursuing a business law program or further studies in taxation law.

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 mooting  

Upper Year Research & Writing Requirement: No  
Praxicum: 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 Planning  
(5320.03 A) Seminar  
Instructor(s): A. Mawani; Adjunct Professor  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Taxation Law, Business Associations or Trusts  
Preferred Courses: None  
Presentation: Discussion and lectures led by the instructor.  

Upper Year Research & Writing Requirement: Yes  
Praxicum: No  

This seminar is designed to introduce students to tax planning, which is broadly defined as optimal business and financial decision-making in the presence of taxes. The course will focus on both personal and corporate taxes, drawing on basic tax planning principles, methods of tax research, the heuristics of problem solving, and microeconomic tools and theories relevant for tax planning.  

Evaluation: 80% paper based on any topic covered in the course and due at the end of the term and 20% seminar participation.
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
Praxicum: 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  
Praxicum: 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%).
Theory and Practice of Mediation  
(5960.04 A) Seminar  
Instructor(s): Professor M. Simmons & J.P. Bevilacqua; Adjunct 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: No  
Praxicum: 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 or Brampton Small Claims Court; and iv) a reflective paper on issue(s) discussed in the seminar and confronted in students’ mediations.  

Evaluation: Class Participation (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  
Praxicum: 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 at 3:30 pm on the first day of the winter examination period.
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

Praxicum: 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 Praxicum requirement. Grade is on a credit/no credit basis.

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

Praxicum: 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 Praxicum requirement. Grade is on a credit/no credit basis.
**Trusts**
(2090.04 A) **Course**
Instructor(s): Professor S. Drummond
Fall: 4 credits; 4 hours; max. enrollment: 90
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion, oral pleading exercises

Upper Year Research & Writing Requirement: No

Praxicum: 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: 20% for two 700 word reflection pieces (10% each) on two group oral pleading exercises to be conducted in class respectively one third and two thirds of the way through the course.

10% attendance grade.

70% open-book examination. Students may also opt to write an optional paper (3,500-4,000 words) to be graded as follows: The full exam has to be written as well, however the exam will count for 35% and the paper for the other 35%. If the student does better on the exam than the paper, then only the exam will be counted for the final 70% mark.
Trusts
(2090.04 P)  Course
Instructor(s): S. Michaud, Adjunct Professor
Winter: 4 credits; 4 hours; max. enrollment: 65
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture

Upper Year Research & Writing Requirement: No

Praxicum: No

This course will introduce students to trusts, a historic concept which today is used in many flexible applications. Trusts figure in a wide range of legal specialties such as tax, property, family, securities, construction and pension law.

This course will cover the foundations of trust law: nature of a trust, how trusts are created or arise at law, their variation and termination. After this groundwork is laid, we will examine duties and powers of trustees and the corresponding rights of beneficiaries. We will explore a related but broader concept of fiduciary relationships and the legal implications for the parties to those relationships. We will consider a breach of trust or fiduciary relationship and the possible remedies, an area of interest to future litigators. To finish this overview, we will look at the nature of various types of trusts; resulting trusts, constructive trusts, charitable trusts, purpose trusts and other non-traditional uses of trusts.


U.S. Constitutional Law
(2520.04 M)  Course
Instructor(s): Professor J. Cameron
Winter: 4 credits; 4 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures

Upper Year Research & Writing Requirement: No

Praxicum: No

This is a survey course which focuses on four issues in the American constitutional tradition: judicial review; the separation of powers; federalism; and individual rights. Some attention will be given to textual and structural differences between the Canadian and American Constitutions; some attention, as well, will be given to the roles history and ideology have played in the evolution of doctrine. There will be more emphasis placed on the rights jurisprudence [i.e., due process, equal protection and the first amendment] than on federalism and the separation of powers. Attention to judicial review and its legitimacy is pervasive throughout the course. An American casebook will be used.

Evaluation: One final take home examination [75%] and one in course evaluation [25%] - your choice either of a mid-term written assignment (1500 words) or a class presentation (15 minutes).
U.S. Securities Regulation in Comparative Perspective
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

Praxicum: 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%
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
Praxicum: 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  
Praxicum: 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%.