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2019

Osgoode Syllabus of Courses and Seminars: 2019 - 2020

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OSGOODE HALL LAW SCHOOL

COURSE SYLLABUS

2019-2020

The Syllabus and timetables provide information available as of June 2019 to enable upper-year students to complete course selection for the 2019-2020 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of posting. However, Osgoode Hall Law School reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

Table of Contents

ACADEMIC REQUIREMENTS.....	1
Upper Year Research and Writing Requirement	1
Indigenous and Aboriginal Law Requirement (IALR) (Academic Rule A.3.9).....	2
Osgoode Public Interest Requirement (OPIR)	2
Practicum Requirement.....	2
Principles of Canadian Administrative Law Requirement	3
Notes on Course Registrations	3
ENROLMENT PROCEDURES.....	3
Course and Seminar Selections	4
Course Codes.....	4
Priority-based Enrolment	4
Assigning Priorities	4
Entering your Course Preferences.....	5
After Enrolment.....	5
PROPOSAL AND PERMISSION FORMS	5
Research Program Proposal Form	6
Research Paper Approval Form.....	6
More Than Two Seminars Approval Form.....	6
Extra-Disciplinary Course Approval Form.....	6
Information and Assistance.....	6
ADDITIONAL COURSE ENROLMENT OPTIONS	6
Supervised Research Papers.....	6
Mooting.....	6
Appellate Advocacy Workshop (LW 6022.02) and the Practicum Requirement	7
Osgoode Hall Law Journal	8
Journal of Law and Social Policy	8
Instruction in Computer-assisted Legal Research (Non-Credit)	8
Courses in Other Faculties of York University	9
Courses at the University of Toronto: Faculty of Law	9
REGISTRATION STATUS CHANGE.....	9
Leave of Absence.....	9
Letter of Permission	9
Extended Time Program.....	10
Withdrawal.....	10
SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2019-2020.....	10
ABORIGINAL AND INDIGENOUS LAW	11
BUSINESS LAW.....	11
CONSTITUTIONAL AND ADMINISTRATIVE LAW.....	11
CONTRACTS AND COMMERCIAL LAW	11
CRIMINAL LAW	12
DISPUTE RESOLUTION	12
ENVIRONMENTAL LAW	13
FAMILY LAW	13
HEALTH LAW	13
HUMAN RIGHTS LAW	13
INTELLECTUAL PROPERTY LAW	14
LABOUR LAW	14
LEGAL THEORY.....	14

NATURAL RESOURCES AND THE LAW	15
PROPERTY LAW	15
REGULATORY LAW	15
SOCIAL JUSTICE, EQUALITY AND THE LAW	16
TAXATION LAW	16
TECHNOLOGY AND THE LAW	16
TRANSNATIONAL LAW	17
CURRICULAR STREAMS	17
International, Comparative and Transnational Law Program ("ICT Program")	18
Labour and Employment Law Program ("LELP Program")	22
Program in Litigation, Dispute Resolution and the Administration of Justice ("LDA Program")	23
Tax Law Program ("Tax Program")	23
CLINICAL AND INTENSIVE PROGRAMS	24
Advanced Business Law Workshop I	24
Advanced Business Law Workshop II	25
Anti-Discrimination Intensive Program	26
Case Studies in Business Enterprises	27
Community Legal Aid and Services Program	27
Disability Law Intensive	29
Environmental Justice and Sustainability Clinical Program	31
Feminist Advocacy: Ending Violence Against Women	36
Innocence Project	37
Intellectual Property Law and Technology Intensive Program ("IP Intensive")	37
Intensive Program in Criminal Law	38
Intensive Program in Immigration and Refugee Law	39
Intensive Program in Indigenous Lands, Resources and Governments	40
Intensive Program in Poverty Law at Parkdale Community Legal Services	41
Investor Protection Clinic (IPC)	45
International & Transnational Law Intensive Program	46
Mediation Clinical Program	48
Osgoode Business Clinic	49
Test Case Litigation Project	50
Intensive Research Program	50
JOINT PROGRAMS – JD/MBA, JD/MES, JD/MA (Phil)	52
JD/MBA Joint Program	52
JD/MES Joint Program	53
JD/Master of Arts (MA) in Philosophy Joint Program	55
JD/LLB (Civil Law) Degree Program	56
EXCHANGE PROGRAMS AND LETTERS OF PERMISSION	56
How to Apply to Osgoode Exchanges	57
Exchange Opportunities	57
York International Exchange Programs	58
LAW SOCIETY INFORMATION	58
Admission to the Practice of Law in Ontario	58
Licensing Process Information	58
The Importance of a Well-rounded Law School Curriculum	60
FACULTY ON SABBATICAL/LEAVE	61
COURSE INFORMATION TABLES	61

ACADEMIC REQUIREMENTS

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

STUDENTS ENTERING FIRST-YEAR PROGRAM IN FALL 2018 (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](#) described on page 1;
3. Complete the 40 hour [Osgoode Public Interest Requirement](#) described on page 2;
4. Complete a course or seminar that satisfies the [Praxicum requirement](#) described on page 2;
5. Complete a course or seminar that satisfies the [Indigenous and Aboriginal Law Requirement \(IALR\)](#) described on page 2.
6. Enrol in between 13 and 17 credit hours each term; and
7. May not take more than two seminars per term.

STUDENTS ENTERING FIRST-YEAR PROGRAM IN FALL 2012-2016 ONLY 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 described on page 1;
3. Complete the 40 hour [Osgoode Public Interest Requirement](#) described on page 2;

4. Complete a course or seminar that satisfies the [Praxicum requirement](#) described on page 2;
5. Complete the [Principles of Canadian Administrative Law](#) requirement described on page 3;
6. Enrol in between 13 and 17 credit hours each term; and
7. May not take more than two seminars per term.

Note: Students in the Joint JD/MBA, JD/MES or JD/MA (Phil) should refer to [Joint Programs](#) on page 49 for specific program requirements.

Upper Year Research and Writing Requirement

All students must complete two (2) upper year research papers pursuant to Rule A 3.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. In each of their 2nd and 3rd years, students are required to 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.

Indigenous and Aboriginal Law Requirement (IALR) (Academic Rule A.3.9)

- a) All graduates of the JD program must have completed at least one course that fulfills the Indigenous and Aboriginal Law Requirement (IALR);
- b) A course fulfills the IALR when it meets the following criteria:
 - it is a lecture, seminar, or other for-credit course offering that carries at least three (3) credits;
 - the course content focusses primarily on Indigenous and Aboriginal legal issues and engages in a substantial way with all three of the following:
 - I. Indigenous law (law that stems from Indigenous communities);
 - II. Aboriginal law (non-Indigenous law, including Canadian law, as it pertains to Indigenous people);
 - III. Aspects of professionalism and/or practice skills related to serving Indigenous clients, which may include intercultural competency, conflict resolution, human rights and anti-racism.

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.

Practicum Requirement

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

Practicum Requirement (Academic Rule A.3.8)

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

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

designated as meeting the 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.

Principles of Canadian Administrative Law Requirement

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 2010.04) or the not-for-credit module “Principles of Canadian Administrative Law.”

Principles of Canadian Administrative Law (Academic Rule A.3.9) [repealed beginning for Class of 2020]

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 Intensive Programs
- 8000's are CLASP or Law Journal Credits
- 9000's are exchange program courses
- Courses in other faculties of York University retain the number used in that Faculty.

Priority-based Enrolment

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

Assigning Priorities

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

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

- A = highest priority letter
- K = lowest priority letter

Students who have accepted an Intensive or clinical program do not need to prioritize the intensive courses since they will be automatically enrolled in that program. However, pre-requisites for intensive programs must be prioritized. 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 2019-2020 online through the Law Select website from June 24th to July 3rd, 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 22nd. 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 26th. 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 22nd until Monday, September 9th 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 10th, and then reopens on January 6, 2020 until January 17, 2020.

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.

Research Program 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 the examinations period. 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 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 the examination period. 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 mootings 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 indigenous, 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.
- Willms & Shier (Environmental Law)
- Competition Law Moot

Teams selected via separate processes include:

- Arnup Cup and the Ontario Trial Lawyer's Association Cup trial advocacy competitions (selected via the Trial Advocacy seminar)
- 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

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: Professor F. Faraday

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 mooted 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 mooted students may not enrol in a course that conflicts with the workshop.

The practicum requirement will be satisfied by those students who participate in competitive mooted 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

Professors A. Bhatia & J. Mosher, Editors-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 piece of writing the topic of which is consistent with the mandate of the Journal. Senior editors are encouraged to submit this work to the Journal for consideration for publication.

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 offered for up to 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: 2019-2020

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; e.g. 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, Business Associations & Dispute Settlement.

Note that:

- Only the courses and seminars on offer for the 2019/2020 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.
- These subject areas are necessarily broad and general, and do not include all possible combinations and concentrations.
- Students should also keep in mind Osgoode's wide range of moots and lawyering competitions, many of which relate to these various subject areas.

ABORIGINAL AND INDIGENOUS LAW

Level One:

- Property Law
- Public and Constitutional Law

Level Two:

- Comparative Law: Indigenous Legal Traditions (Year 1)
- Indigenous Peoples and Canadian Law
- Indigenous Peoples: Law and Settler Society
- Indigenous Perspectives and Realities
- International Human Rights Law
- Natural Resource Law
- Rights and Reconciliation: Indigenous Peoples and the Law (Year 1)

Level Three:

- Intensive Program in Aboriginal Lands, Resources and Governments

BUSINESS LAW

Level One:

- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Intellectual Property Law
- Real Estate Transactions
- Securities Regulation

Level Two:

- Administration of Civil Justice: Issues in Litigation and Regulatory Risk
- Beyond Bay Street: Starting up a Small or Solo Practice
- Comparative Law: US/Canadian Corporate Governance
- International Business Transactions
- Money/Payments and Crypto-Currencies in the Digital Age
- Regulation of Competition
- U.S. Securities Regulation in Comparative Perspective

Level Three:

- Case Studies in Business Enterprises
- Directed Reading: Osgoode Venture Capital Project
- Joint JD/MBA Seminar (joint program students only)

Level Four:

- Advanced Business Law Workshop I & II
- Advanced Corporate/Commercial Litigation Workshop
- Investor Protection Clinic
- Osgoode Business Clinic

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Level One:

- Administrative Law
- Public and Constitutional Law

Level Two:

- Civil Liberties
- Constitutional Litigation
- Disability and the Law
- Fundamental Justice and the Charter
- History of Canadian Law
- Indigenous Peoples and Canadian Law
- Statutory Interpretation

Level Three:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive
- Intensive Program in Aboriginal Lands, Resources and Governments
- Intensive Program in Poverty Law at Parkdale Community Legal Services

CONTRACTS AND COMMERCIAL LAW

Level One:

- Contracts

Level Two:

- Advanced Torts

- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Consumer Law
- Contracts II
- International Business Transactions
- Legal Drafting
- Legal Values: Public Law Perspectives on Torts Law
- Restitution
- Statutory Interpretation

Level Three:

- Case Studies in Business Enterprises
- Contract Remedies
- Copyright Law
- Entertainment and Sports Law
- Insurance Law
- International Dispute Resolution: International Commercial Arbitration
- Patents
- Trademarks

Level Four:

- Advanced Corporate/Commercial Litigation Workshop
- Osgoode Business Clinic

CRIMINAL LAW

Level One:

- Criminal Law

Level Two:

- Criminal Procedure
- Evidence
- Legal Values: Discretion/Distribution of Power within the Criminal Justice System (Year 1)

Level Three:

- Administration of Criminal Justice: Justice 360
- Administration of Criminal Justice: Sentencing

- Criminal Law II: Homicide
- Criminal Law II: Youth Justice
- International Dispute Resolution: Advocacy in the International Criminal Court
- Legal Values: Advanced Criminal Law (Race and Racism)
- Regulatory Offences
- 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
- Legal Values: Access to Justice
- Theory and Practice of Mediation
- Trial Advocacy

Level Three:

- Administration of Civil Justice: Estate Litigation
- Class Actions
- Constitutional Litigation

Level Four:

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

ENVIRONMENTAL LAW

Level One:

- Environmental Law

Level Two:

- International Environmental Law
- Land Development and Commercial Real Estate Problems
- Land Use Planning (alternate years FES and Osgoode) (not at Osgoode in 2019-2020)
- Municipal Law
- Natural Resource Law

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
- Managing Family Law Cases

Level Four:

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

HEALTH LAW

Level One:

- Health Law
- Environmental Law
- Patents

Level Two:

- Disability and the Law
- Law and Psychiatry

Level Three:

- Disability Intensive Program

HUMAN RIGHTS LAW

Level One:

- Civil Liberties
- Immigration Law
- International Human Rights
- Refugee Law

Level Two:

- Class Actions
- Constitutional Litigation
- Disability and the Law
- Emergence of New Rights in Global Legal Order (Year 1)

- International Law and Development: Trade, Investment and Human Rights
- Law and Poverty (Year One)
- Law and Psychiatry
- Law and Social Change: Critical Race Theory
- Law, Gender and Equality
- Legal Values: Access to Justice
- Legal Values: Advanced Criminal Law (Race and Racism)
- Legal Values: Diversity and the Corporation
- Legal Values: Fact Finding in Refugee Law (Year 1)
- Sexuality and the Law
- Transnational Corporations and Human Rights

Level Three:

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

INTELLECTUAL PROPERTY LAW

Level One:

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

Level Two:

- Comparative Law: Privacy and Access to Information
- Entertainment and Sports Law

- Legal Values: Artificial Intelligence: Law, Ethics and Policy
- Legal Values: Commercializing Intellectual Property
- Legal Values: Copyright Policy in the Making
- Legal Values: Litigating Intellectual Property Cases

Level Three:

- Directed Reading: IP Innovation Clinic
- Intellectual Property and Technology Intensive Program

LABOUR LAW

Level One:

- Property Law
- Public and Constitutional Law

Level Two:

- Collective Bargaining Law
- Immigration
- Individual Employment Relationship
- Labour and Employment Law
- 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)

Level Two:

- Directed Reading: Legal History Workshop
- Disability and the Law

- Foreign, Comparative and International Legal Research
- History of Canadian Law
- Law and Economics
- Law and Film
- Legal Ethics
- Legal Values: Artificial Intelligence: Law, Ethics and Policy
- Legal Values: Access to Justice
- 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:

- International Environmental Law
- Land Use Planning (alternate years FES and Osgoode)(not at Osgoode in 2019-2020)
- Natural Resource Law

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
- Legal Values: Wealth, Death and the Lawyer (Year 1)
- 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) (not at Osgoode in 2019-2020)

REGULATORY LAW

Level One:

- Administrative Law
- Ethical Lawyering in a Global Community
- Legal Process
- Public and Constitutional Law

Level Two:

- Administration of Civil Justice: Issues in Litigation and Regulatory Risk
- Bankruptcy and Insolvency
- Collective Bargaining Law
- Comparative Law: Privacy and Access to Information
- Comparative Law: US/Canadian Corporate Governance
- Conflict of Laws
- Consumer Law
- Environmental Law
- Health Law
- Immigration
- Insurance Law
- Intensive Legal Research and Writing
- International Environmental Law
- International Trade Regulation
- Land Use Planning (alternate years FES and Osgoode) (not at Osgoode in 2019-2020)
- Labour and Employment Law
- Law and Film
- Legal Drafting
- Legal Values: Regulation of the Canadian Cannabis Industry

- Money/Payments & Crypto-Currencies in the Digital Age
- Municipal Law
- National Security
- Occupational Health and Safety
- Refugee Law
- Regulation of Competition
- Securities Regulation
- Statutory Interpretation
- U.S. Securities Regulation in Comparative Perspective

Level Three:

- CLASP Intensive Program
- Intensive Program in Poverty Law
- Intensive Program in Aboriginal Lands, Resources and Governments

SOCIAL JUSTICE, EQUALITY AND THE LAW

Level One:

- Collective Bargaining Law
- Comparative Law: Islamic 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
- Law, Gender and Equality
- Law and Social Change: Community Action across Borders (ILP students only)
- Legal Values: Access to Justice
- Legal Values: Advanced Criminal Law (Race and Racism)

- Legal Values: Diversity and the Corporation

Level Three:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive Program
- 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 Governments

TAXATION LAW

Level One:

- Taxation Law
- Legal Values: Wealth, Death and the Lawyer (Year 1)

Level Two:

- International Taxation
- Tax as Instrument
- Tax Lawyering
- Taxation of Business Enterprises

Level Three:

- Tax Law and Policy Colloquium

TECHNOLOGY AND THE LAW

Level One:

- Legal Process

Level Two:

- Legal Values: Access to Justice
- Legal Values: Artificial Intelligence: Law, Ethics and Policy
- Legal Values: Law, Ethics and Social Media
- Legal Values: Social Media and Terrorism (Year 1)

- Money/Payments and Crypto-Currencies in the Digital Age

Level Three:

- Directed Reading: IP Innovation Clinic

TRANSNATIONAL LAW

Level One:

- Ethical Lawyering in a Global Community (Year 1)
- Globalization and the Law
- Public International Law

Level Two:

- Conflict of Laws
- Emergence of New Rights in Global Legal Order (Year 1)
- Immigration
- International Dispute Resolution: International Commercial Arbitration
- International Environmental Law
- International Trade Regulation
- Legal Values: Social Media and Terrorism (Year 1)
- Legal Values: U.N., Governance and State Building
- Refugee Law
- Transnational Corporations and Human Rights

Level Three:

- Exchange Programs with Foreign Universities
- International Business Transactions
- 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)
(seminar in International and Transnational Law Intensive Program)

CURRICULAR STREAMS

The curricular streams provide students with 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”)

2019 – 2020 Convenor – Professor C. Scott

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. 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 a consortium of law faculties from around the world. Osgoode's Professional Development Program, based at the 1 Dundas West campus location, has pioneered LLM programming for international students.

The JD benefits from a wide range of curriculum offerings available to all students and through the specialized study represented by the ICT Program (also known as ICT Stream). The ICT Program offers a program specialization through a series of linked curricular offerings. Osgoode was 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 full-time faculty and by visitors. At least 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):

- the International and Transnational Law Intensive Program (ITLIP);
- the joint common law / civil law degree with the Université de Montréal;
- study-abroad exchange opportunities, with a choice of exchanges at a multitude of different foreign law faculties at which Osgoode students can often take LLM courses in international, transnational or comparative law;
- summer programs, such as those in Italy and Malaysia in partnership with Monash University;
- ICT law experiential opportunities with partners inside and outside Canada, such as a summer fellowship with the International Legal Partnership (ILP); placements in intensive programs (eg: not only ITLIP but also, for example, Aboriginal Lands, Resources and Governments), mootings on ICT topics (such as the Jessup International Law, Vis International Arbitration or ICC moots), teaching in the Teach-in-China Program;
- events organized by the Nathanson Centre on Transnational Human Rights, Law and Security, including seminar series, and annual global affairs lectures put on by Osgoode as a whole.

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):

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.

Also, as noted below and as a regular exercise of discretion, the ICT Convenor will count the Online Seminar of ITLIP as the ICT Colloquium, due to the substantial overlap in focus of the two courses.

Synergies with the International and Transnational Law Intensive Program (ITLIP)

- 1) For students who took the ITLIP Online Seminar already or who are taking it, the ICT Stream Convenor, presently Professor Scott, will exercise his discretion to treat the ITLIP Seminar as satisfying the ICT Colloquium requirement.
- 2) Osgoode enforces a policy of not offering seminars, even seminars for curricular streams, if there are not a minimum of students enrolled. Accordingly, if the ICT Colloquium does not meet the required minimum numbers of students registered, it will either be merged with the weekly winter-term Online Seminar of the International and Transnational Law Intensive Program (ITLIP), which takes place using Zoom video-conferencing technology, or the ICT Program Convenor will supervise a directed research paper in lieu.

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.

International Legal Partnership

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

Courses elsewhere at York

Courses with ICT content in other faculties at York are eligible to be accorded ICT credits. For example, a student who takes a York graduate course in, for example, Colonial Literature (English Department) or Nuclear Deterrence

Policy (Political Science Department) can bring that course selection to the ICT Convenor for approval as an ICT course. This would also apply, for example, to international business courses taken as part of the joint JD/MBA. (Note that, by Osgoode’s general rules, students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.)

Courses taken on Exchange

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

10-credit Ceiling

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

Note that, if a student is permitted to count the Online Seminar of ITLIP as the ICT Colloquium, that Online Seminar counts only for the ICT Colloquium (and thus cannot count as an optional credit) but does count towards the 10-credit ceiling for any course or program.

Upper-Year Research & 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.

Records and Communications

Students interested in the ICT Stream/Program, or students pursuing the program and seeking confirmation of their eligibility, should communicate by email with the Convenor, always using “ICT Stream” or “ICT Program” as part of the email subject heading. Students are asked to save emails and responses from the Convenor as a record, as this can make it easier at the end students’ final years for the Convenor to confirm with Student Services that a student has met all ICT Program requirements – including in instances where the Convenor has exercised discretion to substitute a course and a reminder is needed that this occurred.

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 including: Dispute Settlement (3), Labour

Arbitration (3), Lawyer as Negotiator (4), Theory & Practice of Mediation (4), Mediation Clinical and Intensive Program (9);

- take one course that includes substantial instruction in either witness examination or written advocacy, including: 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), 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 and a distinguished Professor of Practice 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 critical thinking, 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.

- a) LW 3370.03 (Tax Lawyering)
- b) LW 2080.04 (Tax Law)
- c) LW 4100.04 (Taxation of Business Enterprises)
- d) Three credits from either LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy), LW 5220.03 (Taxation Policy), or LW 3066.03 (Consumption Taxes in Canada)
- e) A minimum of ten additional credits from the following courses:

Note: Courses used to satisfy one of the requirements listed in a, b, d, or e cannot be used to satisfy this requirement.

- i.) LW 5210.03 (Taxation of Corporate Transactions)
- ii.) LW 5110.03 (Estate Planning)

- iii.) LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy)
- iv.) LW 4080.04 (Taxation of Wealth Transfers)
- v.) LW 4150.40 (International Tax)
- vi.) LW 5220.03 (Taxation Policy)
- vii.) LW 6022.02 and LW 6020.03 (Appellate Advocacy Workshop and a Tax Law moot)
- viii.) Tax Colloquium.
- ix.) Any Tax course or seminar offered in the JD program that is not listed above deemed suitable for credit by the Tax Stream Convenor and the Assistant Dean, Students.

CLINICAL AND INTENSIVE PROGRAMS

Advanced Business Law Workshop I

Corporate Finance (LW 7180.05)

Directors: C. Pennycook & R. Murphy, Adjunct Professors

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

Topics will include equity and debt offerings in the capital markets, bank financings, public-private partnerships (P3s), the roles of rating agencies and investment dealers in corporate

finance, and insolvency and restructuring. Seminars include classroom lectures, guest lectures, student-led presentations and problem-solving exercises. Evaluation will be in the form of three assignments, one of which will be a group assignment involving the negotiation and drafting of a loan agreement, and class participation. The workshop has no major research paper or exam.

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

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

Students may apply to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2018. ABLW II - Mergers & Acquisitions will be offered in January 2020.

Advanced Business Law Workshop II

Mergers & Acquisitions (LW 7190.05)

Directors: P. Olasker & J. Bilyk, Adjunct Professors

The Advanced Mergers & Acquisitions Workshop draws together various aspects of securities and corporate law under the broad title of “M&A” and applies that knowledge to analyzing typical problems that confront a business lawyer involved in M&A transactions. It is also intended that students will develop practical skills including the negotiation and presentation skills necessary for a business lawyer. The workshop is conducted by Patricia

Olasker 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, corporate governance and cross-border transactions. Seminars include classroom lectures and discussion, guest lectures, student-led presentations, problem-solving exercises and games. 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 2018. ABLW II - Mergers & Acquisitions will be offered in January 2020.

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 of 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 hearings.

Seminar meetings for all students in the Program are held on alternate Fridays commencing in September and continuing until April. Skills training sessions for all students are likewise held on alternate Fridays throughout the academic year. 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's ADIP 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, Critical Race Theory, Discrimination and the Law, Disability and the Law, Indigenous Peoples, Individual Employment Relationship, Labour and Employment Law, Labour Arbitration, Law Gender Equality, 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.

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; Dana
Rotenberg, Review Counsel; Natasha Persaud,
Review Counsel; Scarlet Smith, Review Counsel;
Subodh Bharati, 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 2-3 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 22 law students "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 division leaders facilitate the involvement of approximately 100-150 volunteer law

students. Students who are not enrolled in the clinical program 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, Rules of the Law Society of Ontario and related standards, oversee intake volunteers at our main location, coordinate and staff our satellite locations, and pursue law reform, PLE and community development projects in the clinic's four divisions (Administrative, Criminal, Family, and Immigration). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto's varied low-income community.

Student division leaders receive nine credit hours on a pass-fail basis for successfully completing their clinical work during the academic year. Students 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 for three credits. The research paper is also graded for three credits and the students will meet five- six times during the winter term to do a presentation about their topic and receive feedback on the research. The research paper will meet the requirements of the upper year writing requirement. Training in relevant skills

and substantive law is provided at different levels throughout the year both through the seminar and through ongoing supervision of the clinical work.

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

Disability Law Intensive

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

Director: Professor R. Mykitiuk

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 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 research 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 paper 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

Director: Professor E. Van Wagner

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 in line with 3 “common clinic projects” proposed by outside client organizations. We select topics that present cutting edge legal questions and tasks

suitable for collective work in an area that we believe the clinic students can contribute something useful to the organization over the course of the two terms.

Students must choose one of these three files to contribute to for their research assignment, and may choose to write their blog post on some aspect of the problem as well. Guest speakers will visit the seminar at various times through the year to allow students to deepen their knowledge in relation to the common projects. Students are encouraged to work together to understand the legal context for the problems identified below, and should identify a distinct legal question or theoretical angle on the file to write about for their own research assignment.

In the common project workshops, students working together on that file will organize the discussion of some of the key questions related to their research projects so that the invited guests may assist. Everyone will contribute time during the workshops to moving the common project forward.

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. 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.16, 2018. 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: Professor J. Mosher and Adjunct Professor D. Mattoo

Up to 12 students will be selected to participate in Osgoode's clinical program, "Feminist Advocacy: Ending Violence Against Women." Through a partnership between Osgoode Hall Law School and the Barbra Schlifer Commemorative Clinic, students spend approximately 7 hours/week throughout the year at the clinic and approximately 2 hours/week on clinic projects. In addition to these hours, to prepare students for the clinical

work there will be 6-8 hours of intensive orientation workshops held early in the fall. The program also includes "site visits" (approximately 6 hours/semester), as well as "case rounds" (approximately 4 hours/semester) that are designed to deepen the connections between theory and practice. The visits and rounds are usually scheduled on Fridays, where possible either before or after the regular seminar meeting time. The seminar has roughly 13 scheduled meetings over the fall and winter semesters. Note too that the seminar frequently meets at the Schlifer Clinic (Bathurst and College) to accommodate participation by clinic staff and feminist advocates invited as guests.

Students participating in the Program are integrated into the work of the clinic, and while the precise contours of the work vary from student-to-student, it includes a combination of legal intake shifts, follow-up legal support to clients, working on case files in either family and immigration law, and assisting under-served clients in community settings. The program exposes students to the complexities of addressing access to justice for survivors of violence in various legal domains (family, child welfare, immigration, social assistance, criminal law), as well as when these legal domains intersect; to an approach to practice that challenges disciplinary boundaries; and to a trauma-informed, anti-oppressive legal practice. The seminar draws from examples of feminist advocacy in action to critically examine the transformative potential of law, and its capacity to meet the needs of marginalized communities and the goals of equality-seeking groups.

For the seminar there are two evaluation components: participation (worth 25% of the

final grade) and a substantial research and writing project of 7000 words (worth 75%). In most instances, research and writing projects will draw directly from students' clinical experiences and will be tied to the work of the Clinic. 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 3 credits for the seminar will be assigned to the Winter term.

Innocence Project

LW 7140.03 (Fall), LW 7140.06 (Winter)

Director: Adjunct Professor B. Sodhi

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 Adjunct Professor B. Sodhi 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 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 Innocence Canada. 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

Directors: Professors P. D'Agostino & D. Vaver

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

Program Outline

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

LW 7100.03, LW 7110.03 and LW 7120.09

Directors: Adjunct Professors J. Rosenthal and Justice 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 in 2019/20

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 Indigenous Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professors A. Bhatia & J. Hewitt

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 April. See the [Program page](#) on the Osgoode website for more information

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 Latin America and the United States (among others).

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 where relevant (cf. Belize). 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 that 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 Poverty Law at Parkdale Community Legal Services

LW 7000.03, LW 7000.12

Academic Director: Professor A. Smith

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 and 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 and 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.

Practicum and UYRWR

The Intensive Program in Poverty Law satisfies the Practicum requirement and provides options for students who would like to qualify for the Upper Year Research and Writing Requirement

(though students also have options to write research papers in groups, which would not meet the UYRWR).

Students with Disabilities

PCLS and Osgoode are committed to ensuring that the Intensive Program in Poverty Law is accessible to all students. Students requiring accommodations in the application or selection process should contact the Academic Director or Jody-Ann Rowe. 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
Directors: Professor P. Puri & Adjunct Professor B. Catellier

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 attendance and active participation during the entirety of the academic year. 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, 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, scope and available resources.

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 ombudservice 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: attendance, participation and short, journal reflections (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 operation 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 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 two-day intensive training session in the first week of January prior to students travelling to their placements

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 4:30 pm to 6:30 pm 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 the second week of January to the end of the first or second week of April each year. 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. By way of example, placements for 2017-2018 included 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), the Foundation for Human Rights Initiative (Kampala), Amnesty International (Ottawa), Government of Canada Trade Law Bureau in Global Affairs Canada (Ottawa), , Canadian Centre for Policy

Alternatives (Ottawa), and Refugee Law Office (Toronto). For 2019-2020, other placements may include LCS Global (New York City), the Permanent Court of Arbitration (The Hague), CFM Lawyers (Vancouver), the UN Office of the High Commissioner for Refugees (Ottawa), and Centre for Law and Democracy (Halifax).

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 Directors: Professor M. Simmons & JP Bevilacqua, Adjunct Professor

This full-year program bridges mediation theory and practice, while actively engaging students in the provision of conflict resolution services through the Osgoode Mediation Clinic. Students learn the theory that underlies mediation as well as the skills needed to actually mediate conflicts. Under the guidance and direction of the Mediation Clinic Director, students also engage in a variety of mediation

services including undertaking community outreach, facilitating dispute resolution workshops, and conducting community and Small Claims Court mediations. For their clinic work, students are divided into one of five divisions: Campus & Clinic, St. Stephens, and Family and Youth. Students remain in the same division throughout the year and work with both the Clinic Director and community partners in fulfilling their clinic work.

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 addressing one or more theoretical issues with observations based on the students' practice experience.

Grading and Evaluation

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

Credit/ No-Credit 5 credits total: Fall (3) and Winter (2): Clinical work including conflict resolution work within the community; 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 – 4, 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; reporting letters and 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 Elliott (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); 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)

Not Offered in 2019 - 2020

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 credit-hours of Schulich MBA 1 Required Foundations of Management Core Courses
- 3 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 -17 credit-hours of courses per term (consisting of a combination of JD and Schulich courses, in the third and fourth years of the program).

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 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000 3.00 Strategic Management and MGMT 6090.00/MGMT 6100. 3.00 Strategy Field Study can be taken in either Year 3 or Year 4.
- at least 45 academic credits of Osgoode Hall Law School courses
- completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)
- completion of the Praxicum Requirement

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

For further information and details about the progress of courses over both the three year and four year options, please 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 E. Van Wagner, Law faculty coordinator, evanwagner@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/LLB (Civil Law) Degree Program

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

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

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

An Osgoode JD graduate is given two years advance standing towards the Montréal civil law degree and, on successful completion of one year of study in civil law at l'Université de Montréal, will be awarded the Montréal LLB (Civil Law) 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 AND LETTERS OF PERMISSION

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.

Exchange Opportunities

- Australia: Monash University
- Brazil: São Paulo Law School of Fundação Getulio Vargas (Direito GV)
- Canada: Université de Montréal

- China: Chinese University of Hong Kong; Tsinghua University, School of Law; University of Hong Kong
- Denmark: University of Copenhagen
- England: University of Kent; Queen Mary University
- France: Aix-Marseille University
- Germany: Bucerius University
- India: Jindal University; National Law University – Delhi
- Ireland: Trinity College Dublin; University College Dublin
- Israel: Bar Ilan University; Hebrew University
- Japan: Waseda University
- Luxembourg: University of Luxembourg
- Netherlands: University of Amsterdam; Vrije University; Maastricht University; Radboud University
- Scotland: University of Edinburgh; University of Strathclyde
- Singapore: National University of Singapore
- Switzerland: University of St. Gallen

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 karenw@osgoode.yorku.ca.

The application deadline falls in early January for the following academic year. Applicants should be in good academic standing and have a minimum B average in their law studies. An information session on exchange opportunities is held in November.

The application is available through 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 Ontario](#) website for information relating to the licensing process for your projected year of call. In addition, the Career Development Office will provide updated information throughout the year, which can be accessed on MyCareer.

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

- have successfully completed all components of the Licensing Process as required;
- have paid all Law Society fees, including the call to the bar fee;
- have filed the required documents;
- be of good character, as required by section 27(2) of the Law Society Act - candidates have a continuing obligation to keep the responses to the questions set out in the Good Character Section of

their Application current, complete and correct prior to the date of call; and

- have submitted all the required call to the bar related documents.

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

- Successful completion of an LLB or JD 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

Complete the Experiential Training Component which consists of:

- Articling term (10 months); OR
- Completion of the Law Practice Program
- AND completion of the "Good Character Requirement" for both the articling and LPP pathways.

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 Bar of Ontario.

Registration

Information about registration will be circulated through the Career Development Office in your third year. You will also have access to this information throughout your years at Law School.

The Licensing Examinations

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

The total length of each Licensing Examination is 7 hours (420 minutes). Each Examination Sitting is comprised of two parts, each of which is 3.5 hours (210 minutes) in length. Part 1 takes place during the morning, and Part 2 takes place during the afternoon. At the end of each Part an additional 5 minutes is allotted for completion of an Examination Feedback Form. A lunch break is provided between the two Parts of the Examination.

The Articling Program

Experiential training enables candidates to apply their formal learning and develop their skills, professional abilities and judgment, and to learn about what it means to be a lawyer. The experiential training component of the Licensing Process is designed to assist the candidate to become prepared for entry-level practice.

The Articling Program is one pathway to obtain the required experiential training in order to be licensed to practice law in Ontario. An alternative pathway is the [Law Practice Program](#). Both pathways are based on supporting the fulfillment of the [experiential training competencies for candidates](#), established by the Law Society.

Candidates registered in the Licensing Process may begin the Articling Program at any time upon completion of a JD or LLB or receipt of an N.C.A Certificate of Qualification.

The Articling Program requires candidates to work consecutively for 10 months with an approved Articling Principal. The Law Society may not recognize any time served during an articling placement with an unapproved Articling Principal; therefore, candidates are required to confirm that their Principal has been approved to serve as an Articling Principal before starting the placement. See the [Articling Principal section](#) of the Law Society website.

Candidates are responsible for finding their own articling placement, and the Law Society has resources like the Articling Registry and the Mentorship Program to help with their search. The Career Development Office will assist students through the provision of information on articling, post advertised positions, and provide information sessions.

Law Practice Program (LPP)

On December 10, 2018, the Law Society of Ontario's governing body approved an option for lawyer licensing that retains both Articling and the Law Practice Program/Programme de Pratique du droit (LPP/PPD) as two transitional pathways to licensing.

The LPP consists of a four-month training course and a four-month work placement. Candidates who select the LPP experiential training path must complete both the training

course and the work placement. The program runs consecutively from late August/early September until the end of April. Presently, Ryerson University *provides the English program and the University of Ottawa provides the French program.*

Candidates are encouraged to regularly consult [Ryerson University's Law Practice Program](#) for more information.

2019 English LPP at Ryerson University

The Law Practice Program at Ryerson University will be held from late August to the end of April 2020. The training course component will run from the **end of August to the end of December 2019**, and the work placements will run from **early January to the end of April 2020**. The LPP at Ryerson replicates 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 is offered largely online. However, candidates will be required to attend in person in Toronto for approximately three weeks.

2019 French LPP at Ottawa University

The Law Practice Program at the University of Ottawa will be held from **early September 2019 to the end of April 2020**. The training course component will run from **early September to the end of December 2019** and the work placements will run from **early January to the end of April 2020**. The LPP at the University of Ottawa provides intensive, hands-on training in a smaller group format. Candidates are required to attend in person in Ottawa for the duration of the four-month training course. Once finalized, specific dates for the LPP at the University of Ottawa will be posted in early 2019 on the [Website](#). Candidates are to note

there will be a mandatory online orientation during the last week of August 2019.

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. Candidates are encouraged to check the [University of Ottawa's Law Practice Program website](#) in English or [French](#).

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 Ontario as a pre-requisite for enrolment in the Licensing Process. The Law Society of Ontario 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 Ontario for information on special requirements: a member of the Bar of another jurisdiction; a holder of a civil law degree only; a holder of a law degree from a jurisdiction other than Canada; and a full-time faculty member of an Ontario law school.

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

FACULTY ON SABBATICAL/LEAVE

- Professor M. Beare – Fall & Winter terms
- Professor A. Boisselle – Fall & Winter terms
- Professor J. Cameron – Winter term
- Professor C. Craig – Fall term
- Professor K. Drake – Fall & Winter terms
- Professor A. Dhir - Fall term
- Professor O. Okafor – Fall & Winter terms
- Professor L. Philipps – Fall & Winter terms
- Professor D. Scott – Fall & Winter terms

COURSE INFORMATION TABLES

The list of courses and seminars offered in the 2019-2020 academic session are found on [MyOsgoode](#). Click the Syllabus and Enrolment button then on the Course & Seminar Information Tables link.

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

Note:

When an instructor is new to Osgoode or when a course/seminar has not been offered for more than three years, the demand figures are listed as Not Available (N/A).

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

Fall Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Dantowitz/ Gonsalves/ Van Niejenhuis	A	4	2010	4	W19	28	80	40
aforttestg	Dantowitz/ Gonsalves/ Van Niejenhuis	A	4	2010	4	W19	28	80	40
Bankruptcy & Insolvency Law	Ben-Ishai	A	4	2430	4	W15	42	80	33
Business Associations	Waitzer/ Sarro	A	4	2020	4	F18	67	80	88
Business Associations	Forbes	B	4	2020	4	F18	95	80	80
Civil Liberties	Cameron	A	3	2220	3	W19	33	30	25
Commercial Law	Geva	A	4	2030	4	F18	62	80	61
Conflict of Laws	Walker	A	4	2040	4	F18	31	60	37
Consumer Law	Ben-Ishai	A	4	2640	4	N/A	N/A	25	N/A
Criminal Law II: Homicide	Klukach/ Breen	A	3	2240H	3	F17	23	40	27
Criminal Procedure	Greene/ Grill	A	4	2690	4	F18	35	80	40
Disability & the Law	MacGregor	A	3	4905	3	N/A	N/A	25	N/A
Environmental Law	Northey	A	4	2880	4	N/A	N/A	80	N/A
Estates	Black	A	4	2050	4	W19	130	70	FULL
Evidence	Dufraimont	A	4	2490	4	W17	101	80	78
Evidence	McKechney/ Weinstein	B	4	2490	4	F18	61	80	69
Family Law I	Drummond	A	4	2060	4	W19	21	80	42
Immigration Law	Mithoowani, McElroy	A	4	4270	4	F18	53	80	72
Indigenous Peoples and Canadian Law	Daum Shanks	A	4	2110	4	W18	15	50	9
Insurance Law	Campisi	A	4	2280	4	F18	44	30	FULL
International Trade Regulation	Wai	A	4	2290	4	W18	29	80	34
Jurisprudence	White	A	3	2720	3	F18	10	20	13
Labour & Employment Law	Tucker	A	4	2315	4	F18	104	80	FULL
Law & Social Change: Community Action Across Borders	Dabed	A	3	2750M	3	N/A	N/A	20	N/A
Legal Drafting	Benda	A	3	2140	3	F18	43	36	FULL
Legal Ethics	MacKenzie	A	3	2059	3	W19	3	20	7
Municipal Law	Mascarin	A	3	2305	3	F17	12	50	11
Natural Resources Law	Van Wagner	A	3	2805	3	N/A	N/A	20	N/A
Patents	Mgbeoji	A	4	2330	4	F18	16	80	25
Public International Law	Saberi	A	4	2340	4	F17	25	60	23
Real Estate Transactions	Rosenblatt	B	4	2070	4	F18	75	60	FULL
Real Estate Transactions	Speers	A	3	2070	3	F18	19	60	26
Refugee Law	Bhatia/ Rehaag	A	4	2470	4	F18	30	60	39
Regulation Of Competition	Di Domenico	A	3	2350	3	W19	21	60	33
Restitution	McCamus	A	4	2360	4	F18	25	80	41
Securities Regulation	Lastman	A	3	2620	3	F18	86	80	FULL
Statutory Interpretation	Kettles, Jenner, Porter	A	3	2930	3	F17	20	60	19
Taxation Law	Parachin	A	4	2080	4	W19	56	80	FULL
Trusts	Parachin	A	4	2090	4	F18	72	80	77

Fall Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Children And The Law	Kierstead/ McGirr	A	2	5230	3	F18	18	20	18
Class Actions	Walker	A	2	3011	3	F18	11	20	18
Constitutional Litigation	Fenrick,Krajewska	A	2	3630	3	F18	11	20	9
Entertainment & Sports Law	Duarte	A	2	3840	3	F18	31	20	FULL
Foreign, Comparative & International Legal Research	Dina/ Wang	A	2	3925	3	New	N/A	20	N/A
Health Law	Bryan/Rosen	A	2	3004	3	N/A	N/A	20	N/A
Indigenous Peoples, Law & Settler Society: A Troubled History	Girard	A	2	3210	3	New	N/A	20	N/A
Int'l. Dispute Resolution: Advocacy in the International Criminal Court	Adler	A	2	3007C	3	F18	6	20	8
Intensive Legal Research & Writing	Davis	A	2	3920	3	F18	14	20	11
International Human Rights Law	Saberi	A	3	3440	4	F13	13	20	11
Law & Film	Buchanan	A	2	3200	3	W19	14	20	14
Lawyer as Negotiator	Thompson	A	3	3960	4	F18	107	80	FULL
Legal Values: Advanced Criminal Law (Race & Racism)	Cudjoe,Mirza	A	2	3592Q	3	New	N/A	20	N/A
Legal Values: Artificial Intelligence	Grossman	A	2	3592A	3	F18	12	15	10
Legal Values: Digital World, Democracy & International Law	Saberi	A	2	3592M	3	New	N/A	20	N/A
Legal Values: Litigating IP Cases	Vaver,Hughes	A	2	3592L	3	New	N/A	20	N/A
Legal Values: The U.N. Governance & State Building	Mgbeoji	A	2	3591E	3	W15	3	20	15
Money, Payments & Crypto-Currencies in the Digital Age	Geva	A	2	3075	3	F18	7	20	7
National Security Law in Canada	Kirley	A	2	3008	3	F18	10	20	10
Occupational Health & Safety	Tucker	A	2	3260	3	F18	8	20	7
Regulation of the Canadian Cannabis Industry	Olasker, Hall	A	2	3592K	3	F18	23	20	FULL
Regulatory Offences	Libman	A	2	3650	3	F18	13	20	17
Tax Lawyering	Kutyan, Trieu	A	2	3370	3	F18	10	20	11
Theory and Practice of Mediation	Bevilacqua,Fidler	A	3	5960	4	F18	5	16	13
Trial Advocacy	Grinberg/ Rosenthal	A	3	5270	4	F18	105	90	FULL

Winter Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Rehaag	Q	4	2010	4	N/A	N/A	80	N/A
Administrative Law	Van Harten	P	4	2010	4	W19	134	80	FULL
Advanced Torts	Sutherland	M	3	2480	3	W11	70	80	76
Business Associations	C. Williams	Q	4	2020	4	W18	41	80	50
Business Associations	Puddicombe/ McGovern	P	4	2020	4	W19	31	80	33
Civil Procedure II	Watson	M	3	2230	3	W19	40	80	50
Collective Bargaining Law	Slinn	M	4	2515	4	F18	18	80	24
Commercial Law	Geva	P	4	2030	4	F18	62	80	61
Contracts II	Nadler	M	3	2460	3	W19	54	60	53
Copyright	Bandopadhyay	M	4	2870	4	W19	29	80	34
Criminal Law II: Youth Justice	Bessner	M	3	2240K	3	W18	19	20	16
Criminal Procedure	Tanguay-Renaud	P	4	2690	4	W19	57	80	60
Estates	Drummond	P	4	2050	4	W16	18	80	37
Evidence	Berger	P	4	2490	4	F17	146	80	FULL
Evidence	Flumerfelt/ Scrutton	Q	4	2490	4	W19	23	80	55
Family Law I	Kierstead	P	4	2060	4	F18	97	80	FULL
Family Law I	Franks/ Kraft	Q	4	2060	4	W19	52	80	53
Globalization & the Law	Bhatia	P	3	2008	3	W19	0	20; 5 upper	0
History Of Canadian Law	Girard	M	3	2595	3	W19	4	5	7
Indigenous Peoples and Canadian Law	Hewitt	P	4	2110	4	N/A	N/A	50	N/A
Individual Employment Relationship	Edmonds/Shirreff	M	3	2550	3	W19	33	60	30
Intellectual Property	Sookman, Glover, Tanner	M	3	2970	3	W19	39	80	31
International Business Transactions	Martyn	M	3	2890	3	W19	18	40	16
International Environmental Law	Estrin	M	3	4880	3	W19	12	40	9
International Law & Development: Trade, Investment & Human Rights	Buchanan	M	4	2710	4	W19	20	40	18
International Taxation	Wilkie	M	4	4150	4	W19	16	30	20
Law And Economics	Daum Shanks	M	3	2560	3	W18	7	20; 5 upper	17
Law & Social Change: Critical Race Theory	Simms	M	2	2750X	3	W19	6	5	9
Legal Drafting	Shin Doi	M	3	2140	3	W19	51	36	FULL
Legal Ethics	Mercer	M	3	2059	3	W19	3	20	7
Real Estate Transactions	Speers	P	3	2070	3	W19	55	80	74
Securities Regulation	Cattanach/ Wiens	P	4	2620	4	W19	50	80	59
Taxation Law	Li	P	4	2080	4	W19	53	80	73
Taxation Law	Frankovic	Q	4	2080	4	F18	80	80	FULL
Taxation of Business Enterprises	Turner	M	4	4100	4	W19	34	65	36
Trademarks	Craig	M	4	2170	4	W15	58	80	FULL
Trusts	Michaud	M	4	2090	4	W19	43	50	31

Winter Seminars									
Title	Instructor	Section	Hours	Seminar#	Credit Value	Last Offered	Initial Demand	Max	Final
Administration of Civil Justice: Estate Litigation	Black	M	2	3010B	3	W19	10	15	FULL
Administration of Criminal Justice: Justice 360	Chaffe, Pilla, Fraser	M	2	5010H	3	W18	14	20	11
Administration of Criminal Justice: Sentencing	Dann	M	2	5010C	3	W19	28	20	FULL
Admin. of Civil Justice: Assessment of Litigation and Regulatory Risk	Podolny/ Swartz	M	2	3010D	3	W18	11	20	10
Advanced Children & the Law Workshop	Kierstead	M	4	5006	4	W19	10	12	10
Advanced Commercial Litigation Workshop	McKenna, R. Swan, McLachlan	M	3	5005	4	W19	27	20	FULL
Beyond Bay St.: Starting up a Small or Solo Practice	Bhabha	M	2	3550	3	W17	15	20	19
Comparative Law: Corporate Governance - Canada and the U.S.	C. Williams	M	2	3041E	3	F18	18	20	18
Comparative Law: Islamic Law	Kutty	M	3	3040H	3	W19	3	20; 5 upper	10
Comparative Law: Privacy & Access to Information	Power	M	2	3040X	3	W19	8	20; 5 upper	19
Constitutional Litigation	Schwartz	P	2	3630	3	W19	22	20	16
Contract Remedies	Kelley, Richards, Dougan	M	3	3050	4	N/A	N/A	20	N/A
Directed Reading: IP Innovation Program	D'Agostino	M	2	6001S	4	New	N/A	15	N/A
Directed Reading: Legal History Workshop	Girard	M	2	6001J	3	W19	3	10	1
Dispute Settlement	Kohli	P	2	3980	3	W19	20	20	FULL
Entertainment & Sports Law	Selznick	P	2	3840	3	W19	22	20	16
ICT Colloquium	Scott	M	2	5810	3	N/A	N/A	20	N/A
Indigenous Perspectives and Realities	McGregor	M	3	3833	4	F18	9	15	10
International Dispute Resolution: International Commercial Arbitration	Meighen	M	2	3007D	3	F18	7	20	9
Joint JD/MBA Seminar	Waitzer	M	2	3820	3	W19	24	30	28
Labour and Employment Law and Policy Colloquium	Slinn	M	2	5550	3	W19	9	20	7
Labour Arbitration	Thompson	M	2	5070	3	N/A	N/A	20	N/A
Land Development & Commercial Real Estate Problems	Gross	M	2	5160	3	W19	11	20	9
Law & Psychiatry	Bryan/ Perez	M	2	3240	3	W19	16	20	14
Law, Gender, Equality	Nedelsky	M		3039	3	W19	2	20; 5 upper	2
Legal Values: Access to Justice	Leitch	M	2	3591Z	3	N/A	N/A	20; 5 upper	N/A
Legal Values: Commercializing IP	de Fazekas, Grant	M	2	3591M	3	N/A	N/A	20	N/A
Legal Values: Copyright Policy in the Making	Craig	M	2	3591X	3	N/A	N/A	20	N/A
Legal Values: Diversity & the Corporation	Dhir	M		3592R	3	New	N/A	20	N/A
Legal Values: Law & Literature	Sutherland	M	2	3590V	3	W18	8	20	18
Legal Values: Law, Ethics & Social Media	Jenkins	M	2	3590C	3	W19	7	20; 5 upper	17
Legal Values: Public Law Perspectives on Tort Law	Priel	M	2	3591V	3	N/A	N/A	20; 5 upper	N/A
Litigation Dispute Resolution and the Administration of Justice Colloquium	Simmons	M	2	5007	3	W19	6	10	7
Managing Family Law Cases	Kierstead	M	2	5660	3	W19	10	20	14
Sexuality and the Law	Matthews	M	2	3910	3	W19	16	20	17
Tax As Instrument of Social & Economic Policy	Li	P	3	3006	3	W19	10	20; 5 upper	FULL
Tax Law and Policy Colloquium	Wilkie	M	2	5330	3	N/A	N/A	10	N/A
Transnational Corporations & Human Rights	Dhir	M	2	3590T	3	F15	14	20	15
U.S. Securities Regulation in Comparative Perspective	Ritchie	M	2	5620	3	W19	15	20	FULL

Administration of Civil Justice: Estate Litigation

(3010B.03 M) *Seminar*

Instructor(s): H. 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

Practicum: No

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

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

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

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

Administration of Criminal Justice: Justice 360

(5010H.03 M) *Seminar*

Instructor(s): Justice J. Chaffe, A. Pilla & P. Fraser; Adjunct Professors

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

Prerequisite Courses: Criminal Procedure

Preferred Courses: Evidence

Presentation: Discussion, participation

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Students will hear from and engage in discussion with exceptional leaders from different parts of the justice system including: family of homicide victims; an offender convicted of manslaughter; the Chief of the Toronto Police Service; a Justice of the [Superior Court Justice](#); 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: 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 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. 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.

Administrative Law

(2010.04 A) *Course*

Instructor(s): A. Dantowitz; A. Gonsalves and B. Van Niejenhuis; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Administrative Law

(2010.04 P) *Course*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the body of law that governs administrative and regulatory decision-making. The administration (or executive branch of government) implements legislative policy and delivers government services in fields such as public health and safety, immigration, labour relations, social benefits, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection. The administration also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration appeals tribunals, and human rights commissions, that adjudicate disputes and implement policy outside of the courts.

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

Students are expected to read the assigned materials each week, typically including excerpts from a textbook or from statutes as well as prominent cases, and to be well prepared for class discussions. Problem-solving and analytical activities may also be used in class to allow students to assess and track their understanding of the subject as we proceed.

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

Administrative Law

(2010.04 Q) *Course*

Instructor(s): Professor S. Rehaag

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

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the body of law that governs administrative decision-making. The course does not focus on any single substantive area of law or policy but rather on foundational rules and principles that apply across a wide range of areas of administrative decision-making. Through administrative law processes, the executive branch of government implements legislative policy and delivers government services in diverse fields, including public health and safety, immigration, labour relations, social benefits, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection, just to name a few. Administrative law also incorporates the law and policy arising from adjudicative tribunals, such as landlord-tenant boards, immigration tribunals, or human rights tribunals, in addition to regulatory bodies that govern energy, transportation, communications, etc. Finally, administrative law also applies to the broader public sector, including municipalities, universities, schools, hospitals and the like.

In this course, we will be looking at administrative law from 5 different perspectives. First, we will examine how individuals experience administrative decisions. This will lead us to think about what makes administrative processes fair and what procedural rights people affected by administrative decisions have. Second, we will explore what administrative law looks like from the point of view of people called upon to make administrative decisions. This will lead us to think about questions related to the exercise of discretion, as well as subjectivity and impartiality in decision-making. We will also examine how decision-makers should justify their decisions, and what processes should be in place to help guide and inform these justifications. Third, we will examine administrative law from the perspective of judges. This will prompt us to look at how courts review administrative decision-making, including closely examining standards of review and debates about the appropriate role of court oversight. Fourth, we will ask what administrative law looks like for institutional designers and managers, those responsible for setting up and maintaining administrative decision-making processes. This will lead us to think about different modalities of administrative decision-making, and why we might prefer one or another modality depending on the circumstances involved. Fifth, we will consider what all this means from the point of view of communities. In thinking about that question, we will look at how administrative law may play out differently (and may need to be adjusted) for different communities, including indigenous peoples.

In thinking about administrative decision-making from all these perspectives we will be attentive to questions about power. Whose power (individually and collectively) is enhanced and minimized in various administrative law processes? And how should those of us who engage professionally with administrative law respond to those power differentials?

The course will be taught in a blended online/in person format, using active learning pedagogies rather than a final exam. The bulk of the course content will be delivered via readings and online modules. There will be 4 in-person small group sessions, where students will work through hypothetical problems together. Students will also learn through individual and group assignments.

The course, including all assignments will be complete by April 6. The 4 in-person small group sessions will be held during the blocks of time notionally set aside for the course, so students must be available during those blocks even though there are no regularly held classes for this course.

Evaluation: (1) Participation (individual) (20%); (2) Observation of administrative processes and reflection (individual) (1,500 words) (20%); (3) Legal memo (individual or groups of 2) (2,000 words) (20%); (4) Written administrative decision (individual) (2,000 words) (20%); (5) Law reform proposal (groups of 3-4) (2,500 words) (20%). (NB: This information is provided to give students a sense as to how the course will be evaluated, but the precise details, e.g. number of words, etc, may be adjusted).

Admin. of Civil Justice: 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: none

Preferred Courses: Securities, Bankruptcy & Insolvency, Business Associations

Presentation: Lecture, class discussion, student presentations. Meets Praxicum requirement.

Upper Year Research & Writing Requirement: Yes

Praxicum: Yes

This seminar is strongly recommended for those considering a career in corporate law or commercial litigation, or as in-house counsel. The seminar is focused on corporate and litigation strategy and management, with an emphasis on class actions.

The course will cover several topics relevant to in-house practice and present some topics from both external and in-house counsel perspective. 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 financial services and investments, class action risks, and strategic initiatives. Participants will review case studies based on recent corporate dealings and court cases. Students will gain insight into the plaintiff counsel's perspective in the class actions context.

Practicing professionals, typically including some of Canada's leading securities litigators, in-house corporate counsel, criminal counsel, judges, regulators, and journalists, will address the students as guest speakers. They will discuss 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 the 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, Pension Benefits Act, and class action legislation.

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 paper required paper will satisfy the Upper Year Research and Writing Requirement.

Evaluation: Research paper of 7,000 words - 65%, 25% presentation, 10% participation, including the required Praxicum reflective component.

Advanced Children & the Law Workshop

(5006.04 M) *Seminar*

Instructor(s): Professor S. Kierstead

Winter: 4 credits; 4 hours; max. enrollment: 12

Prerequisite Courses: Children & the Law seminar

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: No

Practicum: 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 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 and/or Justice for Children and Youth. 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 workshop. 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): C. McKenna, R. Swan & A. McLachlan; Adjunct Professors

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

Prerequisite Courses: Business Associations

Preferred Courses: Evidence, Civil Procedure II, and Trial Advocacy

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 oral presentation (10%).

Advanced Torts

(2480.03 M) *Course*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, large and small group discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will focus on injuries to relational interests, including negligent and/or intentional interference with family relationships, economic relationships and community relationships. Topics covered may include intimidation, conspiracy, abuse of power, liability for economic loss from negligence, defamation and invasion of privacy. Each area of tort law doctrine will be studied in context. This will involve exploration of various jurisprudential perspectives on tort law including law and economics, critical legal studies, feminist legal theory and critical race theory.

Evaluation: Students will be given a choice. They can opt to write a three-hour open book examination for 100% of their final grade. Or, in the alternative, they can write a combination of a short essay and a two-hour open-book examination, each worth 50% of their final grade.

Bankruptcy & Insolvency Law

(2430.04 A) *Course*

Instructor(s): Professor S. Ben-Ishai

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

Prerequisite Courses: Commercial Law

Preferred Courses: Business Associations

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

(3550.03 M) *Seminar*

Instructor(s): Professor F. Bhabha

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, simulations

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

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

Business Associations

(2020.04 A) *Course*

Instructor(s): Professor E. Waitzer & D. Sarro, 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

Practicum: No

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

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

Business Associations

(2020.04 B) *Course*

Instructor(s): 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

Practicum: No

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

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

Business Associations

(2020.04 P) *Course*

Instructor(s): N. Puddicombe and 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

Practicum: No

This course provides an introduction to the laws governing the predominant forms of business organization in Canada – sole proprietorships, general partnerships, limited partnerships, limited liability partnerships, 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: 75% limited open-book final examination, 25% participation (including regular in-class key learning reflections). Students may bring into the exam an annotated copy of the Canada Business Corporations Act and Regulations. 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 50% of the student's final mark.

Business Associations

(2020.04 Q) *Course*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem solving

Upper Year Research & Writing Requirement: No

Practicum: No

Following a brief examination of agency law 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 (and so limited liability for shareholders, even parent company shareholders with wholly-owned subsidiaries), 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 the oppression remedy, shareholder derivative actions and other remedies. Tensions between shareholders and management, and emerging trends (corporate responsibility, shareholder-oriented shareholder activism, expanded sustainability disclosure) will be emphasized, and comparative U.S. and Canadian corporate law approaches on important issues discussed. Alternative business forms such as non-profits, social enterprises, and co-operatives 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.

Children And The Law

(5230.03 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: Family Law I (2060.04)

Presentation: Lectures, discussion, court observation, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

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

Note: Students who complete the Child Protection seminar will be eligible to participate in the Advanced Children and the Law Workshop/Externship during the Winter 2020 term.

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

Civil Liberties

(2220.03 A) *Course*

Instructor(s): Professor J. Cameron

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: None

Upper Year Research & Writing Requirement: No

Practicum: No

This course considers the Charter's fundamental freedoms separately and together, in context and relationship with one another. Its scope will include s.2(a) (freedom of religion and conscience); s.2(b) (freedom of expression and the press); s.2(c) (freedom of peaceful assembly) and s.2(d) (freedom of association). Sections 2(a) and (b) will receive primary attention; s.2(c) has had little or no development (which we will discuss) and s.2(d) will be covered, though not in the same detail (because of s.2(d)'s labour relations content). 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: One in-course, midterm written assignment, up to 2000 words (30%); a take-home examination comprising two essay questions up to 1500 words each (60%); and class participation (10%).

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.

Class Actions

(3011.03 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

Practicum: No

Class actions are transforming the Canadian civil justice system. The competing aspirations of promoting access to justice, judicial economy and behaviour modification, while supporting traditional procedural values 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 defence 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 in Canada and elsewhere.

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

Collective Bargaining Law

(2515.04 M) *Course*

Instructor(s): Professor S. Slinn

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course provides an introduction to the law governing collective employee representation, with an emphasis on private 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: Either: (1) 100% modified closed-book final exam (relevant legislation provided in the exam and limited materials can be brought into the exam) or (2) 25% research paper (on a topic pre-approved by the instructor) and 75% modified closed-book exam (see above).

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

Practicum: No

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

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

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

Commercial Law

(2030.04 P) *Course*

Instructor(s): Professor B. Geva

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 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, and suretyships, and selected aspects of the law that govern 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%).

Comparative Law: Corporate Governance - Canada and the U.S.

(3041E.03 M) *Seminar*

Instructor(s): Professor C. Williams

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

Prerequisite Courses: Business Associations (pre or co-requisite)

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will look in depth at three major topics and developing trends in corporate governance in both Canada and the United States: mergers and acquisitions; shareholder-oriented shareholder activism; and socially-responsible shareholder activism. The seminar will be useful as a doctrinal matter for any students planning to practice law either on Bay Street or Wall Street, but will be taught from a critical and evaluative perspective. In particular we will engage with current debates concerning the economic and social implications of these trends. Reading materials will combine theory (law review articles, reports of blue-ribbon commissions, empirical studies, readings from the Harvard Corporate Governance blog) with practice (important cases concerning the relevant issues in both countries).

Evaluation: Research paper: 90% (7,000 words (not including footnotes or bibliography), class attendance and participation: 10%.

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 20, 2020. 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 for upper year students or 5,000 words for first year students: 75% of grade.

Comparative Law: Privacy & Access to Information

(3040X.03 M) *Seminar*

Instructor(s): M. Power; Adjunct Professor

Winter: 3 credits; 2 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 22, 2020. 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 lectures concerning Canadian and international privacy and data protection law as well as student reading 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: 100% research paper (5,000 words for first year students, 7,000 words for upper year students excluding footnotes and bibliography).

Conflict of Laws

(2040.04 A) *Course*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

In a world of crossborder communication, trade and travel, disputes arise regularly in every field of private law. A good understanding of the way in which these disputes are handled in the courts 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 come into the mainstream 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 and issues emerging from electronic communications and transactions.

The principles applied by Canadian common law courts are compared with those in other common law countries, in the United States, in Québec, and in Europe.

Evaluation: 100% Open-book final examination, with option to allocate 20% to a paper.

Constitutional Litigation

(3630.03 A) *Seminar*

Instructor(s): M. Fenrick & E. Krajewska; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Constitutional Litigation

(3630.03 P) *Seminar*

Instructor(s): H. Schwartz; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion, presentation of oral and written argument

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar considers the adjudication process in constitutional litigation. We will cover questions of procedure, evidence (adjudicative and legislative) and judicial notice. A key focus is on the importance of remedies as an initial consideration, not as an afterthought. Debate, questions, banter and discourse are encouraged.

The seminars involve working through problems in small groups and presenting positions in class. Students will participate in the preparation of, and advocacy in, a constitutional case. A final factum and moot before a panel of three judges will complete the course with students receiving both oral and written feedback.

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; 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 government witnesses, 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: Students do not receive a grade for class participation and attendance as this is expected to be the norm. However, students can lose grades for not attending at least 9 of the 13 classes. Early in the course students must prepare and deliver a three-minute, opening argument. This, too, is not graded but is designed so as to receive verbal feedback on one's advocacy.

The first graded item of work, worth 20% of the final grade (and required early in the course) is either a notice of motion, or short factum, or both on a procedural issue and will also require the preparation of a schedule of authorities. The next 40% is for the final factum for the moot on the constitutional case. The oral advocacy at the final moot is graded for the final 40% of the grade. For the moot portion the students will act as counsel for an applicant, government respondent or intervenor, prepare a factum and present oral argument before a panel of judges or practitioners in a court setting.

The course does meet the Practicum requirement. Students are required to provide a reflection after completing both the initial and final assignments.

Consumer Law

(2640.04 A) *Course*

Instructor(s): Professor S. Ben-Ishai

Fall: 4 credits; 4 hours; max. enrollment: 25

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: No

Practicum: No

The Consumer Law course this year will focus on consumer financial protection and will provide an overview of the consumer finance system—the way in which consumers finance and manage their consumption—and examine the business, economics, politics, and regulation of this sector of the economy.

The Global Financial Crisis focused policymakers' attention across the globe on the ways in which lax regulation failed consumers in these markets. They responded with a wave of reforms. In the United States, an entirely new agency, the Consumer Financial Protection Bureau, emerged to rein in the nefarious practices of the largest financial institutions. In Canada, in the aftermath of the crisis the existing Financial Consumer Agency of Canada was less active, but more recently it has been given expanded powers. At the provincial level, in June 2019, the Financial Services Regulatory Authority of Ontario was launched as an independent regulatory agency created to improve consumer and pension plan beneficiary protections in Ontario.

In this course, we will start with a simple question: why do we need to regulate consumer finance markets? We will then ask whether the post-crisis reforms have gone far enough, by focusing on changes to a variety of financial markets and analyzing their efficacy. We will also think about if—and how—regulation should encourage the growth of new Fintech products that have the potential to fundamentally alter financial markets.

Evaluation: 30% Response Papers, 70% Final Exam.

Contract Remedies

(3050.04 M) *Seminar*

Instructor(s): H. Richards, L. Kelley & L. Dougan; 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: 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): Professor J. Nadler

Winter: 3 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a framework for students to explore contract law and contract theory at a more advanced level. It will explore contract doctrines that are not usually covered in the first year curriculum or are covered only superficially. Topics may include: warranties and implied terms, exclusionary clauses, promissory estoppel, mistake, frustration, illegality, the restitutionary and punitive remedies for breach of contract, and the intersections between contract and tort in negligent misrepresentation and inducing breach of contract. It will also ask students to return to what they studied in first year and re-think it in a deeper, more theoretical way, asking questions such as: How should we understand the doctrine of consideration and is the doctrine justified? How should contract law approach boilerplate contracts? Why is there a separate requirement of "intention to create legal relations"? How can we understand the difference between the common law and equitable doctrines of contract law?

Evaluation: 80% open book examination and 20% participation.

Copyright

(2870.04 M) *Course*

Instructor(s): Professor S. Bandopadhyay

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, in-class discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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 most 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 patterns.

Students will be expected to have read the materials listed on the syllabus before class; in-class lectures will be modest and the discussions will place substantial emphasis on problem solving (rather than the more-traditional lecture form of instruction).

Evaluation: Part I: 2-hour, partially closed-book examination (during exam period), designed to test your knowledge of copyright law doctrine (50% of the total grade). Students will be provided with a list of relevant statutory provisions and a list of cases during the exam; the exam will have a word limit (approx. 3000 words).

Part II: take-home essay designed to test your understanding of copyright theory and policy, due before the start of exam period (50% of the total grade); the essay will have a word limit (approx. 2000 words, including references/footnotes).

Criminal Law II: Homicide

(2240H.03 A) *Course*

Instructor(s): J. Klukach and 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

Practicum: No

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

Evaluation: Evaluation will be based upon a 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. Indigenous 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): M. Greene and G. Grill; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Criminal Procedure

(2690.04 P) *Course*

Instructor(s): Professor F. Tanguay-Renaud

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

Prerequisite Courses: First-year criminal law

Preferred Courses: None

Presentation: Lectures, in-class discussions

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students with an overview of the Canadian criminal process, with a special attention given to the limitations imposed by the Canadian Charter of Rights and Freedoms. It will begin with an exploration of police investigative powers. The authority of Canadian police to search/seize, question, detain, and arrest will all be considered in detail. The exclusion of unconstitutionally obtained evidence, 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, plea, plea bargaining, prosecutorial discretion, and the right to a trial within a reasonable time. If time allows, some trial and post-trial issues may be considered, including jury selection, *res judicata*, and appeals. Throughout, various theoretical perspectives on criminal law and process will be discussed. The course will also seek to introduce key historical connections and important points of comparison between criminal procedure in Canada and the United States, primarily in terms of their constitutional regulation, as well as with the common law of England.

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

Directed Reading: IP Innovation Program

(6001S.04 M) *Seminar*

Instructor(s): Professor P. D'Agostino

Winter: 4 credits; 2 hours; max. enrollment: 15

Prerequisite Courses: or Co-requisite course: Legal Values: Commercializing IP or other IP-related course or seminar

Preferred Courses: none

Presentation: Note: This program runs over both fall and winter terms.

Upper Year Research & Writing Requirement: No

Practicum: Yes

The IP Innovation Program is a one year pilot, established in 2019, to support the work of the Innovation Clinic, founded in 2010 by Prof Pina D'Agostino. The Innovation Clinic is a year-round, needs-based innovation-to-society intellectual property (IP) legal clinic operated in collaboration with Innovation York and supervising law firms Norton Rose Fulbright Canada LLP and Bereskin & Parr LLP. Under the guidance and mentorship of the Clinic Director and supervising lawyers, law students provide one-to-one legal information services (not legal advice) to inventors, entrepreneurs, and start-up companies to assist with the commercialization processes. Through this hands-on practical experience, law students learn about common early-stage IP and business issues facing actors in the innovation ecosystem.

Under the rubric of the IP Innovation Program, approximately 15 upper year law students called "senior clinic fellows" (2L and 3L students) will work in the clinic for the academic year, under the supervision of the Clinic Director, lawyers, and the Clinic Supervisor. Senior clinic fellows spend approximately 6 hours/week throughout the year on client file-related work and clinical projects. The clinical work includes managing at least two client files, conducting intake meetings, performing prior art searches, reviewing patent specifications, performing freedom-to-operate and clearance searches, reviewing IP licensing transactions, assisting with the preparation and filing of provisional patent applications, drafting memos and conducting legal research. In addition to client file-related work, senior clinic fellows will also work on clinical projects, such as providing IP awareness and education to the clinic clients and the community. IP awareness and education activities include presentations and/or workshops about the basics of IP law, commercialization, licensing, IP strategy, etc.

In addition to the approximately 78 hours per semester on client file-related work and clinic projects, Senior clinic fellows will attend pre-scheduled, mandatory 2-hour monthly seminars with the Clinic Director (and Clinic Supervisor and sometimes guests and/or participating supervising lawyers) and attend other informal meetings as necessary. The purpose of the seminars will be to deepen the students' understanding of IP in a practical context, the role of IP in commercialization and IP skills and strategies. Students will also have an opportunity to rotate on presenting and discussing assigned reading materials on select topics to enhance their collective learning and reflection of their clinical work, and wider community legal IP context.

Senior clinic fellows will keep a weekly reflective journal and submit it for review by the Program Director at the end of the term.

Evaluation: · 20% of letter-grade to be awarded to Research and Writing

- 20% of letter-grade to be awarded to presentation
- 10% of letter-grade to in-class participation
- 50% of letter-grade based on clinical work evaluated on a credit/no-credit basis.

Directed 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: Yes

Practicum: No

The Workshop, also known as the Osgoode Society Legal History Workshop, takes place on Wednesday evenings at the University of Toronto Faculty of Law 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 2019 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. Each week a different presenter will circulate in advance a paper on which he or she would like comment and critique. The presentations may be on any aspect of legal history, from any jurisdiction or time period, though most tend to be on Canadian or US topics. Students enrolled in the course for credit are not expected to present a paper, but to read the papers and participate in the discussion and critique that occurs at each session. Through exposure to varied topics in and approaches to legal history, students will come to appreciate the methodologies and modes of analysis employed in doing legal history.

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 universities inside and outside Canada. Workshop presenters in recent years from outside Toronto have included Constance Backhouse (Ottawa), David Fraser (Nottingham), Robert Gordon (Yale), Sally Hadden (Eastern Michigan), 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 or graduate students wishing to register in the workshop for credit may do so.

Evaluation: Students will attend a minimum of 10 of the workshop sessions. In addition, students will prepare a minimum of 4 comments on the papers, of 600-800 words each. Students will also write a paper of 7,000 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.

Disability & the Law

(4905.03 A) *Course*

Instructor(s): M. MacGregor; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and interactive discussions, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course examines disability as a legal category with implications for the rights of persons with disabilities. Students will be introduced to alternative conceptions and theories of disability and impairment, and will examine how law constructs and regulates the lives of persons with disabilities. Throughout the course we will examine statutory provisions and jurisprudence in different areas including: family, reproduction, death and dying, health, mental health, human rights, social and economic welfare 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%.

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

Practicum: No

This Dispute Settlement seminar provides students with an introduction to and overview of appropriate ways to resolving disputes in the civil 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 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 7,000 words in length, double-spaced, which relates to approved topics relevant to dispute resolution theory and/or practice. Reflection, based on personal or professional experiences, may be incorporated into the paper – 75%.

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 & Writing Requirement: Yes

Practicum: No

This seminar will cover substantive law issues in the practice of law in the entertainment and sports industries, with a particular focus on applying legal principles to film, television, and digital media production and distribution.

We will review relevant legal concepts in the areas of contracts, copyright, trade-mark, confidential information, defamation, rights of privacy and personality, tax, insurance, secured lending, labour relations, and media regulation as applied to entertainment and sports contracts. We will study typical contracts in which these legal concepts are applied, as well as business and legal customs and practices that impact the negotiation process across a spectrum of entertainment and sports industry agreements.

The intersection of legal concepts with artistic, athletic, political, economic and commercial concerns in these industries will also be studied to better understand the context of legal practice. This will include an examination of key business risks, evolving production and distribution/exhibition models, shifting media markets, competing paradigms of authorship, and the challenges of describing the public interest.

In-class negotiation and client advice simulations will be used to demonstrate the concepts and practice issues that are studied. This will include simulations such as a copyright infringement allegation, book-to-movie adaptation agreement, breach of privacy claim, endorsement agreement, music license, and television broadcast license.

The course materials will include excerpts of texts in this practice area together with relevant legislation and case law. This seminar will be of particular interest to students considering the practice of entertainment or media law, those interested in labour relations in a predominantly freelance industry, and/or those interested in intellectual property and how substantive intellectual property legal issues are resolved in commercial practice.

Evaluation: Class participation through a combination of class attendance, in-class simulations, and in-class presentations together with short reflection writing exercises, to be detailed at the start of the seminar with some student choices (30%), and a research paper of 7,000 words, not including footnotes or bibliography (70%).

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

Practicum: No

This seminar course comprises two components:

1. Entertainment Law

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

2. Sports Law

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

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

Environmental Law

(2880.04 A) *Course*

Instructor(s): R. Northey; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the law and strategy of environmental protection in Canada. Major issues and contemporary developments in environmental law are brought to life via guest lectures, case materials, legal instruments, 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. The course is organized around two key distinctions: (1) preventive v. reactive environmental laws, and (2) sources of environmental law v. targets for environmental law. In identifying the key sources of environmental law, the course will address common law environmental litigation (eg toxic torts, class actions, SLAPP suits); constitutional and statutory jurisdiction to regulate (eg federal-provincial division of powers, municipal government powers, aboriginal self-government); 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); and judicial review of environmental decision-making (eg standard of review, public interest standing). In identifying the targets for environmental law, the course will address economic policy instruments (eg carbon taxes and trading); federal toxic substances regulation; environmental impact assessment; endangered species protection; land use planning and heritage; and energy regulation such as pipeline approval processes and disputes. Course materials will provide strategic review of 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. Course scenarios will examine cross-cutting issues like climate change, project planning, and heritage conservation to understand complex legal and policy problems. The course is evaluated by a shorter mid-term assignment, class participation, and a final assignment (all to be discussed further in class). For the mid-term assignment, students will likely be asked to 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 some students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Evaluation: Mid-term assignment (30%, to be discussed further in class); participation (20%, to be discussed further in class); final assignment (4000 words, 50%, to be discussed further in class).

Estates

(2050.04 A) *Course*

Instructor(s): H. Black; Adjunct Professor

Fall: 4 credits; 4 hours; max. enrollment: 70

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 100% open-book examination or 50% open-book examination and 50% term paper. If the paper/exam option is chosen, paper is due on first day of the examination period. 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): Professor S. Drummond

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

Evaluation: 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.

Evidence

(2490.04 A) *Course*

Instructor(s): Professor L. Dufraimont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion, Problem Solving

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Attendance: 10%

Final open book examination: 50% or 90% (depending on paper option)

Optional paper: 40% to count only if it improves the final grade

Evidence

(2490.04 B) *Course*

Instructor(s): R. McKechney and S. Weinstein; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussion; problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evidence

(2490.04 P) *Course*

Instructor(s): Professor B. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; discussions; problem solving.

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 100% open book examination; or 60% open book examination with the options for written assignments valued at 40%.

Evidence

(2490.04 Q) *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

Practicum: No

This course will provide students with an essential overview of the law of evidence. The course begins with a discussion of foundational concepts before moving on to consider the rules governing how evidence is admitted in court. Questions about who can give evidence - competence and compellability – are addressed first. Practical issues like questioning witnesses, refreshing memory, and the introduction of exhibits will also be examined. This will be followed by a consideration of what makes evidence "relevant" - the threshold requirement for admissibility. The course will go on to examine the most common exclusionary rules, and the exceptions to them, including the *Charter*, hearsay evidence (and the principled and categorical exceptions), 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 and the ability to articulate the various rules of evidence, identify their components, and apply them practically to fact situations.

The majority of the course will be taught by lecture but participation and discussion is encouraged.

Evaluation: Open book examination (100%). Students also have the option to write a paper on an approved topic (2500 words, up to 50% of final grade, "fail safe").

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

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

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

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

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

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

Evaluation: 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.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: 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; a two hour exam worth 65%; and an in-term assignment worth 25%.

Family Law I

(2060.04 Q) Course

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Family law is a dynamic and ever-changing area of the law. Analyzing legislation (including recent and proposed amendments to the *Children's Law Reform Act* and the *Divorce Act*), 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; property division; and the private ordering of family rights and obligations through Domestic Contracts. The course will have a practical bent, taught from the point of view of family law practitioners.

Evaluation: 1) Open book final examination worth 100%; OR 2) Up to two 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.

Foreign, Comparative & International Legal Research

(3925.03 A) *Seminar*

Instructor(s): Chief Law Librarian Y. Dina and Law Librarian S. Wang

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: lectures, small group discussion, workshops, student presentations

Upper Year Research & Writing Requirement: No

Practicum: No

This course introduces students to basic concepts of foreign, comparative, and international law in the context of legal research. It teaches them to evaluate and analyze sources and tools for researching foreign, comparative and international law. This is a hands-on skills oriented course with practical exercises and projects to help students understand the available tools and the appropriate research methodologies for given types of research projects. Students will learn to use a variety of resources including print and electronic databases to research foreign law of other jurisdictions. They will also learn to use available tools to identify applicable sources for public and private international law.

Evaluation: 10% participation

10% Foreign and Comparative legal research assignment

10% international treaty research assignment

10% International organizations research assignment

20% class presentation

40% Main research project (annotated bibliography).

Globalization & the Law

(2008.03 P) *Course*

Instructor(s): Professor A. Bhatia

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar style, guided discussions of assigned readings combined with activities and guest speakers as available/applicable. The seminar will be taught over 9 classes in an eleven-week period, beginning January 22, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will examine the laws and policies of transnational commodities (e.g. foods) through contextualized examples in and outside of Canada, including the significant connections across different jurisdictions. The seminar will offer students the opportunity to further their knowledge about the ever-changing laws and policies around commodities, their consumption, and the commodification of things, places, and people through historical precursors, current debates, competing values, and seminal scholarship in the field. These laws and policies include, but are not limited to, issues of colonialism, globalization, international law, trade law, law and development, environmental law, constitutional jurisdiction, immigration and refugee law, labour and employment law, property law, law reform, and labour market regulation. This course will only serve as an introduction to these issues and some of the relevant actors and no prior experience is required. Apart from introducing students to these different legal and policy aspects of the selected commodities, the course will help position students to be critical and effective contributors to ongoing debates in their classrooms, courtrooms, and communities. This goal will be accomplished through ongoing class discussions and readings as well as a final research paper on an approved topic relevant to the course materials.

Evaluation: Participation: 25% (attending class, doing the readings, participating in discussions & activities, leading selected discussions, short paper presentations, and other participatory work related to seminar case study).

Research Paper: 75% (5,000 word paper (1st years) or 7,000 word paper (upper years) on a topic that is directly relevant to the seminar case study and is approved by instructor (word count excludes bibliography & footnotes); this mark includes completion of draft & revised paper proposals with outlines & bibliographies, as well as completion of draft paper sections and presentation/workshopping of draft sections of the paper prior to the final deadline).

Health Law

(3004.03 A) *Seminar*

Instructor(s): K. Bryan & L. Rosen; Adjunct Professors

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: No

Practicum: No

This seminar explores the dynamic and challenging field of health law, with a focus on practical issues. The course provides a survey of the legal framework and policy considerations underlying the cornerstone areas of health law, including: consent to treatment; mental capacity and substitute decision-making; professional regulation and governance; medical malpractice; and health information privacy. Practical and topical issues will be explored in the areas of: elder law (issues in long-term care facilities, retirement homes); the emerging Canadian law of medical assistance in dying; human rights in health care; hospitals and health care facilities (including physician privileges, employment issues and tensions between administrators, healthcare professionals and other stakeholders); reproductive health and surrogacy; and research ethics.

Typical seminars will cover substantive law including case law and statutes, 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 particular topics. Students will be asked to attend a hearing in the health law field and to reflect on that proceeding in a midterm written paper. Through readings, class discussion and assignments, students will gain a foundation for a dedicated health law practice or an analytical framework for addressing health law issues as they arise in other practice areas.

Evaluation: Major paper of 5,000 words excluding footnotes or endnotes, bibliography and appendices (50%), 5-7 page reflective paper (25%), class presentation (15%), and class attendance/participation (10%).

History Of Canadian Law

(2595.03 M) *Course*

Instructor(s): Professor P. Girard

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion. A limited number of spaces are available for upper year students to enroll. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

The goals of the course are three-fold: to introduce the body of scholarship known as legal history, its main concerns and methodology; to provide an overview of some of the main trends in the historical development of law in Canada, including the civil law, the common law, and Indigenous law, though with emphasis on the common law; and to offer a broad perspective on the legal profession, the law, and legal education. The course takes a "law and society" approach to legal history, focusing on the interaction of material conditions and human agency with legal ideas and values. It aims to add a human and empirical dimension to the abstract principles and analytical techniques to which students are exposed in first-year law.

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

Evaluation: Upper year students: must submit a research paper of 7,000 words, excluding footnotes and bibliography, which will satisfy the UYRWR and which will count for 80% of the final mark. 10% will be allocated to class participation and 10% to a brief presentation of one's draft paper or research findings.

First year students: must submit a research paper of 5,000 words which will count for 80% of the final mark. 10% will be allocated to class participation and 10% to a brief presentation of one's draft paper or research findings.

ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professor C. Scott

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

Prerequisite Courses: Successful completion of ICT Program pre-Colloquium requirements (but see below under "Preferred" for second admission path). This means you may register in the ICT Colloquium in tandem with registering in courses that will complete the remaining ICT Stream requirements, in fall and/or winter of 2019-2020.

Preferred Courses: Subject to space, the instructor may approve admission of a up to six JD students not in the ICT Program whose record of courses in areas of international, comparative and transnational law and/or demonstrated interest in legal theory reveals that they have the necessary background to contribute to and benefit from the seminar. The student must have completed at least one of Public International Law, Conflict of Laws, or Comparative Law. The student must have completed at least one of Public International Law, Conflict of Laws, or Comparative Law – or register to complete one of these in 2019-2020.

Presentation: Assigned reading guided by reflective questions provided in advance by the instructor; classroom time devoted to active student participation along with interspersed instructor commentary; this may include brainstorming / mindmapping conceptualization and generation of content for a collectively produced 'transnational normative map;' student-led sessions for the last few classes.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

IMPORTANT:

The offering of the ICT Colloquium is dependent on the number of students registered due to Law School rules on minimum numbers. For that reason, students with a strong interest in ICT law, but who do not plan to complete the ICT Stream, should assume the chances will be good that you will be permitted to register in the seminar (see this pathway under "Preferred Courses"). However, you must email Professor Scott during the course selection period (and ideally before June 11) to seek permission to register; explain your interest and what courses you plan to have taken in the ICT field by the time of the ICT Colloquium in winter term.

If the Colloquium does not meet the required minimum numbers of students registered, it will either be merged with the weekly Online Seminar of the International and Transnational Law Intensive Program (ITLIP), which will take place using Zoom video-conferencing technology from 9am to 11am each Tuesday during the winter term, or Professor Scott will supervise a direct research paper in lieu.

For students who took the ITLIP Seminar already or who are taking it, Professor Scott as ICT Stream Coordinator will exercise his discretion to treat the ITLIP Seminar as satisfying the ICT Colloquium requirement

Evaluation: 1. Attendance (5%)

2. Participation (25%): Consisting of (a) 5% for meeting deadlines for a preliminary description and later an outline for the essay, (b) 20% for contributions either to an online Moodle forum or to a 'transnational normative map' collective exercise.

3. Single research essay of 7,000 words, excluding footnotes and bibliography, and also excluding any primary-document appendices(70%).

Immigration Law

(4270.04 A) *Course*

Instructor(s): N. Mithoowani & T. McElroy; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Administrative Law

Presentation: Lectures and Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Indigenous Peoples and Canadian Law

(2110.04 A) *Course*

Instructor(s): Professor S. Daum Shanks

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, Discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a critical survey of the law as it relates to Indigenous peoples whose history and modern form interact with Canada and Canadian society. The class is taught through the use of a variety of techniques, including class exercises, videos, 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.

Indigenous Peoples and Canadian Law

(2110.04 P) *Course*

Instructor(s): Professor J. Hewitt

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This substantive law course explores Indigenous legal orders – mainly nêhiyaw (Cree) and Anishinaabe laws – through the lens of Indigenous worldview(s), and provides a critical survey of state law in what is now known as Canada. This course is structured primarily on Indigenous methodologies and pedagogies, and includes an advocacy component. Topics include but are not limited to: Indigenous sources of law; international law; Indigenous women, gender and law; historical context and constitutional framework re. Indigenous Peoples; Aboriginal title and doctrine of discovery; treaties; resource rights, extinguishment and consultation; allship. This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments.

Evaluation: There is no exam in this course. Assuming less work because there is no exam would be a mistake. There are both individual and group writing requirements and presentation components. A summary of the course evaluation is as follows: Participation, 20%; Individual short reflection papers I and II (15% each), 30%; Group Assignment I, 5%; Group Assignment II (written with presentations), 25%; Group Assignment III (written only), 20%.

Indigenous Peoples, Law & Settler Society: A Troubled History

(3210.03 A) *Seminar*

Instructor(s): Professor P. Girard

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

Prerequisite Courses: None

Preferred Courses: None

Presentation:

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course provides a historical perspective on the relationship between Indigenous peoples and settler society through the lens of law and legality, principally in North America, from the contact period to recent times. Both Indigenous and settler sources of law and their respective concepts of time and history are used to explore the development of this relationship and its legacy. Case studies of Indigenous law in particular First Nations assist in illuminating the main themes of the course.

The principal learning goal of this course is to enable law students to become “informed consumers” of historical research dealing with Indigenous peoples, with regard to both primary sources (documentary and oral) and secondary literature.

Evaluation: 75% paper; 15% critical analysis of sources assignment; 10% participation.

Indigenous Perspectives and Realities

(3833.04 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.

Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course will introduce students to fundamentals of knowledge systems that inform Indigenous understandings of law, justice, governance and treaties. It is intended to provide students with a deeper understanding and appreciation of the lived experience of Indigenous peoples in Canada. This course is offered as an experiential education opportunity that will assist students in gaining familiarity, in a variety of contexts, with the diversity of Indigenous worldviews, ontologies and epistemologies that frame Indigenous reality. The course will examine major political, educational, economic, legal, and cultural issues facing Indigenous peoples and communities in Canada in both present-day and historical contexts. Course material will be drawn from the Truth and Reconciliation Commission, the Ipperwash Inquiry, the Royal Commission on Aboriginal Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples; as well as other materials that provide insights into the contemporary reality of Indigenous peoples. As the main goal of the course is for students to demonstrate a sound appreciation for the perspectives and realities of Indigenous peoples, students will learn directly from Indigenous peoples through various field excursions and experiences in the Indigenous 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: Evaluation in the course will take a number of forms: class and experiential learning participation (10%), written assignments based on course materials and experiential/reflection activities (3 short writing assignments worth 10% each, for a total of 30%), and a 7,000 word final research paper (60%). These evaluation components are listed below.

Class and Experiential Learning -10% of the final grade. Ongoing throughout the course.

Written Experiential/Reflection assignments - 3 @ 10% each. (30% of the final grade)

Engage in an experiential learning activity relating to Place in Toronto (e.g. photo voice, multi-media). Attend and participate in at two public Indigenous community events/gatherings/celebrations and one experiential learning activity. The written reflections (see above) are based on participating in 3 experiential learning activities as well as the participation grade.

Final Research Paper (7,000 words) 60% of the final grade. Papers must be submitted electronically through the online drop box.

Individual Employment Relationship

(2550.03 M) *Course*

Instructor(s): R. Edmonds & R. Shirreff; Adjunct Professors

Winter: 3 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course covers the law governing the non-unionized, individual employment relationship, which regulates the professional lives of the vast majority of working Canadians. The goal of the course is to provide working knowledge of the principles, theory, and law involved in the individual employment relationship for use in either a solicitor or litigation-based practice. Main topics will include the formation, interpretation, and application of the employment contract, rights and remedies available to employers and employees, and statutory regimes for human rights and federal workers. In addition, students will learn about executive compensation, the sale of a business, workplace investigations, employment litigation, off-duty liability for social media use, and other emerging challenges in the modern workplace. A practice-based perspective will be used to add context to the course content and to prepare students for the issues and assignments they are likely to encounter.

Evaluation: 100% closed-book exam (10 pages of student-made notes only), or 75% closed-book exam and 25% short paper (4,000 words, including footnotes but excluding bibliography).

Insurance Law

(2280.04 A) *Course*

Instructor(s): J. Campisi; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

Are personal injury lawyers ambulance chasers? Are insurance companies only interested in denying claims and generating profits for their shareholders? There are many misconceptions about the insurance industry despite the important role that insurance law plays in regulating so many areas of our lives.

Through this course, students will achieve a better understanding of the role that an insurance law lawyer plays in advancing and defending claims arising out of a motor vehicle collision, a slip and fall accident, or a long term disability claim. Through a case study approach, student simulations and by attending litigation events involving real litigants, students will experience first-hand the application of insurance law and procedure. This will also involve an analysis of the Rules of Civil Procedure, the Rules of the License Appeal Tribunal and case law generated by the Financial Services Commission of Ontario, the License Appeal Tribunal and multiple levels of the Superior Court of Justice.

Students are required to participate in one 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 real world litigation experience.

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

Int'l. 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, but it is highly recommended that you have knowledge of at least Canadian criminal law and procedure

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

Presentation: Moot presentations, discussions, lectures

Upper Year Research & Writing Requirement: No

Practicum: No

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. Depending on the interest, 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 by analyzing cases and preparing to argue them in accordance with various international criminal legal principles, resolutions, treaties and conventions that act as both the foundation for these courts' legitimacy and authority, and the basis of their jurisprudence.

Following introductory sessions providing background on the relevant principles and concepts of international criminal law - and 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 in March and at The Hague in late May/early June; as well as
2. The International Nuremburg Moot to be held in Nuremburg in late July.

This class provides an active learning experience for every member of the seminar by integrating legal research with practical lessons on how to excel in 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. 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 drafting factums, the making oral presentations, and in-class participation.

Intellectual Property

(2970.03 M) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, class discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide students a unique opportunity to canvass and understand all areas of IP: copyright, trade-marks, patents, and other important areas such as industrial designs and confidential information, along with closely associated and emerging areas such as privacy. As this course is meant to provide a taster to all of the areas of IP, students wishing to specialize in IP are also open to take more specialized courses in Copyright, Patents, and 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 understand the core law and policy of the various IP areas, with an analysis of the jurisprudence and legislation in these areas. Students will analyze IP issues that are currently challenging courts, policy makers and various stakeholder practices in Canada and internationally. As these transformative issues are dynamic and taking place in real time, the course topics may necessarily change from year to year. Topics for this year will include digital publishing & digital content platforms in broadcasting, counterfeiting, cybersecurity, biosimilars, copyright reform and collective administration reform, disruptive technologies, commercializing intellectual property and Canada's innovation agenda.

The course will also provide students with a basic understanding of the justificatory and regulatory framework to the IP system, the often overlooked interplay (and overlaps) between 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.

By the end of the course, students should have:

- gained a basic understanding of the various areas of IP through a doctrinal analysis of the jurisprudence, legislation and current developments.
- demonstrated analytical and critical thinking and writing skills in relation to IP.
- developed a refined interdisciplinary understanding of IP (with respect to its interrelated core areas and with other areas of the law).
- understood IP within a domestic, comparative and international context.
- applied IP policy, theory and objectives to practice in the context of the jurisprudence, legislation and current developments.

Evaluation: Evaluation: 100% exam. Candidates may bring into the examination room the textbook, assigned readings, slides, a list of cases, and his/her own prepared lecture or study notes, but no other written materials, no library books and no electronic devices (unless they are using their own laptop). Students may also opt to write an optional paper (5,000 words), worth 40% of their overall final grade (on a topic and schedule to be approved by the instructor). Exams for students electing this 40% paper option will be worth 60% of their overall final grade.

Intensive Legal Research & Writing

(3920.03 A) *Seminar*

Instructor(s): Professor J. Davis

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, skills-development exercises

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Evaluation: 1. 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. The paper must state (a) facts (actual or imagined) which do or would give rise to one or more disputed points of law; (b) the tribunal in which the disputed points would be argued; and (c) the order or orders actually or supposedly sought from that tribunal by the party initiating the action, application, prosecution, motion, etc. The paper itself is to be an argument, involving the disputed points of law, for or against the granting of the order or orders. The jurisdiction of the tribunal may be civil, criminal, arbitral, administrative, appellate, etc. The orders sought may be interlocutory, interim, final, etc. The paper 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. Finally, the paper must, 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. 2. 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. 3. Students are also required, during the term, to complete two additional research and writing exercises, the purpose of which is to document, in good faith, work in progress on the final research paper, and to invite feedback on that work. Although these two exercises will not themselves be graded, failure to complete both will result in a final grade of "F" for the seminar.

International Business Transactions

(2890.03 M) *Course*

Instructor(s): M. Martyn; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

International 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: Lecture, discussion, presentations

Upper Year Research & Writing Requirement: No

Practicum: 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; Distinguished Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: None

Presentation: Lectures, discussion, guest speakers and student presentations

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. 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 and related human rights problems, such as climate change. By the end of this course, students should be able to: analyze contemporary global environmental problems from a variety of theoretical perspectives and frameworks; evaluate the effectiveness of various international environmental agreements and instruments; identify the main actors, institutions and processes through which international environmental norms are generated, negotiated, applied and changed; characterize the challenges of implementation, enforcement and compliance with international environmental law; and place contemporary debates about state and non-state forms of environmental regulation in historical context and in the context of various theoretical understandings of regulation and governance.

Evaluation: One Research Paper (70%) and Class Participation (30%, to be discussed further in class).

An appropriately completed Research Paper in this course will satisfy the Upper Year Research and Writing Requirement. Research Papers must be at least 7000 words, not including footnotes, bibliography and appendices. Students are to obtain advance instructor approval of the topic and also obtain and consider the instructor's comments on one or more working drafts, as may be appropriate, prior to completing the final Research Paper.

International Human Rights Law

(3440.04 A) *Seminar*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussions with active student participation.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar offers a broad study of human rights as a pervasive legal and socio-political framework shaping our best aspirations to humanize individual and collective lives. It pursues one central goal by focusing on four interrelated axes. The central aim is to investigate the merits of articulating individual and collective demands of people for a good life in the language of rights. To that end, it explores the principles, problems and prospects of international human rights law by studying the origin and nature, evolution, structure of doctrine and institutions, place and influence, and inter-relation of the norms that protect individual and collective rights at all times – through peace and war. Our focal axes will be: (1) historical and conceptual tools to understand the universality of human rights versus various particularities in the world; (2) local and global unequal distribution of resources; (3) the current state of identity-based deprivations, demands and entitlements; and (4) the politics of human rights activism and their actual consequences for the welfare of individuals and peoples.

Evaluation: Participation (20%); final research paper of 7,500 words (80%).

International Law & Development: Trade, Investment & Human Rights

(2710.04 M) *Course*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

International investment, trade and human rights are today understood as key elements of successful development policy. However, both the historical and conceptual foundations of this apparent convergence demand careful investigation. While mainstream economic thinking presumes that both investment and trade is beneficial for poor countries, critics have pointed out the terms of trade and investment treaties are typically weighted in favour of western, developed States. Similarly, while the emerging consensus that adherence to global human rights norms is necessary for the achievement of good development outcomes, the efficacy of the human rights regime as a tool for mitigating the social costs of development appears limited. Poor countries have increasingly limited regulatory tools at their disposal with which to govern the operations of transnational investors within their territory. Conflicts frequently arise between the needs of local communities and international investors over access to land, resources, and water, leading to displacement, loss of livelihoods and other rights violations. The role of the state in regulating these conflicts is often unclear, or in dispute. Utilizing historical, discursive, and case study-based methodologies, this course will provide students with an opportunity to critically examine the social and human rights implications of international investment and trade within contemporary development policy and practice. The course will be taught using a variety of methods, including lecture, film, online and in class discussion, class presentations, and interactive class exercises.

Evaluation: Participation (10%); In-class Presentations (20%); Research paper on a topic developed in consultation with the professor (70%) .

International Taxation

(4150.04 M) *Course*

Instructor(s): S. Wilkie; Adjunct Professor

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

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussions, problems, case studies,

Upper Year Research & Writing Requirement: No

Practicum: No

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 2,500 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 optional 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 A) *Course*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This 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 drawn from economic theory, international relations theory, and international legal theory. Particular subjects for discussion 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 be some focus on the negotiation and re-negotiation of regional free trade areas and preferential trade agreements relevant to Canada such as the NAFTA (and the proposed US-Mexico-Canada Agreement), the Trans-Pacific Partnership (CPTPP), and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

Evaluation: Open-book final examination (100%) Alternative evaluation: the open-book final examination (75%) and mid-term assignment on topic set by instructor (25%).

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 on-site visit).

Topics explored in this seminar may include investment strategies and policies, negotiation and ethics, capital markets and regulation, deal-making and other 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.

Jurisprudence

(2720.03 A) *Course*

Instructor(s): Professor E Kidd White

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This is a course in the philosophy of law that approaches its subject matter through the lens of political philosophy. It will involve critical discussion of core issues and classical texts 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, Williams, Waldron and Dworkin). Students will sharpen their analytical, reasoning and critical reading skills. Students will fine-tune their abilities to break down legal arguments, and examine their foundations. No prior philosophical training is required.

Evaluation: 70% final examination, 20% participation, 10% two short reaction papers (300-400 words each). Students may also opt to write an optional paper, worth 30% of their overall final grade. Exams for students electing this 30% 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 and 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 commentary and presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. This will include focusing on identifying and assessing the underlying goals of labour and employment law, evaluating whether the existing law meets these objectives, and considering alternatives for reform. Attention will be given to understanding labour market trends, including the growth of precarious employment, 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 may vary depending on the instructor's and the students' research interests.

Evaluation: Research paper (7,000 words excluding footnotes, bibliography and appendices) (60%), commentary (25%), and, presentation of draft research paper (15%).

Labour Arbitration

(5070.03 M) *Seminar*

Instructor(s): R. Thompson; Adjunct Professor

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

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

Preferred Courses: Collective Bargaining Law

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar is intended to provide an overview of the labour arbitration process applicable to unionized workplaces. The seminar primarily addresses grievances, grievance arbitration and will consider mediation as a dispute resolution mechanism. The seminar will examine both procedural and substantive issues, including regulatory framework, arbitral jurisdiction, pre-arbitration and arbitration process. The course material will examine select issues in arbitration such as collective agreement interpretation, discipline and discharge, discrimination and accommodation, and privacy. This seminar can be viewed as an advocacy course, encouraging students to apply these concepts to persuasive and coherent oral and written arguments as well as resolution discussions.

Evaluation: Mock arbitration presentation and reflection (40%), in-class topic presentation (40%), and seminar participation (20%).

Labour & Employment Law

(2315.04 A) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The purpose of the course is to provide students with a foundational understanding of labour and employment law, which includes the common law individual contract of employment, minimum standards legislation and regulations, employment discrimination 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 labour protection clauses in trade agreements. 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. The course is an excellent option for students seeking an overview of the field, and also provides a good foundation for those wishing to take more advanced courses in the area.

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 the instructor and student, taking into account the length and complexity of the project. Law school policy does not allow optional papers written for courses to satisfy the UYWR. For students not undertaking an additional form of evaluation, the exam counts for 100% of the final grade.

Land Development & Commercial Real Estate Problems

(5160.03 M) *Seminar*

Instructor(s): M. Gross; Adjunct Professor

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

Prerequisite Courses: Real Estate

Preferred Courses: Tax, Land Use Planning

Presentation: Discussion, problem solving based on fact situation

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: One term 100% paper at end of term involving problem solving based on class discussions and course materials.

Law And Economics

(2560.03 M) *Course*

Instructor(s): Professor S. Daum Shanks

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The first two meetings will be lecture presentations by the professor. After those sessions, meetings will run similarly to a seminar, with the professor leading a general discussion about the assigned readings for that specific meeting. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course is an examination of various concepts and arguments considered part of the subfield known as "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 & Film

(3200.03 A) *Seminar*

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

Practicum: No

Images, still and moving, are an increasingly important form of communication in the digital era, 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 contestation 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.

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. In addition to seminar participation (10%) students will be expected to post at least 5 short film commentaries/reaction pieces to the course discussion page(10%), as well as do an in-class presentation.(10%) 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) = 10%, In-Class Presentation = 10% Final Paper (at least 7000 words excluding notes and bibliography) = 70%

Law & Psychiatry

(3240.03 M) *Seminar*

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

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

Prerequisite Courses: Criminal Law

Preferred Courses: None

Presentation: Discussion and Student Presentations

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: Major paper of 5,000 words excluding footnotes or endnotes, bibliography and appendices (55%), 5 page reflective paper (20%), class presentation (15%), and class attendance/participation (10%).

The major paper cannot be used to satisfy the Upper Year Writing Requirement or the practicum requirement.

Law & Social Change: Community Action Across Borders

(2750M.03 A) *Course*

Instructor(s): E. Dabed; Adjunct Professor

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

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

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The law is increasingly being used as an instrument of social change in the globalized world, and this turn to law has prompted a sort of legalization of politics: Not only ordinary citizens resort more and more to law to contest what they perceive as violations of their rights before national or international courts and other international judicial mechanisms, but also social and political movements are persistently resorting to courts and framing their political agenda within the language of law, particularly human rights and international law. This course critically engages with these dynamics to explore the role of law and legal activism in social and political transformations, and a variety of emancipatory struggles - i.e. political, social, and economic rights, indigenous/native/first nations' movements, LGBT and black movements, labor organizations, and independentist movements around the world.

A central aim of the course is for students to learn what it means to be a community-based lawyer on a global scale, and to provide students with the necessary elements to assess not only the kind of victories that law can deliver, but also to identify its limits, and the contradictions, paradoxes, and ambiguities that law produces. The seminar offers students skills training in this field, hands-on experience, structured reflection, and peer collaboration. It merges theory, doctrine and practice in a dynamic, comprehensive and multi-disciplinary setting.

The course works in tandem with the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the 'developing world'. Since 2006 Osgoode students have undertaken summer fellowships in a diversity of countries such as Uganda, Zambia, Kenya, the Philippines, India, Argentina, Kosovo, and South Africa. Upon their return, students' participation in this weekly seminar focuses on theorizing, reflecting, and discussing their experience abroad based on the material of the course, writing a term paper incorporating their experience, reflection, research and findings, and presenting their work in progress to the class. Papers are due at the end of the term.

Evaluation: Research paper: 7000 words, excluding footnotes and bibliography (60%); Presentation (20%); Participation (20%).

Law & Social Change: Critical Race Theory

(2750X.03 M) *Course*

Instructor(s): N. Simms; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: This seminar augments coursework with research colloquia and community partnerships in order to integrate theory and practice. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

What steps should be taken to establish a more equitable society? In addition, what are the assumptions, beliefs, and practices that undermine fair treatment in a society and marginalize particular groups? Critical Race Theory (CRT) 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 (7,000 words for upper year students and 5,000 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 (5,000 words for first year students and 7,000 words for upper year students) - 35%.

Lawyer as Negotiator

(3960.04 A) *Seminar*

Instructor(s): R. Thompson; 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 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 bargaining strategy in a legal setting. 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 dispute resolution practitioners 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 power, gender, culture, ethics, and emotions, among other issues, in representative negotiations.

Evaluation: Students will be graded on a credit/no credit basis. Active participation and full preparation are regularly required in order to receive a credit for this course.

Law, Gender, Equality

(3039.03 M) *Seminar*

Instructor(s): Professor J. Nedelsky

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, presentation of papers in progress and students' oral engagement with their short written commentaries. The seminar will be taught over 9 classes in an eleven-week period, beginning January 22, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course explores the importance of gender as a category that structures identity, opportunity, and hierarchy. Gender intersects with other categories of hierarchy such as race, class, religion, citizenship status, ethnicity, sexual preference and identity, and able-bodiedness. The course will explore both theories of how intersectionality works, and the role it plays in the particular spheres of law we will focus on. The primary focus of this course is the complex role that law plays in constructing gender (understood in intersectional terms) and in both maintaining and attempting to overcome inequality. The first overarching topic is violence: Sexual Assault on Trial; Law, Gender and Violence: Theoretical and Historical Perspectives; Structural Violence and Indigenous Women. Another very basic way that gender organizes people lives and opportunities is the way gender structures who provides the basic care that all human beings rely on, and how paid work is organized. Thus, the second broad topic is how law intersects with issues of work and care: gender identity, labour law, international migration, tax law, and the global economy. We will look at issues of : Masculinity, Care, and the Legal Structuring of Gender Relations; The Intersecting Structure of Work and Care; Care, Work and "Domestic Work"; Restructuring Work and Care; Law and Gender in Global Context. The readings will provide a range of approaches from feminist theory, to legal history, to empirical studies of lawyers and courts, to doctrinal analysis, to proposals for fundamental societal transformation.

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 5,000 words long (exclusive of notes, bibliography and appendices); for upper year students, the paper must be at least 7,000 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 short assignments worth 25% of the final mark. This will include short commentaries on course readings, responses to fellow students' commentaries, and a paper proposal and presentation.

Legal Drafting

(2140.03 A) *Course*

Instructor(s): S. Benda; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 36

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion, some workshop

Upper Year Research & Writing Requirement: No

Practicum: 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 1 - 40% and assignment 2 - 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: 36

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, discussion, in-class exercises

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course focuses on the language, structure and organization of documents that create and support legal relationships such as formal contracts, letter agreements, licenses, and legal opinions. Students analyze, review, prepare, present and discuss legal documents in the areas of corporate/commercial 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: Class Participation: 40%; Two take home assignments: each 30%.

Legal Ethics

(2059.03 A) *Course*

Instructor(s): B. MacKenzie; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course is designed to provide students with the opportunity to think imaginatively and critically about issues in legal ethics and professionalism as well as to help students understand the basic ethical and professional context in which those issues can and do arise today. The course examines both individual professional responsibility and the regulation of legal profession by the Law Society. The course has two main goals.

1. The course introduces students to ethics and professional responsibility in the legal profession and to legal services regulation. Our focus, through readings, in-class problem-based discussions and exercises, will be both conceptual and practical. Students will be expected to participate extensively.
2. The course is also designed to provide students with an opportunity to focus on identifying particularly noteworthy ethical or professional issues and to present one issue both in a team-based class setting and another issue through a research paper.

Evaluation: There are three components to the evaluation:

1. Class participation, worth 20% of the overall course grade.
2. Group presentation on an ethical or professional issue, worth 20% of the overall course grade.
3. An independent research paper of 7,000 words (not including footnotes or bibliography) worth 60% of the overall course grade.

Legal Ethics

(2059.03 M) *Course*

Instructor(s): M. Mercer; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar discussion and group presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course is designed to provide students with the opportunity to think imaginatively and critically about issues in legal ethics and professionalism as well as to help students understand the basic ethical and professional context in which those issues can and do arise today. 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 Values: Access to Justice

(3591Z.03 M) *Seminar*

Instructor(s): J. Leitch; Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: A combination of lectures, facilitated class discussions, student-led presentations, and guest speakers will be used. Students will be expected to attend all classes, to participate actively in the class, and to complete required readings and assignments. The seminar begins January 22, 2020.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Faced with the reality of an increasingly inaccessible justice system that is failing to meet the needs of the public, access to justice has been described as a crisis by the former Chief Justice of Canada. Given the significance of access to justice as a challenge facing Canadians, it is important to examine the causes as well as the consequences of a failure to provide access to justice. In examining both, it is necessary to consider these questions from a sociological, philosophical, democratic, as well as legal perspective. Only in studying the problem - its causes and consequences from a variety of perspectives - is it likely that we can also begin to explore critically some long-term and meaningful solutions that seek to enhance access to justice. A recurring consideration will be the role of the lawyer, both individually and collectively, in part of the problem as well as part of the solution.

The purpose of this course is to introduce students to access to justice as both a theoretical construct as well as a practical study. This will include an introduction to current research and thinking on access to justice from a variety of different perspectives. In studying different perspectives, students will be encouraged to bring a critical eye to all of the discourse on access to justice in order to better understand the scope of the problem, the goals and objectives associated with improving access to justice and the feasibility of different solutions.

Evaluation: 15% Critical Reflection (750 words); 10% participation; 75% Research Paper: 5,000 words for first year students; 7,000 words (excluding footnotes and bibliography) for upper year students.

Legal Values: Advanced Criminal Law (Race & Racism)

(3592Q.03 A) *Seminar*

Instructor(s): G. Cudjoe & F. Mirza; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Taught by two experienced members of the criminal bar, this seminar explores how racial inequality and in particular anti-black racism are addressed in Canadian criminal law through a critical review of landmark cases and selected secondary scholarly literature.

Students will consider how advocates have worked to bring claims of racism to the courts. The class will assess the extent to which courts have addressed or failed to consider claims of racism, whether systemic or individual, in their interpretation of various areas of criminal law. How has recognition of this particular piece of “social context” been integrated into judicial decision-making and criminal procedure?

Students will study key parts of the criminal trial process from start to finish including bail, jury selection, Charter and common law motions, and sentencing.

By the end of the course students will be:

- i) familiar with a set of contemporary cases in which questions about of race and racism intersect with issues in criminal procedure, sections 7, 8, 9, 24(2) of the Charter, evidence and sentencing.
- ii) capable of critically analyzing the responses of the Canadian criminal justice system to claims of racism, whether systemic racism or particular incidents of racially targeted state action.
- iii) able to develop effective approaches to anti racist advocacy suitable for use in Canadian criminal court.

Class discussions and assignments will work to bring together theory and practice in assessing and developing anti racist advocacy in the criminal law context.

Specific topics covered include:

- Identifying race and racism as part of context, and how this does/should impact legal interpretation;
- Identifying the relevance of race/racism for the parties involved; and
- Identifying the opportune time to raise the issue

Guest speakers with expertise in a relevant area will periodically visit the class.

Evaluation: Class Participation: 20% Case comment 20% Research Paper 60%, 7,000 words (excluding footnotes and bibliography).

Legal Values: Artificial Intelligence

(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

Practicum: No

This first-of-its-kind, multidisciplinary, cross-listed seminar will bring together (through videoconference rooms at both locations) computer science students from the University of Waterloo and law students from Osgoode 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 will 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: Roughly six to eight brief (one to one-and-a-half page) commentaries or position papers (40%); class participation (20%); final small-group project, which will include a written work product and possibly, a short class presentation (40%).

Legal Values: Commercializing IP

(3591M.03 M) *Seminar*

Instructor(s): A. de Fazekas & V. Grant; 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

Practicum: No

Legal issues are crucial to the commercialization of new technologies. This course will focus on issues related to the creation, development, protection and exploitation of intellectual property rights as a business asset for both high-growth start-ups and established businesses. We will examine the entire process of creating, capturing, protecting, leveraging and transferring technology and ideas, including internal strategies designed to create a culture of innovation; 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 related agreements; offensive and defensive IP strategies; assessing competitive IP; negotiating and interpreting IP sensitive contracts ; transactional IP processes, with discussion on emerging markets; and key technology specific legal issues relating to software, digital communications and data processing, mobile devices and social media, financial services and life sciences. The course will also address the financing options available to the high-growth start-up, including crowd-sourcing and other modern financing techniques, as well as a general overview of pertinent tax and structural topics. Media coverage of current developments and case studies will be introduced to enrich class discussions. Guest speakers will include leading experts in the field. 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% 7,000 word 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): Professor C. Craig

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: No

Practicum: Yes

This course is the result of an innovative collaboration between the Federal Government (Departments of Canadian Heritage and Innovation, Science and Economic Development) and several Canadian law schools (including Osgoode, University of Toronto, Ottawa, McGill, and Universite de Montreal). The course exposes law students to the process of crafting public policy and proposing law reform, and is uniquely timed to build on--and feed into--the results of the parliamentary review of the Copyright Act. Students from each of the participating law schools will research and prepare a policy report on one topic to be selected from several live themes identified in the Heritage and Industry parliamentary review reports. The course will culminate in a Grand Oral in Ottawa, where teams representing each of the participating law schools will present their final 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, hone their policy chops, and practice their oral presentation abilities. Students will have access to a community of professionals and policy specialists (including Ren Bucholz, Osgoode's Copyright Policy Moot Coach) 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: Digital World, Democracy & International Law

(3592M.03 A) *Seminar*

Instructor(s): Professor H. Saberi

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

A global digital environment has brought about new means for regional, local and global activities: new types of political activism, new modes of social mobilization, exercise of human rights claims, business transactions, identity assertion and recognition, political enmity or alliance, and--broadly speaking--global governance. How can these new types of activities proceed in compliance with democratic desiderata and the rule of law? As importantly, what are in fact democratic ideals in such an environment?

Once upon a time, when the end of the Cold War opened the global space for democracy talk in the international arena, legal and political theorists attempted to answer that question. From the right to democratic government, to calls for accountability and transparency in global governance, and the requirement of democratic legitimacy for membership in the international community, democratic theorists faced a new field with novel specificities. With the digital world, we are now where they were and face what they faced then.

This course will be a collective exercise to first understand the kind of democratic challenges that are particular to the digital world and increasing technological advancements. Cyber war, data-mining, surveillance, governance through algorithms, genetic manipulations all pose challenges to various kinds of rights that the international human rights enterprise has tried to guarantee for decades. The next step is to investigate whether the insights of democratic theorists in international law can adequately address these challenges. Can existing concepts and framework of human rights survive or do we need new concepts? Do we need to re-define democracy in a digital age or have to struggle to make existing theories fit?

Evaluation: Participation including 2 short reaction writing assignments and a presentation (40%); final research paper of 7,000 words (60%).

Legal Values: Diversity & the Corporation

(3592R.03 M) *Seminar*

Instructor(s): Professor A. Dhira

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar-style discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

Google, the Weinstein Company, American Apparel, Fox News, CBS, Wynn Resorts. These are just a few examples of recent corporate scandals involving sexual misconduct allegations against high ranking executives. These scandals occur at a time when North American corporations are struggling to establish business cultures that are diverse and inclusive.

Against this backdrop, this seminar will explore the intersections of diversity with corporate law, governance, culture, and theory. The confluence of these fields, to date, has garnered little attention. Traditionally, the disciplines have lived in remote houses and have had few occasions to speak to one another. And yet, over thirty years ago two feminist scholars argued that “the impacts of corporate cultures are not...marginal to the experiences of women” and bemoaned “the relationship between patriarchal culture and the development of business corporations.” And as noted by a leading scholar of racial justice, “[r]ace suffuses all bodies of law...even the purest of corporate law questions within the most unquestionably Anglo scholarly paradigm.”

In addressing these intersections, topics such as the following will be considered:

- (i) diversity in the business law curriculum;
- (ii) feminist engagement with corporate law doctrine and theory;
- (iii) critical race engagement with law and economics and corporate law theory;
- (iv) corporate board composition and the implications of homogeneous boards for organizational performance and social equality;
- (v) legal reform strategies aimed at addressing corporate board homogeneity, such as quotas in Norway and California and disclosure rules in the U.S. and Canada;
- (vi) law firm diversity; and
- (vii) the use of corporate law mechanisms and principles to address diversity issues.

Please note:

1. The use of electronic devices (including, but not limited to, laptops, tablets, and mobile phones) is not permitted.
2. Class attendance is mandatory.
3. Any non-Osgoode students enrolled in the class must adhere to Osgoode’s academic rules and policies, including the course drop deadline.
4. The information above is provided for course registration purposes only and is subject to change at any time.

Evaluation: Research paper (60%)

In-class activities (e.g. leading discussions, paper presentations, general participation) (40%)

Legal Values: Law & Literature

(3590V.03 M) *Seminar*

Instructor(s): Professor K. Sutherland

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion and student presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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

Legal Values: Law, Ethics & Social Media

(3590C.03 M) *Seminar*

Instructor(s): P. Jenkins; Adjunct Professor

Winter: 3 credits; 2 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 10 classes in an eleven-week period, beginning January 23, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This course is designed to address some of the unique issues and challenges for law, social policy and social relations that have arisen with the emergence and ascendancy of social media. The course has three main objectives:

- 1) To engage in a critical analysis of the ethical and legal issues arising from social media involving privacy, anonymity, narcissism in legal culture, freedom of speech, whistleblowing and human rights.
- 2) To consider some of the potential benefits to be derived from various productive uses of social media in different contexts, including educational and professional settings, such as social activism, networking and mooted.
- 3) To discuss proposals for systemic reform, as well as self-help measures, that are in response to privacy and reputational concerns associated with social media.

Evaluation: Final paper (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: Litigating IP Cases

(3592L.03 A) *Seminar*

Instructor(s): Professor D. Vaver & Justice R. Hughes; Adjunct Professor

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

Prerequisite Courses: or Co-requisite: An Intellectual Property Law course or seminar.

Preferred Courses: Evidence, Civil Procedure

Presentation: Discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

The seminar surveys the process of intellectual property litigation in Canada and gives students an opportunity to acquire and apply practical skills and judgment in enforcing and maximizing the value of copyright, patent, design, and trademark rights. The focus is the Federal Court, where most such cases are litigated. Expert evidence, bifurcation, and remedies in light of the Federal Court Rules are considered in light of their purpose, policy, and practice.

Students will be exposed to all stages of a case from the perspective of the party suing and the party being sued: advising the client, preparing pleadings, briefing witnesses, discovery, drafting written arguments, and judgment writing. The seminar culminates in preparing for and participating in a moot.

Evaluation: Preparation of case briefs and factums: 50%; moot 35%; class participation 15%.

Legal Values: Public Law Perspectives on Tort Law

(3591V.03 M) *Seminar*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The seminar will be taught over nine classes in a ten-week period, beginning January 23, 2020. Each session will be three hours. Classes will include lectures, student-led presentations, and interactive discussion. Students will be expected to attend all classes, to actively participate in the class, and to complete required readings and research.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Tort law is usually classified as part of “private law,” the law that regulates the relationships between individuals; it is contrasted with “public law,” the law that governs the relationships between individuals and the state. And indeed, many of the legal values central to public law debate (e.g., liberty, equality, diversity, welfare) seem absent from tort law; instead, in tort law one encounters terms like “duty of care,” “proximity,” and “but for cause.” The purpose of this perspective option is to revisit some of the topics discussed in the first-year tort law course but with a focus on the role public law values play in them. We will see how legal values influence liability questions, how tort law interacts with other branches of the law, and in what ways tort law can be used for public law purposes, such as controlling government excess or maintaining public welfare.

This perspective will also be used to consider whether there is much need for tort law within a legal system dominated by public law. We will consider arguments both of those who argue that much of tort law should be abolished and replaced by public law, and of those who suggest on the contrary, that tort law can be put to novel uses to address newly emerging problems (such as human trafficking or terrorism).

Evaluation: Students will be required to write a research paper on a topic of their choosing. 10%: paper outline; 10%: class attendance and participation; 80%: final paper (7,000 words for upper year students and 5,000 words for first year students).

Legal Values: The U.N, Governance & State Building

(3591E.03 A) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In the aftermath of World War II, various States saw the compelling necessity of collective action “to save succeeding generations from the scourge of war,” which in the words of the preamble to the United Nations Charter “twice in our lifetime has brought untold sorrow to mankind”. The establishment of the UN is principally, to quote Article 1 of the UN Charter designed to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Notwithstanding this grand objective, violent conflicts including civil wars, wars for democracy, and liberation struggles, amongst many others, have ravaged global peace. The Security Council of the UN is often paralyzed by political gridlock. In addition, the collective action envisioned by the founders of the UN has often yielded to geopolitical and sectional forces. The result is that the UN seems to struggle with maintaining international peace and security. This course interrogates the structure and processes by which the UN grapples with the task of maintaining international peace and security, especially, in the age of state failure and state-building. In 2018-2019, the course will use the case of Syrian civil war as a template for studying the mechanics, politics, legality, and normativity of UN roles in peace maintenance, good governance, and state-building.

Evaluation: 1. Attendance: 20% (to be discussed further in class)

2. Research paper: 80% (7000 words, excluding footnotes and bibliography)

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

Practicum: No

This seminar is the capstone course for the LDA Stream. It provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop and refine a major research paper on a scholarly project commenced in a previous seminar or course. The seminar proceeds in three phases.

First, students identify the research they wish to develop in the seminar, and they consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on one other proposal.

Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument.

Third, as the papers progress through initial drafts, the students participate in intensive editing workshops to provide them with techniques for improving the quality of their writing.

Evaluation: The evaluation in the course is a major research paper (7,000 words), class presentations and oral and written commentary on another paper. Full attendance and participation is also considered as part of the evaluation scheme.

Managing Family Law Cases

(5660.03 M) *Seminar*

Instructor(s): Professor S.Kierstead

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

Prerequisite Courses: Family Law I

Preferred Courses: None

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

Upper Year Research & Writing Requirement: No

Practicum: Yes

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

Evaluation: Role plays and reflection (30%); document drafting (ex: pleadings, motion and affidavit material, memorandum) (60%); and class participation (10%).

Money, Payments & Crypto-Currencies 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

Practicum: No

A study on selected major legal aspects of money, payments, 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 lifeline 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, Bitocin, virtual currencies, crypto-currencies, digital cash and distributed ledger technology (DLT), the seminar addresses basic concepts of money and payment, digital assets and their regulation, 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. Money and Payment, Clearing & Settlement Systems
2. Retail Payment Systems: Cards, E-Money Mobile Payments
3. Large-value/global, Fast, and Time Sensitive Payments
4. The Organization and Regulation of Payment Systems- Operation and Risks
5. Regulation of Payment Service Providers: Prudential, Conduct, Competition, and Anti money Laundering/Terrorist Financing Compliance
6. The Decentralized Distributed Ledger Technology (DTL): Bitcoin, Blockchain and Fintech
7. Virtual Currencies: Crypto and Centralized -- Are they Money?
8. Miscellaneous Digital Currency and DTL/blockchain Legal issues: ICO; Smart Contracts; Payment Law Issues (Finality, Irrevocability; Fraud)
9. Virtual Currency Business Intermediaries: Prudential & Conduct Regulation and Anti money Laundering/Terrorist Financing Compliance
10. Central Bank Digital Currencies (CBDC) in the Broader Context of Banking and Money in the Digital Age

Evaluation: Evaluation will be on the basis of 7,000 words (excluding footnotes or endnotes, bibliography and appendices) 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 (on a subject not necessarily related to the student's research paper, once or twice during the term); and/or
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

Practicum: No

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

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

Evaluation: Mid-term examination (30%); final examination (60%); and class participation (10%)..

National Security Law in Canada

(3008.03 A) *Seminar*

Instructor(s): E. Kirley; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Q: What do Julian Assange, Edward Snowden, Huawei executive Meng Wanzhou, Quadriga's CEO Gerald Cotten, Facebook's Mark Zuckerberg, David Attenborough, and initiatives such as Five Eyes, the World Health Organization, the World Bank, and G20 summits all have in common?

A: Their recent activities signal the need for a recalibration of our security protections both on a national and global level. This weekly seminar examines the current state of domestic and international laws addressing our security needs in a biotechnological, financial, geo-political, environmental, and data privacy sense. We take the broader view regarding what role we envision for our laws in creating and protecting those rights.

Evaluation: Evaluation: essay of 7,000 words (65%); essay framework (10%); video or podcast presentation (15%); participation (engagement and discussion question - 10%).

Natural Resources Law

(2805.03 A) *Course*

Instructor(s): Professor E. Van Wagner

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, student presentations, guest lectures, field trips, audio and video presentations.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

This course explores key areas of the law and policy relating to natural resources management, each year will include a different combination of minerals, land use, biodiversity, conservation, water, fisheries and forestry. This includes examination of the common law principles, legislation and administrative controls governing natural resource management, and Indigenous natural resource jurisdiction and governance. The course will consider examples within Canada, with an emphasis on Ontario.

Evaluation: ·60%: Research paper (at least 7,000 words not including footnotes or bibliography)
· 20%: Class participation (including online participation)
· 20%: Reflection papers/presentations

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 Employment Relation; or Collective Bargaining Law

Presentation: Discussion, student presentation, lecture, guest speakers and films.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In 2017, the last year for which we have national statistics, Canadian workers' compensation boards recognized that nearly 252,000 Canadian workers suffered disabling work-related injuries and 951 died from work-related causes. While these figures under-estimate the toll that work takes on workers' lives and health, it is also probably the case that the present annual rate at which workers are killed and injured on the job is lower than in previous decades. In this seminar we will explore how occupational health and safety regulation has contributed to this improvement, but also how it still fails to all 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 worker 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, 8,000 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.

Patents

(2330.04 A) *Course*

Instructor(s): Professor I. Mgbefji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Open-book examination (100%). Students may also opt to write an optional paper, worth 40% of their overall final grade (length, topic and schedule to be determined and approved with the instructor). Final 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

Practicum: No

This course provides an introductory survey of public international law as a discipline and a political enterprise 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, humanitarianism and intervention, development and trade, and more 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 international political life to weigh the possibilities and limitations of international law in global affairs.

Evaluation: Participation (10%); three-hour closed-book examination (90%).

Real Estate Transactions

(2070.03 A) *Course*

Instructor(s): I. Speers; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Real estate represents the single greatest source of wealth for Canadians and Canadian businesses. It is complex with long standing historical roots. We will examine the agreement of purchase and sale which is the foundation of every real estate transaction, when is it enforceable, what should be in it, how it should be drafted and why, when to use conditions, promises or representations, how it is completed and what remedies are available for its breach. Other issues which will be examined include the land registration system, real estate agents duties, mortgages and other security, mortgage remedies, title insurance, Planning Act, fraud and solicitor's opinions.

Evaluation: 100% Open-book examination; 25% optional paper.

Real Estate Transactions

(2070.03 P) *Course*

Instructor(s): I. Speers; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Real estate represents the single greatest source of wealth for Canadians and Canadian businesses. It is complex with long standing historical roots. We will examine the agreement of purchase and sale which is the foundation of every real estate transaction, when is it enforceable, what should be in it, how it should be drafted and why, when to use conditions, promises or representations, how it is completed and what remedies are available for its breach. Other issues which will be examined include the land registration system, real estate agents duties, mortgages and other security, mortgage remedies, title insurance, Planning Act, fraud and solicitor's opinions.

Evaluation: 100% Open-book examination; 25% optional paper.

Real Estate Transactions

(2070.04 B) *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 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, sellers and buyers, mortgagors and mortgagees will be examined. Focus is on current legal issues, the role of the lawyer including the lawyer's legal and ethical obligations.

Evaluation: 100% Open-book examination; 50% paper option; 6,000 words.

Refugee Law

(2470.04 A) *Course*

Instructor(s): Professors S. Rehaag and A. Bhatia

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

Prerequisite Courses: None

Preferred Courses: Immigration Law; Administrative Law

Presentation: Lectures, Discussion, and Individual & Group Exercises

Upper Year Research & Writing Requirement: No

Practicum: 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 consistent and active student participation throughout the term: attendance, reading and preparing the materials in advance of class, participation in class exercises and discussion of course materials, and engagement with colleagues and guest speakers.

Evaluation: Class participation (30%), Written Assignments (40%), Final Assessment (30%).

Regulation Of Competition

(2350.03 A) Course

Instructor(s): T. Di Domenico; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures (assisted by slide decks) and in-class discussions. Since reading is light for this course, and because the process and substance of competition law differs in important ways from other areas of law with which students will be most familiar, attendance at lectures and study of the slide decks will be an important component of your success in this course.

Upper Year Research & Writing Requirement: No

Practicum: No

Governments and policy makers around the world, including in Canada, recognize that consumers and businesses prosper in a competitive and innovative marketplace. To foster competition, governments in developed countries have adopted competition or “antitrust” laws to protect open competition from actions by private (and sometimes public) sector actors that might curb or eliminate the benefits derived from the free market. The importance of fair competition and the vigorous enforcement of competition laws are some of the reasons why competition law features so prominently in the press. This course aims to provide students with a basic understanding of competition law and policy and the analytical tools necessary to assess (1) the impact of such on a firm’s behaviour and consumer well-being, and (2) how law can be applied to a firm’s conduct. Key topics considered in detail in this course are: (1) all aspects of Canada’s *Competition Act*, including its reviewable practices and criminal offences; (2) the respective roles, investigative powers and decision making powers of the Canadian Competition Bureau, the Commissioner of Competition, the Public Prosecution Service of Canada, the Competition Tribunal and the Courts; (3) mergers; (4) collusion among competitors; (5) abuse of dominance or monopolization; (6) deceptive marketing practices; and (7) private enforcement of Canada’s *Competition Act*

Why take this course?

Individuals and firms, both small and large, require advice to ensure their conduct does not violate the criminal and civil provisions of competition law, is in compliance with all regulatory requirements, and does not result in exposure to civil suits by competitors, customers and suppliers. As a result, a basic knowledge of competition law is useful to anyone whose practice will have commercial aspects.

Practitioners whose work may benefit from some knowledge of competition law include:

- Corporate and Commercial Practitioners (whether in a transactional or litigation practice) regardless of size of firm;
- Plaintiffs’ side lawyers (including tort lawyers);
- Criminal defence lawyers;
- Intellectual property lawyers;
- Lawyers who advise clients in industries subject to regulation;
- In-house lawyers who counsel business people about the legality of business plans and communications in the regular course of business; and
- Government lawyers.

Evaluation: 80% final exam and 20% class participation. Students have the option of submitting a 40% research paper, which could reduce the weight of the final exam to 40%. The optional 40% research paper would be submitted on a “no downside risk” basis, namely if the student’s grade in the final exam is higher than the student’s grade in the final paper, the final exam will be weighted at 80%.

Class participation to be assessed based on attendance and contributions to class discussion.

Regulation of the Canadian Cannabis Industry

(3592K.03 A) *Seminar*

Instructor(s): P. Olasker & R. Hall; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion, presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar focuses on the regulation of the Canadian cannabis industry. We will consider the policy considerations that have contributed to the development of the medicinal and recreational cannabis regulatory regime and examine the legal impact this regime has had and will have on industry participants and the Canadian public generally. Among the topics considered are: (i) the history and policy goals of the legalization and decriminalization of cannabis; (ii) the regulation of the industry and the market in the United States and internationally; (iii) the Canadian regulatory regime for medicinal and recreational cannabis; (iv) the regulation of edible, concentrate and topical cannabis products in Canada; (v) the provincial patchwork approach to the regulation of distribution of cannabis and the impact on the market; (vi) Indigenous communities considerations; (vii) equity and debt financing by industry participants; (viii) the regulation of branding, packaging and promotion of cannabis products; (ix) employment and workplace safety issues; and (x) the impact of legalization on international affairs, such as United States customs and border policies, international trade and compliance with international treaties.

Evaluation: Research paper 70% (7,000 words excluding footnotes or endnotes, bibliography and appendices). In-class discussions, exercises, presentations and/or reflections, all to be discussed in class, 30%.

Regulatory Offences

(3650.03 A) *Seminar*

Instructor(s): R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

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

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

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. Lastman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

Evaluation: 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): R. Cattanach and A. Wiens; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: Business Associations

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: 90% open book examination, 10% class participation with a student's option to write a paper for 25% of the grade whereupon the final exam will be 65% of the grade.

Sexuality and the Law

(3910.03 M) *Seminar*

Instructor(s): Professor H. Matthews

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Class Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

For the first time since the sexual revolution of the 1960's, mainstream public discourse is preoccupied with the question of what sorts of sex should be socially and legally promoted. In the wake of the #MeToo and #TimesUp "movement," countless powerful men have been de-platformed, publicly shamed and criminally accused of various forms of 'sexual misconduct,' ranging from forcible rape to bad date behaviour.

Today, the relationship of sex itself to the body politic is firmly on the table. In this seminar, students will be invited to examine sex as a site of politics; in other words, how and under what social and material conditions sex can be politically productive. As a site of taboo and transgression, sex inflects all areas of public life, challenging the parameters of socially valuable behaviour. What can sex tell us about the good life and how it can be achieved?

This seminar will explore the relationship between cultural shifts and legal reform, asking how we might re-frame law's traditionally conservative and restrictive approach to sexual regulation. Among other topics, we will critically evaluate current feminist policy proposals in the realm of sexual assault and sexual harassment, from both a domestic and international perspective. Students will explore global debates over sex work and sex trafficking, including the SESTA/FOSTA legislation in the U.S. and the current state of law reform with respect to prostitution-related offenses in Canada. We will examine the utility of 'consent' as an operative framework within which to adjudicate sexual assault, including in the context of global reforms to the adjudication of campus sex assault. Throughout, we will ask to what extent the theoretical framework of the 'sex panic' is a helpful tool. Using a historical lens, we will unpack the costs and benefits of using law as a technology of governance in relation to various sorts of sex, including gay and queer sex, and BDSM. Students will be encouraged to deploy queer theory and various iterations of feminist legal theory in assessing concrete policy questions.

Overall, we will be preoccupied with thinking through how progressive, rather than regressive, attitudes to sex can be fostered through social engagement with the law.

Evaluation: (1) Class Participation: Students are expected to attend all seminars, participate regularly in class discussion and complete one short in-class presentation (30%);
(2) Response Papers: Students will complete three (3) short reflection papers (1,200 words) critically responding to and analyzing class materials (30%);
(3) Critical research paper: Using the methods of analysis explored in class, students will write a research paper on a topic of their choice that engages a live policy question (3,000 words; 40%).

Statutory Interpretation

(2930.03 A) *Course*

Instructor(s): B. Kettles, G. Jenner & A. Porter; Adjunct Professors

Fall: 3 credits; 3 hours; max. enrollment: 60

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, Discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course will: (a) introduce students to statutory 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; and
7. Evidence of legislative intent.

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

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 23, 2020. Each session will be 3 hours.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar provides students with an opportunity to develop research, writing and presentation skills and to explore the social, economic and political perspectives of taxation. Tax issues are "everywhere" and each tax instrument is used for one or more purposes. The selected tax instruments examined in this seminar change from year to year, reflecting current tax issues (e.g., the carbon tax and housing taxes) as well as perennial tax issues (e.g., tax subsidies to lower-income Canadians or small businesses). The 2019-20 year will cover some tax issues featured in the forthcoming federal election.

Students are expected to read (quite a bit) in advance and be active participants in classroom discussions.

Evaluation: 15% for class participation (including attendance, presentation and contribution to discussions); 85% for a research paper (5,000 words for first year students and 7,000 words for upper year students, excluding abstract, footnotes, bibliography and/or appendix).

Tax Law and Policy Colloquium

(5330.03 M) *Seminar*

Instructor(s): S. Wilkie; Adjunct Professor

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

Prerequisite Courses: Tax Law and at least one other tax course

Preferred Courses: None

Presentation: Interested students are asked to contact Professor Wilkie to set up a supervised research paper.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This tax policy seminar is open to students who are enrolled in the "tax stream" as well as students who are interested in exploring a tax issue at a deeper level. It serves as the capstone course for the Tax Law Program. The main learning objective is to help student develop and craft a piece of writing that is expected of an entry-level lawyer in the private or public sector or of publishable quality. More specifically, the seminar is designed 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 several scheduled classes to discuss classic tax literature, topical policy issues and research methodology. Under the guidance of the instructor, students are expected to work on their chosen research project as early as possible in the term. Students may be required to present their draft paper before the end of the term.

Evaluation: Students will be evaluated on the basis of a class participation (15%, based on in-class discussions and presentations) and a research paper (85%).

Tax Lawyering

(3370.03 A) *Seminar*

Instructor(s): J. Kutyan & T. Trieu; Adjunct Professors

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

Prerequisite Courses: Taxation Law (pre or co-requisite)

Preferred Courses: None

Presentation: Group discussion of seminar materials and problems; research lab sessions; individual or team presentations

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar is open to all students, but required for those who wish to complete the Tax Law Curricular Stream 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 A. Parachin

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

Description: This course provides an introductory survey of income tax designed to provide students with some understanding of a complex and detailed statute. The course focuses on the Income Tax Act. Although the emphasis is on the Income Tax Act, cases and administrative pronouncements are also dealt with where appropriate. The primary objectives of the course are to gain an understanding of the general principles underlying the Income Tax Act and to learn how to work with a complex statute. The central focus of the course is on the taxation of individuals.

Evaluation: **Evaluation:** 100% final examination or optional 25% mid-term exam and 75% final examination.

Taxation Law

(2080.04 P) *Course*

Instructor(s): Professor J. Li

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, problems, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Taxation Law is the foundational course in the tax area and one of the highly subscribed courses in the JD program. It helps students develop the basic skills of interpreting and applying statutes (the Income Tax Act is the “biggest” statute in Canada) in order to solve problems. It also examines how tax law is used to achieve social justice (i.e. redistribution of income and providing social assistance) and promote economic development. This course is NOT about accounting or computation. Numbers are used as teaching tools only.

In the age of Twitter, learning to read the 102-year old and 1600-page Act is challenging. In order to create an engaged and productive learning environment, this course bans the use of laptops/mobile devices in the classroom (with the exception of special accommodations required by York University). In other words, this is an old-fashioned “paper and pencil” course. Printouts of slides will be available in advance. Students are expected to read in advance and think (and talk) in class.

Evaluation: Main method: - 5% for class participation (or a written memo), and 95% for final examination (3-hour, open book).

Alternative: - 5% for class participation (or a written memo), 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 the end of February 2020.

Taxation Law

(2080.04 Q) *Course*

Instructor(s): J. Frankovic, 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

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 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, Discussion, and Problem Solving

Upper Year Research & Writing Requirement: No

Practicum: No

This course examines the federal income tax treatment of Canadian-resident corporations and their shareholders. The course considers corporate tax rates on different types of income (including the small business deduction and refundable taxes on investment income), the integration system for taxing shareholders (including the tax treatment of dividends and other corporate distributions), the concept of paid-up capital, tax-deferred transfers of property to a corporation, and corporate reorganization provisions (including share-for-share exchanges, share conversions, capital reorganizations, amalgamations and liquidations).

The course explores the tax policy choices influencing Canada's corporate income tax system, and encourages an understanding of complex statutory provisions through an appreciation of the underlying policy rationales. The instructor will bring to the classroom numerous examples from his tax practice experience to illustrate how Canada's corporate tax rules apply in real-world circumstances. The course is intended to provide students pursuing business law careers with a practical understanding of foundational corporate tax principles, and is essential preparation for students pursuing further studies in taxation law.

Evaluation: Open-book examination (3 hours) worth 100% or 50% open-book examination and 50% paper (5,000 words).

Theory and Practice of Mediation

(5960.04 A) *Seminar*

Instructor(s): J.P. Bevilacqua & J. Fidler; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminars, mediation practice

Upper Year Research & Writing Requirement: No

Practicum: Yes

The mediation seminar offers students an opportunity to develop an understanding of the utility and impact of mediation within the context of contemporary civil dispute resolution in Canada. Students will gain an understanding of mediation through the weekly seminars, simulations, reflections and co-mediations at the Small Claims Court at 45 Sheppard Avenue East in Toronto and at 7755 Hurontario Street in Brampton.

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) mediation training and introduction to court-annexed mediation and mediation advocacy; ii) weekly seminars, guest lectures, and discussions and critiques of the course readings; iii) three or four supervised co-mediations at Toronto and/or Brampton Small Claims Court; and iv) a reflective research paper comprised of issues discussed in the seminar, raised in assigned readings and confronted in students' mediations.

Evaluation: Class Participation (20%); Mediation Assessment (20%); and a Research Paper (60%).

Trademarks

(2170.04 M) *Course*

Instructor(s): Professor C. Craig

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 explores the legal protection of 'trade identity' afforded by the common law and intellectual property rights over signs that indicate the source of goods or services. The course offers students the opportunity to learn about the laws that protect the logos and brands that make up such an essential feature of today's consumer culture, modern marketing practices, and the creation of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate trademark use and unfair competitive practices. This will include analysis of newly enacted statutory reforms. Topics to be examined include the common law action for passing off, the criteria for trademark registration, the basis for opposing an application or expunging a registration, trademark distinctiveness, use and infringement.

As well as familiarizing students with the substantive law in the area, the course seeks to assess trademark law from the point of view of its normative justifications and policy objectives. We will inquire into the basis of the rights protected and their appropriate limits, and examine the law in light of the various interests at stake, from the entrepreneur's interest in preventing 'free-riding' to the competitor's interest in free competition, and from the consumer's interest in avoiding confusion to the public's interest in full information and free expression.

Objectives: By the end of the course, students will be familiar with the fundamentals of Canadian trademark law, including the common law tort of passing off and the main provisions of the Trade-marks Act. Students will also be able to explain and critically assess the principles, policies and practicalities that shape this area of law.

As such, students successfully completing this course will be able to:

- Address any problem in Canadian trade-mark law relating to ownership, validity, rights, infringement and defences;
- Identify, understand and explain the key provisions of Canada's Trade-mark Act and judicial efforts to interpret and apply them;
- Recognize the main policy issues that underlie and animate trade-mark law and, in light of those issues, comment critically on case law and legislation;
- Understand and evaluate various justifications for the protection of trade-marks and other distinctive indicia, and recognize and describe the connection between these justifications and the evolution of the law.

Evaluation: Open-book examination (100%). Alternative evaluation: case commentary/discussion paper option worth 25% (no downside risk).

Transnational Corporations & Human Rights

(3590T.03 M) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar-style discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

Apple's use of child labor; Goldcorp's operations in Guatemala; the complicity of Dow Chemical/Union Carbide in the Bhopal chemical disaster; Shell's involvement in the executions of activists protesting the company's environmental and development policies in Nigeria. These are just a few examples of alleged corporate malfeasance that have emerged on the international stage.

The purpose of this seminar is to introduce students to the debate concerning the accountability of transnational corporations that are complicit in rights-violating activities. At the international level, there has been a transition from focusing solely on rights-violations committed by governments to a detailed examination of transnational corporate conduct. Indeed, it has now become trite to say that particular corporations have directly or indirectly participated in violations of human rights.

The seminar will begin with an introduction to corporate theory. Students will then explore some of the key issues in the debate. For example, whether transnational corporations can properly be included under the international law of state responsibility; mechanisms for self-regulation (e.g. voluntary corporate codes of conduct); the utility of the U.S. Alien Tort Statute and recent Canadian litigation; the advantages and disadvantages of U.N. initiatives (e.g. the work of the former U.N. Special Representative on Business and Human Rights); and the relevance of domestic corporate and securities law mechanisms (e.g. shareholder proposals and social disclosure).

The course materials are drawn from a number of sources, including documentary film; academic journals; articles in the popular and business press; reports by human rights monitoring groups; petitions filed before courts and administrative agencies; U.N. materials; and the governing documents for voluntary corporate initiatives.

Please note:

1. The use of electronic devices (including, but not limited to, laptops, tablets, and mobile phones) is not permitted.
2. Class attendance is mandatory.
3. Any non-Osgoode students enrolled in the class must adhere to Osgoode's academic rules and policies, including the course drop deadline.
4. The information above is provided for course registration purposes only and is subject to change at any time.

Evaluation: Research paper (60%)

In-class activities (e.g. leading discussions, paper presentations, general participation) (40%)

Trial Advocacy

(5270.04 A) *Seminar*

Instructor(s): J. Rosenthal & M. Grinberg; Adjunct Professors

Fall: 4 credits; 3 hours; max. enrollment: 90

Prerequisite Courses: No prerequisite, but Evidence is a co-requisite (i.e. either completed last year or enrolled in the fall term.)

Preferred Courses: None

Presentation: Lectures, readings, Student performances plus critique, demonstrations

Upper Year Research & Writing Requirement: No

Practicum: Yes

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pre-trial preparation and case analysis, opening and closing statements, examination and cross-examination of witnesses, evidence issues, expert evidence, tactical questions and ethical issues that confront the trial lawyer. Students perform simulation exercises in small groups under the critical guidance of experienced trial lawyers and Judges including video review. Students conduct 1/2 day jury trials at the Court House at 361 University Avenue, with two-student counsel acting on each side of the case. Trials are presided by Judges of either the Ontario Court of Justice or the Superior Court of Justice.

Evaluation: Class presentations, mini trials, final trials, attendance and a 5 page reflective essay that satisfies the Practicum requirement. Grade is on a credit/no credit basis.

Trusts

(2090.04 A) *Course*

Instructor(s): Professor A. Parachin

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: No

This course will provide a survey of key issues relating to trusts and trustees. The topics to be covered include: the juridical nature of the trust as a distinctive legal relationship, the reasons for which trusts are established (or come into existence by operation of law), the means by which trusts are established, the different species of trusts, including express trusts, purpose trusts, constructive trusts and resulting trusts, and issues relating to trustee duties.

Evaluation: 100% final examination or optional 25% mid-term exam and 75% final examination.

Trusts

(2090.04 M) *Course*

Instructor(s): S. Michaud; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Taxation Law

Presentation: Lecture

Upper Year Research & Writing Requirement: No

Practicum: 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, estate, property, family, securities, construction and pension law.

This course will cover the foundations of trust law: principles of fiduciary relationships, specific nature of a trust, how trusts are created or arise at law, and their variation and termination. We will examine duties and powers of trustees and how trustees are replaced. We will look at various other types of trusts: resulting trusts, constructive trusts, charitable trusts and statutory trusts. Throughout the course, we will consider possible breaches of trust and available remedies, an area of interest to future litigators. Course format will be part lecture and part interactive skills development.

By registering for this course, students acknowledge that short portions of submitted assignments may be subsequently used in class, on a "no name" basis, for review and education purposes in compliance with the Fair Dealing Guidelines for York Faculty and Staff.

Evaluation: 5% class attendance and participation

45% online assignments (3 in total, with word limit)

50% take-home final examination in first week of exam period (with word limit)

U.S. Securities Regulation in Comparative Perspective

(5620.03 M) *Seminar*

Instructor(s): L. Ritchie; Adjunct Professor

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

Prerequisite Courses: Business Associations

Preferred Courses: Securities Regulation (can be taken simultaneously)

Presentation: Lecture, discussion, problem-solving

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar will provide an overview of U.S. securities regulation, with the goal of developing students' understanding of the regulation of the U.S. capital markets from both a doctrinal and policy perspective, and understanding differences and similarities with Canadian market regulation. Particular emphasis will be put on current regulatory issues, such as regulatory initiatives introduced in light of the credit crisis in 2007-2008; the effects of the Sarbanes-Oxley reforms of 2002, and concerns about the continuing global competitiveness of the U.S. securities markets; the developing role of shareholder activism; and trends in enforcement and class action litigation. Topics to be covered include the regulation of the public offering process, exemptions from public offering requirements; primary and secondary distributions; regulation of the trading markets; on-going disclosure requirements; debates over securities class actions under Section 10(b) and Rule 10b-5 of the '34 Act; and insider trading. Reading materials will combine theory (law review articles, reports of blue-ribbon commissions) with practice (statutory materials applied to problems distributed in advance).

Evaluation: Research paper: 90% (7,000 words (not including footnotes or bibliography), class participation: 10%.