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Osgoode Syllabus of Courses and Seminars: 2021 - 2022

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OSGOODE HALL LAW SCHOOL

COURSE SYLLABUS

2021-2022

The Syllabus and timetables provide information available as of June 2021 to enable upper-year students to complete course selection for the 2021-2022 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of posting. However, Osgoode Hall Law School reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

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ACADEMIC REQUIREMENTS

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

STUDENTS 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 [Practicum 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 2017 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 [Practicum requirement](#) described on page 2;
- 5) Enrol in between 13 and 17 credit hours each term; and
- 6) 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 pages 54-58 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 clinical 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.

- Aspects of professionalism and/or practice skills related to serving Indigenous clients, which may include intercultural competency, conflict resolution, human rights and anti-racism.

Indigenous and Aboriginal Law Requirement (IALR)

All graduates of the JD program must have completed at least one course that fulfills the Indigenous and Aboriginal Law Requirement (IALR).

The courses that satisfy the IALR this year are: Indigenous Peoples & Canadian Law (4 sections; two in the Fall term and two in the Winter term), Indigenous Perspectives & Realities (Fall term seminar) and two of the Perspective Option seminars for first year students; Rights & Reconciliation and Comparative Law: Indigenous Legal Traditions.

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:
 - Indigenous law (law that stems from Indigenous communities);
 - Aboriginal law (non-Indigenous law, including Canadian law, as it pertains to Indigenous people);

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 clinical 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 clinical program designated as meeting the practicum requirement.

Prior to filing of plans of study under Rule 3.2, the Programs & Records Office shall publish a list of seminars and designated courses fulfilling the practicum requirement offered at Osgoode Hall Law School in the next academic year.

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, mooting, lawyering competitions, 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 15-credit clinical program 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 15 credit clinical 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.

Methods of Instruction for 2021/2022

According to the University’s facilitation of public health directives, instruction in the Fall 2021 term will be mostly remote, albeit with added options for in-person meetings at the instructor’s discretion.

Courses and seminars delivered by instructors who have expressed a preference for or willingness to teach in-person have been identified as such in the course or seminar description in this Syllabus.

Importantly, the upper-year timetable will include two blocks of time reserved exclusively

for optional in-person meetings at instructors' discretion. These blocks are:

- **Wednesday, 1:30pm to 3:30pm**
- **Fridays, 1:30pm to 5:30pm.**

All upper year students should keep their schedules free during these blocks as their instructors may choose to schedule optional in-person meetings during these blocks. Such in-person meetings, if they cover examinable course content, will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. That is, the in-person meetings will be optional both for instructors and for students until the general return to in-person teaching that is expected for the Winter 2022 term.

Instructors have been afforded the option to book space in the above blocks of time, and potentially at other times in the schedule, for in-person meetings.

For students who choose not to attend in-person meetings, the instructor will advise as to the means for them to cover the course material (e.g. in a separate remote session, by live dual delivery, and/ or by recordings of in-person classes). We are conscious of the need to ensure students have a meaningful learning experience whether they participate in-person or remotely.

Instructors have been given discretion to design their remotely delivered courses in ways that facilitate the learning experience without adding to student workload overall. While some courses are described as having a mix of synchronous (i.e. where instructor and student are engaged in teaching/ learning at the same time) and asynchronous teaching, all instructors have flexibility in adopting such a mix until their course outline is finalized. Students can adjust their course or seminar selections in the regular drop/ add period.

All instructors are expected to deliver at least 10 hours of synchronous instruction, remote or in-person, over the course of the term in their course or seminar. Most will have substantially more than that.

To support both remote and in-person instruction, several upper year courses have additional sections allowing for the maximum enrollment per section to be lowered. This step has been taken, where possible, to respond to the unique learning and teaching demands of the pandemic.

The University, including Osgoode, is expecting a full return to in-person instruction in the winter 2022 term.

Methods of instruction in the Fall 2021 and Winter 2022 terms remain subject to change depending on the University's facilitation of public health directives.

In the case of clinical programs, the program director will communicate with enrolled students over the summer about scheduling, in-person attendance, and other issues. Methods of instruction in both the Fall 2021 and Winter 2022 terms remain subject to change depending on the University's facilitation of public health directives.

In-Person Instruction

Fall 2021 term: The only fall term course expected to have mandatory in-person instruction is Trial Advocacy. All other courses in the fall term are expected to be delivered primarily remotely, with optional opportunities to attend some classes in some courses in person.

Winter 2022 term: At this time, York University is planning for a full return to our campus for the winter term.

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 previously been in high demand, however, 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 with another course. Exam deferrals will not be 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 Clinical 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 called, "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 enrolled first.

Assigning Priorities

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

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

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

Students who have accepted a spot in a clinical program do not need to prioritize the intensive courses since they will be automatically enrolled in that program. However, pre-requisites for clinical 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 2021 -2022 online through the Law Select website from June 28th to July 7th, 11 am. The Law Select website will be available 24 hours a day. Students may change their course preferences as much as they like until the deadline. At that time, the study plan is final and will be entered into the Law Select course lottery program. The Programs & Records Office will inform students of their course enrolments in mid-July. The course enrolments from Law Select are automatically entered into the main university enrolment system by the Programs & Records Office.

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 30th. 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 access REM from Wednesday, July 21st until Monday, September 13th to amend their fall or winter 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 13th, and then reopens on January 5, 2022 until January 18, 2022.

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. Note that some forms require the approval of the Assistant Dean, Students and/or faculty.

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 for the Fall term and by the end of the add/drop period in January for the Winter term. Note: the due date for research papers is the first day of the examination period for the term in which the paper is registered. Research Papers are to be submitted electronically to the online drop box.

More Than Two Seminars Approval Form

Students requesting permission to enrol in more than two seminars in one term 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 (email student_services@osgoode.yorku.ca) is open to all students requiring assistance with 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 full-time faculty members, during their second and third years. Research papers will normally carry a credit value of three credit hours, but the Assistant Dean, Students or Associate Dean (Students) may, in the appropriate case, grant permission for a student to pursue a research paper that carries a credit value of two or four credit hours. Students who are interested in undertaking a 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 F. Bhabha, Program Director

Each year competitive mooting brings together students from law schools across Canada and around the world to hone their advocacy and dispute resolution skills in simulated domestic and international courts, tribunals and other settings. Osgoode has one of the most

comprehensive and successful mooting programs of any law school in Canada. Consistent with Osgoode's commitment to experiential education, the mooting program offers simulated experience in a variety of types of lawyering, from appellate court work to trial advocacy, arbitration, mediation, negotiation and client counselling. These skills competitions cover a wide range of subjects, including 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 develop 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 Lawyers' Association Cup trial advocacy competitions (selected via the Trial Advocacy seminar)
- The 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. Bhabha

Members of the Corporate/Securities, Bowman Tax, Fox IP, Jessup, Gale, Laskin, Diversity, Vis International Commercial Arbitration Moot, Immigration and Refugee Law Moot, 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, and guest appearances by skilled advocates. 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 research, writing, editing and oral skills; and prepare for performance. 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 C. Craig, 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. Boisselle & A. Smith, 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; the recruitment and mentoring of junior editors, and the administration of the journal. Editorial meetings are usually held every other week throughout the fall and winter semesters and senior editors take the lead in facilitating the discussion of submissions. For 2021-22 it is anticipated that editorial and other meetings will be held remotely. Senior editors are also required to prepare a short piece of writing on a topic that is consistent with the mandate of the Journal and approved in advance by the Editors-in-Chief.

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:

- a. The course (or a similar course) was not taken as part of the student's pre-law program;
- b. The courses or seminars are integral to the development of a plan of study.
- c. The course is not being taken for credit towards another degree;
- d. 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 Faculty of Law courses offered through this reciprocal agreement. 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 requests, 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, details about 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 program of study 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: 2021-2022

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 2021/2022 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 concentration 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.
- The suggested subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

ABORIGINAL LAW

Level One:

- Property Law
- Public & Constitutional Law

Level Two:

- Comparative Law: Indigenous Legal Traditions (Year 1)
- Indigenous Peoples and Canadian Law
- Indigenous Perspectives and Realities
- Natural Resources Law
- Rights and Reconciliation: Indigenous Peoples and the Law (Year 1)

Level Three:

- Intensive Program in Indigenous 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: Assessing Risk in Commercial Litigation
- International Business Transactions
- Regulation of Competition
- U.S. Securities Regulation in Comparative Perspective

Level Three:

- Case Studies in Business Enterprises
- Directed Reading: Osgoode Venture Capital Program
- 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 & ADMINISTRATIVE LAW

Level One:

- Administrative Law
- Public & Constitutional Law

Level Two:

- Constitutional Litigation
- Disability and the Law
- Indigenous Peoples and Canadian Law
- Legal Values: Law in the Time of Catastrophe
- Statutory Interpretation

Level Three:

- Anti-Discrimination Intensive Program
- CLASP Intensive
- Criminal Law Intensive
- Disability Intensive Program
- Intensive Program in Indigenous Lands, Resources and Governments

- Intensive Program in Poverty Law at Parkdale Community Legal Services

CONTRACTS AND COMMERCIAL LAW

Level One:

- Contracts

Level Two:

- Administration of Civil Justice: Assessing Risk in Commercial Litigation
- Advanced Torts
- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Contracts II
- International Business Transactions
- Legal Drafting
- Legal Values: Theoretical Foundations of Contract Law
- Restitution
- Statutory Interpretation

Level Three:

- Case Studies in Business Enterprises
- 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

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

Level Three:

- Administration of Criminal Justice: Sentencing
- Legal Values: Advanced Criminal Law (Race and Racism)
- International Dispute Resolution: Advocacy in the International Criminal Court
- Law of War
- Regulatory Offences
- Trial Advocacy

Level Four:

- Criminal Law Intensive
- Innocence Project

DISPUTE RESOLUTION

Level One:

- Legal Process I and II

Level Two:

- Civil Procedure II
- Dispute Settlement
- International Dispute Resolution: International Commercial Arbitration
- Lawyer as Negotiator
- 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:

- Land Use Planning (alternate years FEUC and Osgoode)
- Legal Values: International Environmental Law
- Legal Values: Law in the Time of Catastrophe
- Natural Resources 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
- Property Law

Level Two:

- Business Associations
- Conflict of Laws
- Dispute Settlement
- Estate Planning
- Estates
- Family Law I
- Global Justice and International Taxation (Year 1 only)
- Health Law
- Immigration
- Lawyer as Negotiator
- Refugee Law
- Taxation Law
- Trusts

Level Three:

- Administration of Justice: Estate Litigation
- Children and the Law: Child Protection
- Feminist Advocacy: Ending Violence Against Women Clinical Program

Level Four:

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

HEALTH LAW

Level One:

- Health Law
- Environmental Law
- Patents

Level Two:

- Disability and the Law
- Law and Psychiatry

Level Three:

- Disability Intensive Program

HUMAN RIGHTS LAW

Level One:

- Immigration Law
- Refugee Law

Level Two:

- Class Actions
- Constitutional Litigation
- Disability and the Law
- International Human Rights
- Law and Poverty (Year One)
- Law and Psychiatry
- Law and Religion
- Law and Social Change: Critical Race Theory

- Legal Values: Access to Justice
- Legal Values: Advanced Criminal Law (Race and Racism)
- Legal Values: Diversity and the Corporation
- Legal Values: Equality
- Legal Values: Prison 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 Indigenous Lands, Resources and Government
- Intensive Program in Immigration and Refugee Law (alternating years)
- 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:

- Directed Reading: IP Innovation Program
- Entertainment and Sports Law
- International Aspects of Intellectual Property
- Legal Values: Commercializing Intellectual Property

- Legal Values: Copyright Policy in the Making
- Legal Values: Litigating IP Cases

Level Three:

- Intellectual Property and Technology Intensive Program

LABOUR LAW

Level One:

- Property Law
- Public & Constitutional Law
- Collective Bargaining Law
- Immigration
- Individual Employment Relationship
- Labour and Employment Law

Level Two:

- Comparative Law: International and Comparative Labour 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
- Legal Ethics
- Legal Values: Law, Ethics and Social Media (Year 1)
- Legal Values: Law in the Time of Catastrophe

NATURAL RESOURCES AND THE LAW

Level One:

- Environmental Law
- Indigenous Peoples and Canadian Law
- Municipal Law (alternate years – offered in 2021-2022)

Level Two:

- Land Use Planning (alternate years FES and Osgoode)
- Legal Values: Law in the Time of Catastrophe
- Natural Resources Law

Level Three:

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

PROPERTY LAW

Level One:

- Property Law

Level Two:

- Estate Planning
- Estates
- Legal Values: Wealth, Death and the Lawyer (Year 1)
- Municipal Law (alternate years – not in 2020-2021)
- Real Estate Transactions
- Trusts

Level Three:

- Administration of Civil Justice: Estate Litigation
- Land Development
- Land Use Planning (alternate years FEUC and Osgoode)

REGULATORY LAW

Level One:

- Public & Constitutional Law

- Administrative Law

Level Two:

- Bankruptcy and Insolvency
- Collective Bargaining Law
- Conflict of Laws
- Emerging Technologies: Law, Policy and Governance
- Environmental Law
- Foreign, Comparative and International Legal Research
- Health Law
- Immigration
- Insurance Law
- Intensive Legal Research and Writing
- International Trade Regulation
- Land Development
- Land Use Planning (alternate years FEUC and Osgoode)
- Labour and Employment Law
- Legal Drafting
- Legal Values: Copyright Policy in the Making
- Legal Values: Regulation of the Canadian Cannabis Industry
- Municipal Law (Alternate years – offered in 2021-2022)
- Occupational Health and Safety
- Refugee Law
- Regulation of Competition
- Securities Regulation
- Statutory Interpretation
- U.S. Securities Regulation in Comparative Perspective

SOCIAL JUSTICE, EQUALITY AND THE LAW

Level One:

- Collective Bargaining Law
- Environmental Law
- Family Law I

- Immigration Law
- Indigenous Peoples and Canadian Law
- Labour and Employment Law
- Law and Religion
- Law and Social Change: Critical Race Theory
- Legal Ethics
- Legal Values: Access to Justice
- Legal Values: Equality
- Legal Values: Law in the #Me-Too Era
- Refugee Law

Level Two:

- Legal Values: Prison Law

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 Indigenous 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 of Social and Economic Policy
- Tax Lawyering
- Taxation of Business Enterprises
- Taxation of Corporate Transactions

Level Three:

- Tax Law and Policy Colloquium

TECHNOLOGY AND THE LAW

Level One:

Level Two:

- Emerging Technologies: Law, Policy and Governance
- Legal Values: Law, Ethics and Social Media (Year 1)
- Legal Values: Social Media and Terrorism (Year 1)

TRANSNATIONAL LAW

Level One:

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

Level Two:

- Conflict of Laws
- Foreign, Comparative and International Legal Research
- Immigration
- International Aspects of Intellectual Property
- International Criminal Law
- International Dispute Resolution: International Commercial Arbitration
- International Investment Law
- International Trade Regulation
- Law of War
- Legal Values: Social Media and Terrorism (Year 1)
- Legal Values: The U.N, Governance and State Building
- Refugee Law

Level Three:

- Exchange Programs with Foreign Universities
- International Business Transactions
- International Taxation

- Summer Abroad Programs
- Transnational Corporations and Human Rights

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 study 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 study 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 term 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”)

Convenor: Professor I. Mgbeoji

Scene-setting:

The world is changing rapidly and, with it, the nature of both the governance and the practice of law. For almost two decades, Osgoode,

along with several other of the world’s leading law schools, has led the way in ‘globalizing’ and ‘transnationalizing’ its curriculum in response to these changes. For example, Osgoode has played both a founder’s 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 has pioneered an LLM in International Business Law, which attracts students from around the globe.

The JD benefits from a wide range of curriculum offerings available to all students as well as 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 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 (e.g.: not only ITLIP but also, for example, Indigenous Lands, Resources and Governments), mootings on ICT topics (such as the Jessup International Law, Vis International Arbitration or ICC moots), the post-graduation Teach-in-China Program;
- events organized by the Nathanson Centre on Transnational Human Rights, Law and Security, including seminar series, and a host of annual global affairs lectures (such as the Genest lectures and the Or' Emet) put on by Osgoode as a whole.

Students participating in Osgoode's ICT Program benefit from a unique opportunity to learn with a top-flight 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;
- 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 second term of third year, take the ICT Program's capstone course, the ICT Colloquium (or, exceptionally, take it in second year at the discretion of the ICT Convenor, if a student has [a] already taken two pillar courses in first term of second year along with at least one ICT-designated optional course and [b] intends to apply for ITLIP for second term of their third year); 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 "experiential" activity that has a predominant ICT 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.

Optional Credit Courses for 2021-22:

The following is a list of courses that the law school has tentatively listed as on offer in 2021-22, and which the ICT Convenor has determined satisfy the ICT Program parameters to count for ICT optional credits. Note that the list is not exhaustive and that courses may be added; where a course is not on the list but seems to be “ICT” in nature, contact the ICT Convenor to see if s/he will count it. Finally, note that, as Globalization and the Law is assumed as the Perspective Option that ICT Program students will take, any course in this list that is first-year Perspective Options is only relevant if it is also open to upper years.

Fall term:

- Conflict of Laws
- Foreign, Comparative & International Legal Research
- Immigration Law
- Indigenous Peoples and the Law
- International Aspects of Intellectual Property
- International Business Transactions
- International Human Rights
- International Investment Law
- Legal Values: Law in a Time of Catastrophe
- Public International Law
- Refugee Law
- Transnational Corporations and Human Rights

Winter term:

- Comparative Law: International & Comparative Labour Law
- Indigenous Perspectives & Realities
- International Criminal Law

- International Dispute Resolution: International Commercial Arbitration
- International Taxation
- International Human Rights Law
- International Trade Regulation
- Law of War
- Refugee Law
- U.S. Securities Regulation in Comparative Perspective
- Legal Values: The U.N, Governance & State Building

Note that normally Law & Social Change: Community Action Across Borders is a course in fall term and follows on from an International Legal Partnership (ILP) volunteer placement in the summer. Because there are no ILP placements in summer 2021 due to COVID-19, Law & Social Change: Community Action Across Borders is not being offered in fall term of 2021-22.

Note further that Public International Law and Conflict of Laws are on the list even though they are pillar courses. This is because, should Comparative Law be offered in a future year, and a student takes all three of these courses by the end of their degree, then one of them can be designated as satisfying optional credits.

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 ICT Colloquium may be taken in second term of second year on the two conditions noted above. By way of further examples, the Convenor may,

and generally will, allow for a student to do one of the pillar courses in third year instead of in second year or allow for post-graduation participation in the Teach-in-China Program to count as an ICT “experiential” opportunity.

Globalization and the Law

Presumptive registration for ICT Program:

When a student enrolls in Globalization and the Law as a first-year Perspective Option, that will be taken as a presumptive intention to pursue the ICT Program. This presumption is for purposes of the law school administration and ICT Convenor keeping track of students who are eligible to graduate with an ICT Program distinction. To be clear, taking Globalization and the Law does not bind a student to pursue the ICT Program.

Outside of first year: Generally speaking, it is assumed that a student interested in the ICT Program will have made that determination by the time of balloting for Perspective Options and, in that way, to have picked Globalization and the Law as their Perspective Option. Globalization and the Law can, exceptionally, be taken in second year. However, this is at the discretion of the ICT Convenor and the main reason for exercising the discretion would be a demonstration that the student balloted for Globalization and the Law as their first choice in first year and but did not get into the class (due to capping of numbers).

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.

Experiential

The “experiential” requirement must be predominantly of an ICT nature. It can overlap with receiving Osgoode credits (e.g. Jessup Moot, ITLIP placement, exchange at a law program outside Canada or outside the common law, etc.) or it can be separate from credits (e.g. a summer internship, notably through International Legal Partnerships). In general, experiential education includes (but is not limited to) these opportunities listed by Osgoode, as long as they have the requisite ICT dimension.

If you plan to use OPIR and/or PBSC experience to satisfy the ICT Program experiential requirement, you must ensure that a meaningful amount of time is spent. Generally, you should not have devoted less than 60 hours over the three years (i.e. 1.5 times the OPIR requirement) to ICT-related experience.

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.

Option to take Third Pillar Course and Caveat on Comparative Law Availability

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

Note that Comparative Law is frequently not offered, such that, in practice, graduation from the ICT Program requires taking Public International Law and Conflict of Laws. Note, further, that courses that begin “Comparative Law:...” are specialized courses that can count for the 13 optional questions but cannot be substituted for a general Comparative Law course.

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. The ILP placement satisfies the ICT Program experiential requirement while the Law & Social Change: Community Action Across Borders can be counted towards the 13 optional credits.

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 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. Students must take the initiative to contact the ICT Convenor well in advance of course selection period in order to have the ICT Convenor make the determination of whether a course already taken (or that the student will be taking) on exchange can substitute for a given 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 optional credits may be accorded for any given course or program. Thus, the Intensive programs like Immigration and Refugee Law; Indigenous 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.

Research & Writing Requirements – Osgoode and ITLIP

As well as a number of the ICT optional courses and seminars, the ICT Colloquium paper will satisfy Osgoode’s major-paper upper-year research and writing requirement.

As for the ICT Program 3-credit research-work requirement, this must be satisfied within the

13 optional credits, such that papers done in the foundations course, the pillar course, and/or the capstone course do not count towards it. Note further that research-paper work must itself total 3 credits, such that, in a 3-credit seminar, if you do a 100% paper, then that counts towards all 3 ITLIP research-work credits, but, if you do a paper worth 70%, that counts for only 2 credits – and you will still need to find at least 1 credit of research work in another of the optional-credit courses.

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.

On MyOsgoode, ICT Program students can download a form called “ICT Stream – Elements Completion Form – for Student Record Keeping.” That form should be used to record the completion of program elements as they occur; the form is then to be submitted in the final term of the final year (after the drop-add period has ended) to the ICT Convenor, following the instructions in the form.

Labour and Employment Law Program (“LELP Program”)

Convenor – Professor E. Tucker (Fall) and Professor S. Slinn (Winter)

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:

- a) Two of the following courses: Labour and Employment Law, Collective Bargaining Law and Individual Employment Relationship.
- b) Two of the following seminars: Labour Arbitration, Occupational Health and Safety Regulation, Comparative and International Labour Law, Advanced Labour Law, or another seminar approved by the Convenor.

- c) The LELP capstone course: Labour and Employment Law and Policy Colloquium.
- d) 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.
- e) 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, Constitutional Litigation, or other course approved by the Convenor.
- f) 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 J. Walker

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 I and II courses, and it goes on to ensure that each graduating student has benefited from the basic learning necessary to thrive in a career in dispute resolution. In addition, the program extends beyond private law litigation and dispute resolution to public law dispute resolution, including advocacy in the criminal law and administrative law contexts; and it extends to related subjects in the fields of professional responsibility and the operation of the justice system.

To receive the LDA accreditation, students must:

- 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 Ethics (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.

- LW 3370.03 (Tax Lawyering)
- LW 2080.04 (Tax Law)
- LW 4100.04 (Taxation of Business Enterprises)
- Three credits from either LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy), LW 5220.03 (Taxation Policy)
- 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 d cannot be used to satisfy this requirement.

- LW 5210.03 (Taxation of Corporate Transactions)
- LW 5110.03 (Estate Planning)
- LW 3006.03 (Tax Law as an Instrument of Economic & Social Policy)
- LW 4150.40 (International Tax)
- LW 5220.03 (Taxation Policy)
- LW 6022.02 and LW 6020.03 (Appellate Advocacy Workshop and a Tax Law moot)
- Tax Colloquium.
- Trusts (taught by Prof. Adam Parachin) (worth 1 tax credit)
- 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, Rob Murphy 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 online using the WebEx platform.

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

2021. ABLW II - Mergers & Acquisitions will be offered in January 2022.

Advanced Business Law Workshop II

Mergers & Acquisitions (LW 7190.05)

Directors: P. Olasker & A. Atkinson, Adjunct Professors

Pre-requisite Courses: Business Associations and Securities Regulation. Securities Regulation may be taken concurrently with special permission. Students may apply to take one or both Advanced Business Law Workshops; neither course is a pre-requisite for the other. ABLW I - Corporate Finance will be offered in September 2021. ABLW II - Mergers & Acquisitions will be offered in January 2022. Taxation Law would be helpful, but not essential.

Description of Workshop: 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, Aaron Atkinson and other lawyers at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on public company M&A 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.

The workshop will involve one three-hour session per week at the offices of Davies Ward Phillips & Vineberg LLP and one weekend day in mid-March.

Note: This seminar may be prioritized for mandatory in-person instruction in the event that such instruction is consistent with the University's facilitation of public health directives. Any such in-person instruction would take place at the regularly scheduled time of the seminar. If you enroll in the seminar and plan to attend in-person, you should ensure a sufficient period of time before and after the seminar to travel home (or to another location) where you can engage in remote instruction for any other course or seminar in which you enroll.

Evaluation: Evaluation will be based on three assignments, including the preparation of a memorandum advising a client with respect to 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, as well as class participation. Given the workshop nature of this course, attendance is critical. The workshop has no major research paper or exam.

Credits: Students will receive five credits over one semester. ABLW II satisfies the Praxicum requirement.

Selection Criteria: ABLW II accepts 16 students. Demonstrated academic performance based on law school grades to date will be an important selection factor.

Anti-Discrimination Intensive Program

(LW 7900.10, 7910.02, 7920.03)

Director: Professor S. Lawrence

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 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 Practicum 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; Shannon Sproule Review Counsel; Ricardo Golec, Review Counsel; Scarlet Smith, Review Counsel; Subodh Bharati, Review Counsel; Amy de Nobriga, Community Outreach Counselor; M. MacGregor, Adjunct Professor

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. In response to

covid-19, until further notice CLASP will be altering its service delivery to provide services remotely.

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.

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

CLASP's service provision model relies on 20 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, and pursue law reform, PLE and community development projects in the clinic's divisions (Administrative, Criminal 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 and provides the student with an opportunity to critically reflect upon their clinical experiences, the law, the legal system, and their roles and identities as legal advocates. Each week a different topic will be explored. The topics will provide an overview of critical perspectives on social justice, law, the legal system, and the legal processes that impact on the clients. 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 benefits and services. The seminar will also examine the role of governmental policies and

the intersectionality of disability and poverty which impacts on the issues outlined above. In addition, we will explore and evaluate the methods of lawyering to which students are exposed while at ARCH. 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

LW 7550.04, 7551.03 (Fall) & LW 7550.05, 7552.03 (Winter)

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, housing, 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. 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 on their own.

For 2021, the program may be modified as needed to account for any ongoing physical distancing requirements related to COVID-19. This will entail a mix of virtual clinic meetings and individual consultations, remote group work, recorded instruction, and independent research and preparation. The possibility of in-person meetings, where possible, will be explored and confirmed at the start of the Fall 2021.

Program Components

Clinical work (9 credits, ungraded), seminar (6 credits, graded: 3 credits Fall and 3 credits Winter).

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 practicum 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

6 credits (graded), LW 7551.03 & 7552.03

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 twelve times throughout the year: weekly in the first month of the Fall term and eight 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 final sessions are devoted to collective reflection on theory and practice. The intervening Seminar meetings are devoted to special topics in environmental justice and sustainability, work on common clinic projects, 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.

Students will participate in organizing sessions related to the common clinic work, inviting or interviewing guest speakers, and facilitating discussion. Each student must also prepare a blog post about their work on the common clinic project. 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).

Students are required to contribute work towards one of three "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 the research component of their seminar grade. 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, but also to identify a distinct legal question, or theoretical angle on the file to contribute research and writing on for the research portion of their seminar grade. The final research product may consist of a legal memorandum, research report, draft submission, public legal education materials, or another output approved by the clinic Director(s).

Students submit a research proposal (2-3 pages), on which they receive formative feedback. 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.

The breakdown of the Seminar grade is: 20% participation, 20% blog post, 20% facilitation of the common clinic workshop, and 40% final research product.

The credits for the Seminar are awarded upon completion of the program (until then they appear as "in progress" on transcripts). The final research product may qualify for the Upper Year Writing Requirement provided that it is written by one student and is at 7000 words in length. Other forms of research products 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

Around the globe, countries have reported significant increases in gendered-based violence as a result of COVID-19. The pandemic has made more visible the reality that for many, the home is not a safe place. Indeed, some have labelled the increase in gender-based violence the “shadow pandemic.” In this context the need for safe access to legal, counselling, and interpretation services is acute.

Students participating in the Feminist Advocacy: Ending Violence Against Women clinical program will spend approximately 8-9 hours/week throughout the year working with our partner, the Barbra Schlifer Commemorative Clinic, assisting Clinic staff in

the delivery of legal services to women-identified survivors of gender-based violence and on various systemic advocacy projects. Currently, in most instances services to women are being delivered remotely, and this presents its own challenges given both the digital divide and the use by abusers of various technologies to monitor and surveil their intimate partners. For students in the program this means that a key part of your learning will be how to safely deliver remote services to survivors.

While in-person attendance at the Clinic will ultimately be determined based on public health and York University directives in place during the academic year, at this juncture we are anticipating that some number of students may be able to be physically present at the Clinic on a limited basis in the fall term, and we are hopeful that by the winter semester, a greater degree of in-person attendance at the Clinic will be possible.

To prepare students for their Clinic work there will be 6-8 hours of intensive orientation workshops held early in the Fall. We anticipate that the orientation – which will include an opportunity to meet Clinic staff and for students to get to know each other – will be delivered, for the most part, remotely.

The program also includes “site visits” (approximately 6 hours/semester), as well as “case rounds” (approximately 4 hours/term) that are designed to deepen the connections between theory and practice. The visits and rounds will usually be 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 terms. We anticipate that at least for the Fall term, the seminar will usually meet remotely, in real time, with various clinic staff

and other guests joining our discussions. In the event that actual site visits to observe court proceedings are not possible, as we are hoping to again this year hold online meetings with one or more judges, including those who sit in the Integrated Domestic Violence Court.

Students participating in the Program will be integrated into the work of the Clinic, and while the precise contours of the work will vary from student-to-student, it will include a combination of legal intake shifts, follow-up legal support to clients, work on case files in family and immigration law, and assisting with the Clinic's systemic advocacy projects. 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. A particular area of focus this year will be the mechanisms through which the pandemic has resulted in increases in gender-based violence, the ways in which law (family, criminal, child welfare) has responded, and how best to ensure women's safe access to legal and other supports. 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 term. 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 Professors B. Sodhi and L. Johnson

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

Director: Professor D. Vaver

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

Program Outline

The IP Intensive provides students with training in intellectual property law (patents, trademarks, copyright, industrial designs, trade secrets, etc.), technology, computer and Internet law, privacy and other areas. The first

two weeks of classes feature workshops and lectures from prominent members of the IP community. These classes cover a range of topics aimed at teaching students the fundamental aspects of substantive and procedural law applied in the day-to-day practice of IP law. The classes will be delivered online via Zoom or other similar platform with mandatory audio and video participation for IP intensive students. Students are expected to participate in a variety of IP Osgoode events and projects as coordinated by the Director of the program.

A key component of this clinical program is a 10-week internship with a government agency, industry (eg. a high-technology company), or a public interest or other organization that is heavily involved with IP matters (e.g. a copyright collective society). Participation in the internship will be remote, although in some instances and where it is consistent with public health guidelines in-person attendance at the placement site may be possible.

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 is comprised of the following components:

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

3 credits/letter graded: Online 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 (video and audio presence required)– 20% of final mark.

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

The Program Director will also prepare a written evaluation report for each student on 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 term's work (15 credits).

Program Outline

Students write one paper on a topic approved by the Directors within the fields of criminal law, criminal procedure, evidence and/or the

administration of criminal justice. In addition, students will prepare a written factum on a criminal law motion or appeal. 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 Defense 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.
- Attending the Centre of Forensic Sciences and the Coroner's Office to receive instruction in scientific evidence and pathology.
- 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 written assignments 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. The Factum is due on the first 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 Practicum 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 2021/2022

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

The Program exposes students to a challenging series of clinical placements, hands-on simulations, seminars and supervised research work that reflect on contemporary issues of international migration. The Program seminars discuss both theoretical and practical aspects of migration and migration regulation. From a theoretical perspective, they explore various theories of community membership; factors that influence formation of migration flows and state responses them; approaches to migration regulation and refugee protection in the context of globalization and humanitarianism. In addition, the seminars examine in detail selected topics of Canadian immigration and refugee law deepening the students' understanding of the application processes,

relevant statutory interpretation, case law and other issues.

Learning Objectives

The Program seeks to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

The program seeks to enhance your ability:

- To recognize and appreciate the complexity of immigration and refugee issues
- To situate immigration/refugee law and relevant legal institutions in their historical, social, economic, political, philosophical, moral and cultural context
- To be aware of the evolving nature of the law
- To use the techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues
- To conduct independent legal research and to identify areas of law in need of reform
- To effectively formulate and present legal arguments both orally and in writing in different contexts
- To understand the role of a lawyer and the importance of ethics, professionalism, and integrity
- To understand the limits to your own knowledge and how this might influence your analyses and interpretations of the law
- To conduct self-reflection and to identify and address your own learning needs in changing circumstances

Required course materials:

- 1) Immigration and Refugee Protection Act

- 2) Immigration and Refugee Protection Regulations
- 3) Readings posted on the course website

a. Credits

15 credits are allocated in the following way:

- (1) 7320.03 (3 credits, graded)
 - Research paper (approx. 7,000 words, excluding references) (100%)
- (2) 7330.04 (4 credits, pass/fail)
 - Placement
 - Presentation on placement experience
- (3) 7310.04 Advanced Immigration Law (4 credits, graded)
 - Participation – 30% (for weeks 1-3) (includes participation in class discussions via zoom, short written reflections on assigned readings, collaborative exercises, short research memos)
 - Research paper proposal – 15%
 - Presentation of paper proposal – 15%
 - Sample of work completed during the placement or an H&C assignment – 40%
- (4) 7300.04 Advanced Refugee Law (4 credits, graded)
 - Participation – 30% (for weeks 4-5) (includes participation in class discussions via zoom, short written reflections on assigned readings, collaborative exercises, short research memos)
 - Mock refugee hearing – 40%
 - Placement journal – 30%

4 credits for the placement are assigned on a pass/fail basis. All other components of the evaluation (advanced immigration law, advanced refugee law and research paper) are assigned letter grades.

The research paper satisfied the Upper Year Research and Writing Requirement

(UYRWR) and the placement satisfies the Praxicum Requirement.

Withdrawal from the Program – only with permission of the Director of Clinical Education and the Associate Dean.

b. Prerequisite Courses

- 1) Immigration Law
- 2) Refugee Law
- 3) Administrative Law (recommended, but not required)

c. Presentation

- f) A combination of seminars, guest lectures, presentations, hearing simulations and external placements. Seminars, guest lectures, presentations and hearing simulations will be conducted via zoom or other online platforms. Placements may include both remote and in-the-office work (details will be confirmed in the coming few months).
- g) Supervision by course director in association with external supervisors (during placements) in partner organizations.
- h) Attendance of all components of the Program is mandatory

3. Program Content and Structure

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

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

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

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

Intensive Program in Indigenous Lands, Resources and Governments

LW 7500.09, LW 7510.03, LW 7520.03

Directors: Professors J. Hewitt & A. Bhatia

The Program

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

Application process: Osgoode students must apply through the general selection process for Clinics and Intensives held in January and February every year. Students from other Canadian law schools may then also apply in

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 Indigenous Lands, Resources and Governments satisfies Osgoode's Practicum 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 Fay Faraday

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 1,600 members of the legal profession, including practicing 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 in which they work
- 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, staff lawyers, community legal workers, and 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 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 participate in an introductory Skills Training Program (STP) during the opening 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 term 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 term.

Shadowing and File Transfer

Incoming and outgoing students, at the beginning and ending of their respective term, are required to work together to facilitate file transfer and to allow incoming students to learn from outgoing students. 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.

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 organizing 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 expected 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.

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 Nadia Azizi in the Office of Experiential Education. 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. The Clinic hires 12-16 new students who will be entering the academic program in the next academic year (half of these being students who are coming in the Fall, and half those coming to the Clinic in the Winter); four to eight positions are reserved for students who have already completed the

Program. This is done to provide a measure of continuity for client files as well as to ensure that there will always be a core of experienced students at the Clinic who are able to assist the new students.

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

Investor Protection Clinic (IPC)

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

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

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

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

- 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
- 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

Director: Professor C. Scott

Preliminary note on the impact of COVID-19:

With respect to 2021-22 program, details must be read against the backdrop of some remaining uncertainty regarding the specific impact COVID-19 might have on the International and Transnational Law Intensive Program (ITLIP). Especially since a large percentage of ITLIP placements are outside of Canada and almost all are outside of Toronto, measures that a given country, province, city or partner institution decides it must take could impact on how a placement proceeds. In 2020-21, all interns did remote placements except for one (in Halifax, due to how well Nova Scotia was dealing with the pandemic).

However, due to the roll-out of vaccines and projected permission for York students to travel outside Canada by winter term of 2021-22, it is quite likely that all or most placements will be

in-person. There may also be an internship or two specifically designed as remote (e.g. quite likely the one with Koe Koe Tech, a Myanmar social enterprise and NGO that has had to relocate due to the coup and human right abuses there). All that said, if there are subsequent waves of COVID-19 here or in partner locations (or if future variants start to prove vaccine-resistant), it is possible that adjustments or adaptations may need to be made on an individualized basis to one or more placements. In that regard, we must keep in mind that, amongst all the other inequalities laid bare by this pandemic, delayed vaccination for many parts of the world will remain a reality well into 2023. This could yet affect placement possibilities with UNICEF and with the Arusha, Tanzania, branch of the International Residual Mechanism for Criminal Tribunals.

Notwithstanding the above comment on prolonged struggles against COVID-19 lasting at least until 2023 in some parts of the world, it is very likely that ITLIP will be able to operate entirely or mostly free of COVID-19 concerns for the 2022-2023 year.

Overview:

Open to upper year JD students, the International and Transnational Law Intensive Program (ITLIP) is offered in the Winter term each academic year. 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. ITLIP is a full-term program (15 credits) and consists of three closely integrated parts, each its own course on the student's final transcript:

(1) (graded by Credit / No Credit) a Winter term **placement** of three months in either an intergovernmental organization located in Canada or abroad, or a law clinic, non-governmental organization, government department or law firm in Canada that grapples in a significant way with international and/or transnational law questions/issues (such as through litigation, legislative change and other advocacy);

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

(3) (letter grade) a **research paper**, generally related to the field of international and/or transnational law that is the focus of the placement organization

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/transnational law compliance and implementation processes (both at international and national/local levels), research and writing, and policy development and advocacy. The online/Zoom seminar meetings commence once the students are in place with the partner organizations and continue every week for the entire semester, with the exception of Reading Week. The research paper that the students write during their placement is separate from their placement duties. During the placement, students are required to submit three journals – approximately, one per month. These journals serve as a basis for the Director to engage students on their progress and challenges in their placements; aspects of the journals may also serve on occasion as a basis for sharing of

experience amongst the students via an eClass forum and/or during the online seminars.

Apart from the placement, seminar, and research paper, 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 may be advised by the Director of other Fall semester courses they might consider taking to enhance preparation for their specific placements.) The second is a **placement training session** held online in early January a week before or in the same week that students begin their placements.

What follows is further detail on the three separate courses that combine to make up 15 credits:

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, considering time zones. That said, it is presumptively to be on Tuesdays, at 10 am – 12pm Eastern Standard (Toronto) Time, possibly with some adjustment when daylight savings time starts. There is no seminar during the Osgoode Reading Week. The seminar is offered using a video-conferencing platform (to date since ITLIP's inception, Zoom) for the real-time online weekly class and using eClass for postings and asynchronous discussions between the Zoom sessions. Where the seminar takes place during the ordinary workday for a given placement (this depends on a student's time zone), students should ensure their partners understand the need (already conveyed to the partners by the Director) to have a scheduled break from placement work for that online session every week.

The seminar's focus is heavily on "transnational law" ideas, issues and contexts, as a follow-on from the more traditional interstate-law focus of the mandatory pre-requisite Public International Law course. It involves a mix of readings designed to deepen students' understanding of the nature, operation and impact of international law, international organizations, transnational law, and transnational actors like corporations and non-governmental organizations as a dynamic set of interacting social institutions rooted in history, competing normative perspectives, and unequal power relations. The goal is to foster the development of 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 encourage students to make connections with their placement contexts while also engaging in reflection beyond those contexts. The seminars will be devoted mostly to discussing the academic readings with time periodically set aside for discussion of student experience across the placements.

Evaluation will combine an assessment of pre-seminar postings in advance of the readings for a required number of weeks, attendance, and contributions to the seminar discussion. The journals that are required as part of the placement will be assigned a part of the seminar mark with a presumptive common grade – i.e. the same grade assigned to all, on condition of meeting the deadlines for them and engaging in a threshold of meaningful reflection within them; however, an especially strong set of journals may be used as help the instructor decide between grade categories where a student's seminar grade is otherwise on the border between grades.

Placement LW 7370.10, (10 Credits, credit/no credit):

In the Winter term, students are placed with a partner organization for three (3) months, generally from the start of the second week of January to the end of the first or second week of April each year. They are assigned a supervisor at the partner institution. The Director of ITLIP consults with the supervisor at a mid-point in the placement and then at the end of the placement in order to arrive at an overall assessment of the student's performance; a written narrative of that performance is then prepared by the Director for the student's Osgoode transcript. Insights from the student journals and discussions with the student can help round out the Director's understanding of the student's experience and performance.

Students will be engaged in providing legal and law-related services within these organizations and to any clients that the organizations might have, and/or critically engaging with international and transnational law issues through legal research and/or policy analysis. Students are accepted into the ITLIP program with no commitment as to specific placement. Placement decisions are made by the Director in consultation with the relevant partner organizations, but program students are first asked to rank their preferences for placements such that these preferences can be taken into account in allocating placements. The Director will guide each student to prepare a nomination package to a given organization, or a formal application in those cases (notably United Nations organizations) where a partner organization has a mandatory application procedure before they can accept an intern.

As noted earlier, journaling is a mandatory component of the placements; three journals must be written by the student as a reflection on what and how they are learning in their placement, with one sent by roughly early February, early March and early April. These journals may also feed into the experience-exchange component of the online seminar. As noted under “Seminar”, the journals can play a ‘tie-breaking’ role with respect to the grade category assigned to the seminar.

By way of example, placements in 2020-21 included: the Office of the Prosecutor of International Residual Mechanism for Criminal Tribunals (IRMCT) in The Hague; the Anti-Racial Discrimination Section and the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights in Geneva; Amnesty International in Ottawa; Government of Canada Trade Law Bureau in Global Affairs Canada in Ottawa; Trade and Investment Project at the Canadian Centre for Policy Alternatives in Ottawa; the Centre for Law and Democracy in Halifax; Canadian Lawyers for International Human Rights (CLAHR); Gardiner Miller Arnold LLP in Toronto; Tunley Law in Toronto; Camp Fiorante Matthews Mogerman (CFM Lawyers) in Vancouver; Centre for Equality Rights in Accommodation (CERA) in Toronto; and Koe Koe Tech in Myanmar. In 2021-22, it is expected that previous partners that could not take students during COVID will be brought back onstream, notably, the IRMCT branch in Arusha, several law divisions at Canada’s Permanent Mission to the United Nations in Geneva, and UNICEF with placement locations to be worked out in tandem with the New York HQ of UNICEF in any given year.

Research Paper LW 7372.03, (3 Credits, graded):

Students research and write a 7000-word academic paper. By current regulation, they are to be submitted on the same date as research papers are due for all Osgoode Winter courses, but a proposal has been put forward to Osgoode’s Academic Planning and Policy Committee for a change to regulations so as to allow for papers to be submitted nearer to the end of April. It is not currently known whether this will be approved.

Partner institutions are asked by the Director to accord the equivalent of the Winter term Reading Week to the student to assist the student in making time for the paper; this time may be given as a consecutive week or as shorter periods adding up to give days and does not have to correspond to the same week as the Osgoode Reading Week.

The paper may not re-purpose material written as part of placement work, but it may build on such work and generally should complement the learning that has occurred in the placement by being on a topic that, in general terms, relates to the field of international or transnational law that has been the focus of the placement. Papers must not use or draw on confidential material from the placement. The student’s placement supervisor may wish to ensure that no confidential material has been used, and is permitted, for that purpose, to look at the paper before its submission at the end of term; for that reason, students should be sure to have completed the paper – or its essence (before a final edit) – at least several days before the submission deadline.

Pre-requisite: Public International Law

Preferred courses: Where a student's placement is known in advance of the course selection period, the Director may recommend to the student another course along with Public International Law if a course is being offered in Fall semester that is especially relevant to their placement.

Other Osgoode curricular requirements: The ITLIP satisfies the Osgoode "practicum" criteria, the Osgoode Public Interest Requirement (OPIR) and qualifies for the Upper Year Research and Writing Requirement.

Mediation Clinical Program

LW 7810.03 (Fall), LW 7800.04 (Winter),
7810.02 (Winter)

Academic Director: 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 and its community partners. 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 Directors, 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 three divisions: Campus/Clinic, Neighbourhood, 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, innovation, 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' practical 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 practicum and OPIR requirements 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 of the Osgoode Business Clinic 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). Clinic

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. The Osgoode Business Clinic 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/or electronic meetings with the client;
- 3 compulsory classes at the offices of Stikeman Elliott (in-person or virtual) (2 in the Fall, 1 in the Winter);
- Weekly virtual OBC classes in the first half of the each term;
- Monthly virtual classes thereafter; and
- Weekly written reports to the Director throughout.

The approximate time commitment is as follows:

1. Files: approximately 40 hours per semester for two semesters;
2. 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; and
3. Reports: written weekly, approximately 10 hours per semester.

Participation in Osgoode Business Clinic is by permission of the Director. Students must register for the Fall and Winter semesters.

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 2021 - 2022

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 terms 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 15-credit clinical program, e.g. 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, 15 credit clinical 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.

Students interested in pursuing a Research Program should contact the Assistant Dean, Students.

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 Indigenous & Aboriginal 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 JD/MBA students are required to take MGMT 5500.00 at Schulich in their first year of the Joint Program. 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 separately in either the MBA Program at Schulich or the JD Program at Osgoode, provided they maintain the required standards of the respective program.

A combination of Schulich and Osgoode courses, consisting of:

- at least 15 credit-hours at Schulich (note that for the MBA, two 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 of the Joint Program).
- at least 45 academic credits of Osgoode Hall Law School courses, including LW 3820 3.00, the mandatory 4th-year JD/MBA Seminar at Osgoode
- completion of the Upper Year Research and Writing Requirement (a major paper of at least 7000 words worth at least 60% of the course grade in each of year 3 and 4 of the joint program)
- completion of the Praxicum Requirement
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)

For further information and details about the curricular requirements of the Joint Program or typical career opportunities that emanate from the Joint Program, please contact the Program Director, 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 (FES). 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 JD/MES 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 & Urban Change (EUC) 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 JD/MES 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 EUC 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 EUC 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 EUC 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.

In exceptional circumstances, it is possible for students to apply for entry to the MES/JD joint program during their 2L year. In this pathway, certain unique aspects of the MES/JD program apply. Interested students should contact the Osgoode joint program coordinator, Prof Dayna Scott at dscott@osgoode.yorku.ca for more details.

Year 1

- OPTION A: Start at EUC: 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 EUC 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 EUC. 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 EUC 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 JD/MES Program Seminar Series, as determined by the JD/MES Program Coordinators, is an MES degree requirement for JD/MES 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 EUC 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 EUC 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 Law faculty coordinator, Professor Dayna Scott
dscott@osgoode.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 many intersections of law and philosophy. It is the only program of its kind in Canada, and it 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 either wish to pursue further post-graduate study and, ultimately, an academic career, or plan to seek out opportunities in legal practice and want to enhance their demonstrated capacity for research, writing, and sustained analysis.

Students must apply and be admitted separately to both the JD and MA programs, indicating their interest in the dual program. The program is completed over four years. In the first year of the program, students complete the first year of the JD program. In the second year, they 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 return to the JD program, but they are encouraged to take an additional graduate course in philosophy, and they are required to complete a major research paper on a 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 (gjudice@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

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.

For more information about the JD/LLB (Civil) program, contact the program director, Professor S. Drummond (sdrummond@osgoode.yorku.ca).

EXCHANGE PROGRAMS AND LETTERS OF PERMISSION

Law students around the globe 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
- Belgium: Katholieke Universiteit Leuven
- Canada: Université de Montréal
- China: Chinese University of Hong Kong; University of Hong Kong
- Denmark: University of Copenhagen

- England: University of Kent; Queen Mary University
- France: Aix-Marseille University
- Germany: Bucerius University
- 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
- Scotland: University of Edinburgh; University of Strathclyde
- Singapore: National University of Singapore
- Sweden: Lund University
- 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.

The application is available through MyJD starting in late 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 Tel Aviv University (Israel). 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](#) (“Law Society”) website for information relating to the licensing process for your projected year of call. In addition, the Career Development Office will provide important information throughout the year via email and share updated resources on MyCareer.

Please note that adjustments were made to the licensing process as a result of the COVID-19 pandemic for those who commence articles between May 1, 2020 and April 30, 2022, namely a reduction to the minimum length of the articling term from 10 months to 8 months. At the time of this writing, it is unknown whether these adjustments will still be in place for those who will commence articles beyond April 30, 2022. Please refer to the Law Society’s website for the most up-to-date information. The information below will make reference to the typical 10-month articling term.

As an overview, to be admitted to the practice of law in Ontario, you must:

- have successfully completed all components of the Licensing Process as required (more details below);
- have paid all Law Society fees, including the experiential training fee and 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.
- Complete the Experiential Training Component which consists of:
 - Articling term (typically 10 months); OR
 - Completion of the Law Practice Program; and
- AND completion of the “Good Character Requirement”.

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.

An Osgoode Hall Law School JD degree is accredited by the Law Society of Ontario for enrolment in the Licensing Process.

Licensing Process Information

The Licensing Process

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.

Professional competency is achieved through a combination of knowledge, skills, abilities, and judgment.

Structure

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

- Licensing Examinations (the Barrister Examination and the Solicitor Examination);

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 to be eligible to be called to the Bar of Ontario.

Registration

Typically, the registration for the licensing process will take place in the fall term of your third year. Information about registration will be circulated through the Career Development Office and will also be available on the Law Society website.

The Licensing Examinations

The Licensing Examinations will consist of a self-study Barrister Examination and a self-study Solicitor Examination. The Licensing Examinations assess 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. Additional information on the Licensing Examinations can be found [here](#).

Experiential Training Component

Experiential training enables candidates to apply their formal learning and develop their skills, professional abilities, 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 two approved experiential training pathways are the Articling Program and the Law Practice Program. Both pathways fulfil the required experiential training competencies for candidates established by the Law Society.

Articling

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 with the creation/updating of resources on articling, posting advertised positions MyCareer, and facilitate information sessions.

o Law Practice Program (LPP)

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.

i. English LPP at Ryerson University

The LPP at Ryerson University is typically held from late August to the end of April annually. The training course component will run from the end of August to the end of December, and the work placements will run from early January to the end of April. 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 (pending any limitations regarding the COVID-19 pandemic).

ii. French LPP at Ottawa University

The LPP at the University of Ottawa is typically held from early September to the end of April annually. The training course component will run from early September to the end of December and the work placements will run from early January to the end of April. 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 (pending any limitations regarding the COVID-19 pandemic).

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.

If you are interested in the LPP, you are encouraged to consult the applicable program's website ([English](#) or [French](#)) for the most up-to-date information, including the exact program delivery dates and registration deadlines. The Career Development Office also advertises the annual information sessions and posts them in the Events Calendar in MyCareer.

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 while having the ability to take an inter-disciplinary and comparative approach to law. A well-rounded law school education will meet both the interests of each student and society's need for competent and sophisticated legal services.

NOTE: 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.

Licensing Outside of Ontario

Students intending to apply for admission to the bar outside Ontario should check with the provincial law society/applicable governing body to ascertain the educational requirements of admission. The requirements of each law society change from time to time and students should ensure that they have the current requirements. The Career Development Office provides information on articling processes across Canada annually, and can assist students in accessing resources for other jurisdictions.

FACULTY ON SABBATICAL/LEAVE

- Professor M. Boittin – Fall & Winter terms
- Professor S. Daum Shanks – Fall & Winter terms
- Professor V. De Stefano - Fall term
- Professor B. Geva – Winter term
- Professor R. Haigh - Fall & Winter terms
- Professor A. Hutchinson – Winter term
- Professor J. Mosher – Fall term
- Professor O. Okafor - Fall & Winter terms
- Professor J. Penney – Winter term
- Professor B. Ryder – Fall & Winter terms
- Professor M. Simmons – Fall & Winter terms
- Professor A. Smith – Fall term

COURSE INFORMATION TABLES

The list of courses and seminars offered in the 2021-2022 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: The sections of Business Associations, Evidence, Family Law, Indigenous Peoples & Canadian Law, and Trusts have a reduced maximum enrollment this year due to the addition of sections as part of our response to the pandemic. Last year's demand figures for these courses were based on course demands as follows:

Business Associations 80; Evidence 80; Family Law; 80, Indigenous Peoples, 80; Trusts, 80.

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	Glover Berger	A	4	2010	4	N/A	N/A	80	N/A
Administrative Law	D. Scott	B	4	2010	4	W21	49	80	66
Bankruptcy & Insolvency Law	Ben-Ishai	A	4	2430	4	F19	46	60	43
Business Associations	Dhir	A	4	2020	4	F20	128	60	FULL
Business Associations	Puri	B	4	2020	4	W10	N/A	60	N/A
Commercial Law	Geva	A	4	2030	4	W20	72	80	50
Conflict of Laws	Walker	A	4	2040	4	F20	31	80	31
Criminal Procedure	Greene, Lau-Po-Hung	A	4	2690	4	F20	49	80	51
Disability & the Law	Mykitiuk	A	3	4905	3	F18	19	20: 5 CDIS	FULL
Emerging Technologies: Law, Policy and Governance	Penney	A	4	2003	4	New	N/A	60	N/A
Environmental Law	Bandopadhyay	A	4	2880	4	F20	14	80	16
Estates	Black	A	4	2050	4	W21	137	70	FULL
Evidence	Dufraimont	A	4	2490	4	F19	114	50	FULL
Evidence	Dufraimont	B	4	2490	4	F19	114	50	FULL
Evidence	McKechney/ Weinstein	C	4	2490	4	F20	60	50	71
Family Law I	Drummond	A	4	2060	4	F20	23	60	26
Immigration Law	Mithoowani/ McElroy	A	4	4270	4	F20	44	80	55
Indigenous Peoples and Canadian Law	Bhatia	A	4	2110	4	N/A	N/A	75	N/A
Indigenous Peoples and Canadian Law	Hewitt	B	4	2110	4	F20	81	75	79
Individual Employment Relationship	Bhabha	A	4	2550	4	F20	41	80	55
Insurance Law	Campisi	A	4	2280	4	F20	51	30	FULL
International Business Transactions	Geva	A	3	2890	3	F20	19	30	20
Jurisprudence	White	A	3	2720	3	F19	22	20	13
Labour & Employment Law	Tucker	A	4	2315	4	F20	91	85	FULL
Legal Drafting	Shin Doi	A	3	2140	3	F20	70	50	FULL
Legal Ethics	Mercer	A	3	2059	3	F20	4	20	11
Municipal Law	Mascarin	A	3	2305	3	F19	14	50	16
Natural Resources Law	Van Wagner	A	3	2805	3	F20	18	20	17
Patents	Mgbeoji	A	4	2330	4	F20	17	80	24
Public International Law	Saberi	A	4	2340	4	F20	40	60	38
Real Estate Transactions	Pearlstein	A	4	2070	4	F20	69	80	71
Regulation of Competition	Di Domenico	A	3	2350	3	F20	47	60	56
Restitution	McCamus	A	4	2360	4	F20	31	80	48
Securities Regulation	Skwarek	A	3	2620	3	N/A	N/A	80	N/A
Statutory Interpretation	Kettles, Jenner, Porter	A	3	2930	3	F20	22	50	27
Taxation Law	Parachin	A	4	2080	4	F20	78	80	75
Taxation Law	Frankovic	B	4	2080	4	W21	43	80	63
Trusts	Drummond	B	4	2090	4	F17	17	50	25
Trusts	Parachin	A	4	2090	4	F20	101	50	FULL

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	F20	12	20	16
Class Actions	Walker	A	2	3011	3	F20	21	20	FULL
Constitutional Litigation	Fenrick/ Krajevska	A	2	3630	3	F20	14	20	12
Entertainment & Sports Law	Duarte	A	2	3840	3	F20	27	20	FULL
Foreign, Comparative & International Legal Research	Dina/ Wang	A	2	3925	3	F19	7	20	5
Health Law	Bryan/ Rosen	A	2	3004	3	F20	30	20	FULL
Indigenous Perspectives and Realities	McGregor	A	3	3833	4	W21	59	20	FULL
Intensive Legal Research & Writing	Davis	A	2	3920	3	F20	14	20	19
International Investment Law	Van Harten	A		3100	3	F20	14	20	14
Lawyer as Negotiator	Thompson	A	3	3960	4	F20	86	80	78
Legal Values: Advanced Criminal Law (Race & Racism)	Cudjoe/ Mirza	A	2	3592Q	3	F20	12	20	15
Legal Values: Commercializing IP	Lam, de Fazekas	A	2	3591M	3	N/A	10	20; 10 Lassonde	N/A
Legal Values: International Environmental Law	Dzah	A	2	3593D	3	New	N/A	20	N/A
Legal Values: Law in the Time of Catastrophe	Bandopadhyay	A	2	3592Z	3	F20	16	20	13
Legal Values: Litigating IP Cases	Vaver/ Hughes	A	2	3592L	3	F19	N/A	20	N/A
Legal Values: Prison Law, Policy & Reform	Martinez	A	2	3592S	3	F20	33	25	FULL
Legal Values: Theoretical Foundations of Contract Law	Nadler	A	2	3592X	3	W20	16	20	18
Legal Values: Transnational Corporations & Human Rights	Dhir	A	2	3590T	3	F20	12	20	9
Occupational Health & Safety	Tucker	A	2	3260	3	F20	10	20	15
Regulation of the Canadian Cannabis Industry	Hall, Taschereau	A	2	3592K	3	F20	12	20	15
Regulatory Offences	Libman	A	2	3650	3	F20	9	20	9
Tax Lawyering	Kutyian/ Trieu	A	2	3370	3	F20	11	20	9
Theory and Practice of Mediation	Bevilacqua/ Fidler	A	3	5960	4	F20	26	24	FULL
Trial Advocacy	Rosenthal	A	3	5270	4	F20	54	60	52

Winter Courses									
Title	Instructor	Section	Hours	Course#	Credit Value	Last Offered	Initial Demand	Max	Final
Administrative Law	Van Niejenhuis/ Gonsalves/ Dantowitz	P	4	2010	4	W21	33	80	39
Advanced Torts	Priel	M	3	2480	3	W19	49	50	FULL
Bankruptcy & Insolvency Law	Kauffman	M	4	2430	4	W21	67	FULL	55
Business Associations	Choudhury	R	4	2020	4	N/A	N/A	60	N/A
Business Associations	D'Agostino/ Morales	Q	4	2020	4	W21	24	60	42
Business Associations	Puddicombe/ McGovern	P	4	2020	4	W21	34	60	50
Civil Procedure II	Watson	M	3	2230	3	W21	38	80	48
Collective Bargaining Law	A. Smith	M	4	2515	4	N/A	N/A	80	N/A
Commercial Law	Geva	P	4	2030	4	W21	N/A	80	N/A
Contracts II	Nadler	M	3	2460	3	W21	91	60	FULL
Copyright	Marinett	M	4	2870	4	W21	31	80	31
Criminal Procedure	Tanguay-Renaud	P	4	2690	4	W21	28	80	41
Estates	Drummond	P	4	2050	4	F20	25	80	41
Evidence	Paciocco	P	4	2490	4	W21	133	50	FULL
Evidence	Flumerfelt/ Scrutton	Q	4	2490	4	W21	24	50	25
Evidence	Goddard/ Shanmuganathan	R	4	2490	4	F20	34	50	56
Family Law I	Kierstead	P	4	2060	4	W21	85	60	77
Family Law I	Mykitiuk	Q	4	2060	4	W21	23	60	26
Globalization & the Law	Wai	P	2	2008	3	N/A	N/A	20; 5 upper	N/A
Indigenous Peoples and Canadian Law	Boisselle	P	4	2110	4	N/A	N/A	75	N/A
Indigenous Peoples and Canadian Law	Drake	Q	4	2110	4	W21	133	75	FULL
Intellectual Property	Sookman, Glover, Tanner	M	3	2970	3	W21	37	80	38
International Criminal Law	Matthews	M	4	2440	4	F18	15	60	9
International Taxation	Wilkie	M	4	4150	4	W21	16	30	22
International Trade Regulation	Wai	M	4	2290	4	F19	23	80	27
Law & Social Change: Critical Race Theory	Simms	M	3	2750X	3	W20	4	20; 5 upper	2
Legal Drafting	Malysheuski	M	3	2140	3	W21	54	50	FULL
Legal Ethics	Farrow	M	3	2059	3	F18	N/A	20	N/A
Real Estate Transactions	D. Carter	P	3	2070	3	W18	40	80	56
Real Estate Transactions	Speers	Q	3	2070	3	W21	33	80	42
Refugee Law	Rehaag	M	4	2470	4	F20	24	60	36
Securities Regulation	Wiens/ Cattanach	P	4	2620	4	W21	56	80	78
Taxation Law	Ozai	P	4	2080	4	N/A	N/A	80	N/A
Taxation of Business Enterprises	Turner	M	4	4100	4	W21	27	65	39
Trademarks	Craig	M	4	2170	4	W20	42	80	53
Trusts	Girard	M	4	2090	4	N/A	N/A	50	N/A

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	F20	7	15	FULL
Administration of Criminal Justice: Sentencing	Dann	M	2	5010C	3	W21	17	20	19
Admin. of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk	Podolny/ Swartz	M	2	3010D	3	W20	17	20	18
Advanced Commercial Litigation Workshop	Swan/ McKenna/ McLachlan	M	3	5005	4	W21	20	20	FULL
Beyond Bay St. Starting up a Small or Solo Practice	Mgbeoji	M	2	3550	3	N/A	NEW	20	N/A
Comparative Law: International & Comparative Labour Law	De Stefano	M	2	3040N	3	New	N/A	20	N/A
Comparative Law: Transnational Mining, Development and the Local Rule of Law	Sierra-Camargo	M	2	3041G	3	New	N/A	20; 14 upper	N/A
Constitutional Litigation	Schwartz	P	2	3630	3	W21	19	20	18
Directed Reading: IP Innovation Clinic	D'Agostino	M	4	6001S	4	W21	8	15	14
Directed Reading: Legal History Workshop	Girard	M	2	6001J	3	W21	N/A	10	N/A
Directed Reading: Venture Capital Project	Penney/ Mgbeoji	M	2	6001K	4	W20	N/A	FULL	N/A
Dispute Settlement	Kohli	P	2	3980	3	W21	37	20	FULL
Entertainment & Sports Law	Selznick	P	2	3840	3	W21	43	20	FULL
Estate Planning	Michaud	M	2	5110	3	W19	13	20	11
ICT Colloquium	Mgbeoji	M	2	5810	3	W21	5	12	6
Indigenous Perspectives and Realities	McGregor	P	3	3833	4	F21	N/A	20	N/A
International Dispute Resolution: International Commercial Arbitration	Meighen	M	2	3007D	3	W20	15	20	13
International Human Rights Law	Fabra-Zamora	M	3	3440	4	New	N/A	20	N/A
Joint JD/MBA Seminar	O'Sullivan	M	2	3820	3	W21	23	23	FULL
Labour Arbitration	Slinn	M	2	5070	3	W21	16	20	17
Labour & Employment Law and Policy Colloquium	Slinn	M	2	5550	3	W20	12	20	12
Land Development & Commercial Real Estate Problems	Gross	M	2	5160	3	W20	10	20	12
Law of War	Mgbeoji	M	2	3730	3	W21	9	20	FULL
Law & Film	Buchanan	M	2	3200	3	F20	NEW	20	N/A
Law & Psychiatry	Bryan/ Perez	M	2	3240	3	W20	12	20	11
Law & Religion in Legal, Social, and Political Perspective	Berger	M	3	3160	3	W17	N/A	20	11
Law, Gender, Equality	Nedelsky	M	2	3039	3	W20	NEW	20; 7 upper	N/A
Legal Values: Access to Justice	Farrow	M	3	3591Z	3	New	N/A	20; 5 upper	N/A
Legal Values: Commercializing IP	Grant, de Fazekas	P	2	3591M	3	W21	10	20; 10 Lassonde	18
Legal Values: Copyright Policy in the Making	Craig	M	2	3591X	3	W20	6	15	9
Legal Values: Equality	Priel	M	2	3593A	3	New	N/A	20; 5 upper	N/A
Legal Values: Law in the #Me Too Era	Matthews	M	2	3593B	3	New	N/A	20; 5 upper	N/A
Legal Values: Multiculturalism and Intra-Group Vulnerability	Zucker	M	2	3593G	3	New	N/A	20	N/A
Legal Values: Property, the Environment, and Equality	Nedelsky	M	2	3593E	3	New	NEW	20	N/A
Legal Values: The U.N. Governance & State Building	Mgbeoji	M	2	3591E	3	W21	2	20; 5 upper	3
Litigation Dispute Resolution and the Administration of Justice Colloquium	Fabra-Zamora	M	2	5007	3	N/A	N/A	12	N/A
Tax As Instrument Of Soc & Economic Policy	Li	P	3	3006	3	W21	6	20; 5 upper	FULL
Tax Law and Policy Colloquium	Wilkie	M	2	5330	3	W21	6	10	7
Taxation of Corporate Transactions	Li, McIsaac	M	2	5210	3	F20	17	20	16
U.S. Securities Regulation in Comparative Perspective	Ritchie	M	2	5620	3	W21	21	20	18

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: 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 offenders who are Indigenous, 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.

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): Professor K. Glover Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online, lecture-based with opportunities for discussion, review, and problem-solving

Upper Year Research & Writing Requirement: No

Practicum: No

In this course, we will study the law of public decision-making. Administrative law applies to a diverse group of public officials who exercise delegated power and deliver public programs and services, including the Benchers of the Law Society of Ontario, the Landlord and Tenant Board, municipal councils, university committees adjudicating grade appeals, public inquiries, the Ontario Social Benefits Tribunal, the Registrar for Citizenship, and so on. Administrative decision-makers make countless decisions, many of which involve a great deal of discretion, that impact the daily lives of individuals and communities. Administrative law aims to ensure that these decisions are robust and justified, are unbiased and made according to fair procedure, consistent with constitutional demands, and within the scope of the decision-maker's power. In this course, we will critically examine whether administrative law achieves these aims. We will explore the following kinds of questions: How and why are certain public powers delegated to administrative decision-makers? What role do these decision-makers play in the structure of Canadian public life? What powers should be delegated? What principles should govern the design of administrative decision-makers to protect against and address individual and systemic bias? How do administrative bodies carry out their mandate and exercise their powers? What legal rules and principles govern their decisions and the processes followed in making them? What legal rights do individuals have when they access public services? Of what relevance is administrative law for Indigenous self-governance? What role does administrative law play in both undermining and advancing reconciliation of Indigenous Peoples and non-Indigenous people in Canada? What are the principles and who are the actors of Aboriginal administrative law? When are courts justified in intervening in the decisions of public authorities? What remedies are available when public officials act unfairly, unreasonably or unlawfully? In answering these questions, we will seek to examine the rules of administrative law, the experiences of those affected by the administrative state, the ideals of justice that shape the law, the policy debates underlying administrative law, and the realities of practice in the administrative realm.

Evaluation: Engagement (10%) and exam (90%). Students also have the option to write a mid-term (25%) and/or complete an assignment (design-your-own) (30%), which will reduce the weight of the final exam.

Administrative Law

(2010.04 B) *Course*

Instructor(s): Professor D. Scott

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Online synchronous lectures and class discussion, practice exercises in breakout groups (by zoom); online mini-quizzes (optional).

Upper Year Research & Writing Requirement: No

Practicum: No

Administrative law is the branch of public law that governs decision-making by the tribunals, boards and agencies that implement government policy and deliver public programs and services. The actions of these decision-makers are a critical component of contemporary state regulation in diverse contexts including the environment, taxation, immigration, labour relations and employment, human rights, education, land-use and planning, the regulation of business activities, and income security. As a result, this course aims to provide an important foundation for understanding any of these specific administrative or regulatory regimes, and others. The course will also 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 changing nature and purposes of the administrative state, the role of courts in relation to that of statutory decision-makers, and the impact of the Charter and human rights norms on government decision-making.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Discussion post (10%); practice exercises (30%); and final take-home exam (60%).

Administrative Law

(2010.04 P) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

Evaluation: Final examination (85%) - take home. Engagement (15%). 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 55% of the final grade.

Admin. of Civil Justice: Issues in Assessment of Litigation and Regulatory Risk

(3010D.03 M) *Seminar*

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

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

Prerequisite Courses: 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 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: Civil Procedure II

Presentation: Lecture, discussion, oral and written advocacy exercises. Note: This seminar is held downtown.

Upper Year Research & Writing Requirement: No

Practicum: 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 hearing 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; 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 (32.5%), reflective piece (2.5%); effective cross-examination of expert witnesses (25%), reflective piece (2.5%); drafting factum for final adjudication (30%), reflective piece (2.5%); and oral presentation (5%).

Advanced Torts

(2480.03 M) *Course*

Instructor(s): Professor D. Priel

Winter: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: Tort Law

Preferred Courses: None

Presentation: Lectures

Upper Year Research & Writing Requirement: No

Practicum: No

The first-year tort law course covers the basic concepts of tort law by focusing on a small number of torts. Most of the course is dedicated to the tort of negligence. But tort law is more than negligence. Most of this course will be dedicated to other torts. After some coverage of aspects of negligence not considered in detail in the basic course, we will turn to tort liability of public authorities (both using negligence and on the basis of other torts), the various regimes governing motor vehicle liability across Canada (with particular focus on Ontario law), economic torts (e.g., deceit, passing off, inducing breach of contract), and (if we have time) defamation and privacy. The aim of the course is thus to provide a broader understanding of tort as well as a deeper understanding of some of the issues discussed in the basic course, with particular focus on the way tort law interacts with insurance and governmental regulation.

Evaluation: Final examination (2½ hours, open-book): 100%; Or: Final examination (same as above): 75% and Optional paper: 25%.

Bankruptcy & Insolvency Law

(2430.04 A) *Course*

Instructor(s): Professor S. Ben-Ishai

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Synchronous online lecture, guest Lectures, and discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is for students who want to practise bankruptcy or commercial law - and for those who simply want a timely and challenging course that covers a key legal system underlying the Canadian and global economies. We will consider the fundamentals of business and personal bankruptcy and insolvency in Canada situated in a comparative context. Students will learn the basic concepts of "straight" bankruptcy liquidation, in which a Licensed Insolvency Trustee is appointed to sell the debtor's assets and pay the proceeds to the creditors. For consumers, that topic includes the fresh start--the discharge of all pre-existing debt--and the identification of exempt assets. Students will also study the rehabilitation provisions, under which the debtor attempts to pay all or some part of the pre- bankruptcy debt: consumers proposals and commercial proposals and plans for businesses. Bankruptcy adjacent and out-of-court processes will also be considered. Significant attention will be given to the substance of bankruptcy laws, including the "avoiding powers" (for example, preferences and fraudulent conveyances), treatment of secured creditors, and priorities in asset distribution. The course attempts to give balanced attention to the practice realities of negotiation and leverage within a complex set of doctrinal rules and to the social and economic consequences of the bankruptcy system in both its consumer and commercial manifestations.

The goals of the course are the following:

- a. To understand the fundamental problems that justify bankruptcy law;
- b. To study the key features of Canadian bankruptcy legislation and how it addresses these problems;
- c. To understand financial transactions that interact with bankruptcy law; and
- d. To understand the realities of how bankruptcy actually works in practice.

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

Bankruptcy & Insolvency Law

(2430.04 M) *Course*

Instructor(s): A. Kauffman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: Business Associations, Commercial Law

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The Covid-19 pandemic has shone a brilliant light on the crucial societal need for, and importance of, insolvency laws in Canada. The recent meltdown of entire economic sectors, such as the retail, hospitality and air transportation industries, as examples, has led to widespread business failures – with tragic societal and individual consequences.

Bankruptcy and insolvency laws provide a framework for restructuring or liquidating insolvent businesses or rehabilitating insolvent individuals.

This course will take a practical approach to reviewing the principal insolvency and restructuring regimes in Canadian law – bankruptcies, receiverships and restructuring under the Companies' Creditors Arrangement Act or the proposal provisions of the Bankruptcy and Insolvency Act. In addition to learning the substantive and procedural rules with respect to each regime, we will consider the practical implications of insolvencies with respect to various stakeholders such as workers, retirees, pensioners, landlords and governments.

This course combines an analysis of the relevant statutory material and case law with an understanding of the policy choices in insolvencies, as well as the different roles which an insolvency system may play in contemporary society.

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

Beyond Bay St. Starting up a Small or Solo Practice

(3550.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussions, 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 lectures, presentations, discussions, 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: 15% Class participation; 15% Short response papers; 20% In-class presentation; 50% Multipart "development plan" for fictional or actual future legal practice.

Business Associations

(2020.04 A) *Course*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Online lecture, discussion (synchronous and asynchronous components).

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, including sole proprietorships, partnerships, limited partnerships, limited liability partnerships and corporations. The focus of the course will be on business corporations. In general, topics such as the following will be covered:

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

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

Depending on circumstances, this course may be offered remotely with a mix of synchronous and asynchronous components.

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

Evaluation: 100% open-book examination or 70% open-book examination and 30% other assignment (further details on the other assignment will be provided at the beginning of the course).

Business Associations

(2020.04 B) *Course*

Instructor(s): Professor P. Puri

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lecture, Discussion, Presentation(s), Assignment(s), Problem Solving. In person classes (remote option also available).

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, the purpose of the corporation, stakeholder theory, corporate social responsibility and ESG; and the enforcement of corporate duties through the oppression remedy, shareholder derivative actions and other remedies.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: 100% Open-Book Examination or 75% Open-Book Examination and 25% Group Assignment

Business Associations

(2020.04 P) *Course*

Instructor(s): N. Puddicombe and A. McGovern; Adjunct Professors

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

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% open-book final examination, 25% participation. 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. There is "downside" risk on the paper as it will count toward a student's grade, whether it increases or decreases a student's exam result.

Business Associations

(2020.04 Q) *Course*

Instructor(s): Professor G. D'Agostion and G. Morales; Adjunct Professor

Winter: 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

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, duties and responsibilities of corporate managers, capital structures, corporate governance, corporate social responsibility, the role of professional advisors and the role of legal counsel in business environments, and the enforcement of corporate duties through shareholder derivative actions and other remedies.

Evaluation: The options for evaluation are: 100% final open-book examination OR 70% final open-book examination + 30% assignment option

Business Associations

(2020.04 R) *Course*

Instructor(s): Professor B. Choudhury

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

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 including sole proprietorships, partnerships, limited partnerships, limited liability partnerships and corporations. The focus of the course will be on business corporations. The course will cover topics such as: the creation and organization of the corporation, the corporation as a distinct entity from its shareholders, pre-incorporation contracts, corporate capital structures, directors' and officers' duties, and shareholders' rights and remedies. This course will also examine theoretical perspectives of corporations and discuss contemporary corporate governance and corporate social responsibility issues as well. The above information is provided for course registration purposes only and is subject to change at any time.

Evaluation: Open-book examination 70%; Group Class Presentation 20%; Class Participation 10%.

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: Synchronous lectures, discussion, 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.

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

Civil Procedure II

(2230.03 M) *Course*

Instructor(s): Michael S. F. 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: Synchronous discussion, student presentations, guest speakers

Upper Year Research & Writing Requirement: Yes

Practicum: No

Class actions have become a key element of the Canadian civil justice system. Building on the tradition of public interest litigation, they promote access to justice, judicial economy and behaviour modification, while supporting traditional procedural values. The interface between these aspirations has generated considerable interest and debate among practitioners and academics alike.

In this seminar, we welcome a series of leading counsel, judges and professors to discuss with us topics such as the roles of class counsel and defense counsel, and related ethical issues; costs (who should pay and when and how much) and principals of funding and financing; the role of court-approved settlements in maximizing value for the class; the role of the representative plaintiff and the ways in which the interests of the class can best be served; and parallel and overlapping cross-border class actions.

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

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

Collective Bargaining Law

(2515.04 M) *Course*

Instructor(s): Professor A. Smith

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 legal regimes governing collective employee representation in Ontario and beyond. Students will gain appreciation for collective bargaining legislation and its particular scope and parameters of protection, including its silences and deficiencies (particular sectors of emphasis may include post-secondary education, health care, migrant work, etc.). Consideration will be given to the role of the state in protecting freedom of association through statutory certification procedures, the articulation of exclusive bargaining rights and the duty to bargain in good faith. Students will confront the underlying commitments of states in governing collective employee representation, including considering the relationship between different social and economic goals, individual and collective rights, and in relation to multinational corporations, and more. The exploration will take us into the transnational context of collective bargaining (e.g. impact of trade agreements, capital flight, transnational organizing, etc). Considerable attention will be given to exploring scenarios in which collective bargaining law does not apply and in which alternatives have emerged.

Evaluation: Discussion post and presentation (10%), two group-based exercises (30%), take-home exam (essay question) (60%)

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%).

In fall 2021 in compliance with 'Covid 19' requirements the instructor will endeavour to offer as much as possible synchronous instruction (over Zoom) at the scheduled time slots and will expect students to attend with the video function on.

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: Lecture, discussion.

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Depending on circumstances, this course may be offered remotely with a mix of synchronous and asynchronous components.

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

Evaluation: 100% open-book examination or 70% open-book examination and 30% other assignment (further details on the other assignment will be provided at the beginning of the course).

Comparative Law: International & Comparative Labour Law

(3040N.03 M) *Seminar*

Instructor(s): Professor V. De Stefano

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

Prerequisite Courses: None

Preferred Courses: Labour and Employment Law

Presentation: Seminar, discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

Artificial Intelligence and management-by-algorithms are reshaping the modern world of work in industrialized and developing countries. This is exemplified by the rise of platform work in the so-called gig-economy but is spreading in every sector and affects both blue-collar and white-collar occupations. Besides the intuitive risks in terms of automation of jobs, this seminar will focus specifically on less-known challenges, including algorithmic discrimination, augmented work surveillance, privacy invasion, increase in non-standard forms of work, and disruption of collective rights. We will look at these challenges from an international and comparative standpoint. We will focus specifically on international labour law and developments concerning the International Labour Organization, and other regional and national developments at the European level to compare them with the Canadian legal landscape.

Evaluation: Major research paper, 7,000 words (70%). For the major research paper, students must meet with the instructor to discuss topics by the end of week 5. Outline and preliminary bibliography are due by the end of week 7. Drafts are not required. Students will present their work to the seminar. Class Participation (30%).

Comparative Law: Transnational Mining, Development and the Local Rule of Law

(3041G.03 M) *Seminar*

Instructor(s): X. Sierra-Camargo; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The seminar sessions will be a combination of lectures, occasional guest speakers, student-led discussion questions and presentations, interactive dialogue, and facilitated class discussions. Students will be expected to attend class, to have read the assigned material for that class, to come prepared to engage in class discussion and to actively participate in the class. This seminar will be taught in three-hour classes in a nine-week period beginning January 19, 2022.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Since colonial times, mining, and in particular gold mining, has been one of the favorite economic activities of the former European empires, some of which today are recognized as Global North states. For these and for other transnational actors such as mining corporations and international economic organizations, large-scale mining is still one of the preferred economic activities due to the large profits derived from it, which are not only caused by the demand for extraction of metals, but also by the speculation stock market. Because of the favorable legal and political conditions in the former colonies, today represented in the Global South states, Latin American countries such as Colombia are still considered today by foreign investors as some of the main epicenters for extractive activities.

Although these countries are currently recognized as independent states and are ruled by democratic governments, typically colonial patterns and hierarchies continue to be revived, through the dynamics of transnational mining but under the rule of law and the international law itself. This paradox leads us to question: How is the law that regulates transnational mining made? What actors on a local scale and on a global scale participate in the law-making process? What is the role of the global-north and global-south states, the international organizations and the mining corporations in transnational mining operation? How does the transnational mining law operate in the domestic sphere? What are the different development views in conflict? What colonial patterns and hierarchies are updated through the legal framework that regulates transnational mining?

Based on the analysis of cases studies in Colombia and other Latin American countries, these are some of the questions that will be addressed in this course. Furthermore, another of the key aspects to be analysed is the different and ambivalent uses of the law in the case studies. For instance, local communities have used the law as an emancipatory instrument to resist the social and environmental impacts derived from transnational mining; and at the same time, transnational actors have used the law as an instrument to carry out large-scale extractive projects and to obtain special legal conditions in favour of their private interests. In this sense, this course aims to reflect on the role of the different parties involved in the socio-environmental conflicts derived from transnational mining and on the different uses of law; to identify the different development views in conflict; and to identify the colonial revivals embedded in a (post)colonial context where transnational mining remains at the center of economic, social, legal and political relations.

Evaluation: Class participation 25% (general participation including regular attendance and active contribution to class discussions, class exercises and activities 15%; draft paper presentation 10%). Final research paper on a pre-approved topic (5,000 words for first year students and 7,000 words for upper year students, excluding footnotes and bibliography) 75% of final grade. The final paper grade includes a series of graded assignments leading to the final paper (first assignment: proposal and preliminary general bibliography 30%; second assignment: outline of paper organization and annotated bibliography of key works 30%; final paper 40%).

Conflict of Laws

(2040.04 A) *Course*

Instructor(s): Professor J. Walker

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Synchronous lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

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

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

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

Evaluation: 100% Open-book final examination and optional essay worth 20% (see Course Outline for details).

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: Online 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 seminar 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 may 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, interventions; role of the Attorney General; evidence in constitutional cases, proving constitutional facts, the role of experts and drafting effective affidavits, examination of government witnesses, presentation and assessment of social science data in the adversarial 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 a short factum for a motion on a procedural issue. This will also require the preparation of a schedule of authorities and of legislation. The next 50% is for the final factum for the moot on the constitutional case. The oral advocacy at the final moot is graded for the final 30% of the grade. For the moot portion the students will act as counsel for an applicant, government respondent or intervenor 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.

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: the parol evidence rule, 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: Students may choose between a final open book exam worth 100% or a final open book exam worth 70% and a short essay (5,000 words) worth 30%.

Copyright

(2870.04 M) *Course*

Instructor(s): M. Marinett; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: interactive lectures, case-study discussions.

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 (/Zoom) classroom meetings, twice a week (2 x 2 hours), will be divided into (i) preliminary lectures (designed to review the rules and theories that students will have already studied before class), and (ii) case-study discussions (designed to rehearse applying the rules and theories on hypothetical fact situations).

Students will be expected to 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 open-book examination (during exam period), designed to test students' knowledge of copyright law doctrine (50% of the total grade). The exam will have a word limit (approx. 3000 words).

Part II: a take-home essay designed to test students' 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 brief references/citations).

Criminal Procedure

(2690.04 A) *Course*

Instructor(s): Justice M. Greene and K. Lau-Po-Hung; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Online synchronous lectures and discussions.

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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

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.

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

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 Clinic

(6001S.04 M) *Seminar*

Instructor(s): Professor G. D'Agostino

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: lecture and discussion

Upper Year Research & Writing Requirement: No

Practicum: Yes

The IP Innovation Program was established in 2019, to support the work of the IP Innovation Clinic, founded in 2010 by Prof Pina D'Agostino. The IP 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, Bereskin & Parr LLP and Own Innovation. 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. Presentations and seminars may take place online via Zoom or other similar platform with mandatory audio and video participation for Senior clinic fellows.

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 for presentations
- 10% of letter-grade for seminar 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: via Zoom in 2021-22

Upper Year Research & Writing Requirement: Yes

Practicum: No

The Workshop, also known as the Osgoode Society Legal History Workshop, takes place on Wednesday evenings via Zoom throughout 2021-22, even if in-person teaching resumes in winter term. It meets approximately seven times in each term, on roughly alternate Wednesdays. The schedule for the first term will be arranged during the summer of 2020 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. Students must take the course for the full year. Each session 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 occur 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), 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. No previous background in history is required.

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.

Directed Reading: Venture Capital Project

(6001K.04 M) *Seminar*

Instructor(s): Professors J. Penney (Fall) & I. Mgbeoji (winter)

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

Prerequisite Courses: Business Associations, Securities Regulation. Both may be taken concurrently with this course, although at least one needs to be taken during the Fall semester.

Preferred Courses: None

Presentation: Seminar discussion

Upper Year Research & Writing Requirement: No

Practicum: No

Note: This seminar is by application only and students have been selected for the 2021/2022 academic year. The seminars are scheduled Fall term, Wednesdays 10:30-12:30 and Winter term, Mondays 2:30-4:30.

This Directed Reading Course builds upon the Osgoode Venture Capital Clinical Project (OVC), which has for five years provided legal services to early stage entrepreneurial ventures in the financing and equity structuring stages of growth. Osgoode students will work as Caseworkers directly with lawyers from Wildeboer Dellelce LLP, assisting them with such legal tasks such as corporate capital structuring/restructuring, drafting shareholder and other agreements, developing financing strategies based on varying legal requirements, and other tasks associated with early-stage business ventures. Students will gain experience in drafting a retainer agreement and scope of work, client communications, client consultations, drafting legal agreements, corporate finance, employment matters, technology, and operational matters. There will also be two training sessions conducted by Wildeboer lawyers at their offices downtown, one on best practices in client representation and communication; and the other on the substantive elements of typical representation of early stage companies. Osgoode students will not be providing legal advice. The graded component of the Directed Reading course will involve readings about choices of entity structure, financing start-ups, special issues involved in family firms and social enterprises, and the professional responsibility issues involved in representing both the firm and its principals. The grade for the course – including graded academic related work and ungraded (credit/non-credit) related work for the practical aspects of the program – will all form part of one final letter grade, which will be listed as a Winter grade on each student's transcript.

Evaluation: Two of the credits will be graded based on attendance/participation/discussion when classes are scheduled over the course of the year, plus a 3,500 word paper on a topic related to venture capital and start-ups to be submitted during Winter semester. The other half of the credits will be based upon credit/no credit practical work under the supervision of Wildeboer lawyers. The graded component of the Directed Reading course will involve readings about choices of entity structure, financing start-ups, special issues involved in family firms and social enterprises, and the professional responsibility issues involved in representing both the firm and its principals. The grade for the course – including graded academic related work and ungraded (credit/non-credit) related work for the practical aspects of the program – will all form part of one final letter grade, which will be listed as a Winter grade on each student's transcript.

Disability & the Law

(4905.03 A) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous interactive online discussions, student presentations,

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Class Participation and Attendance: 10%, Research Paper: 70%, Class Presentation: 20%.

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 disparate legal contexts. 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, how to identify and develop effective mediator and negotiator micro-skills, how to identify high-conflict parties, and how to map out alternative dispute resolution paths in high-conflict settings, such as value-based conflicts. Teaching methods include: lectures (Socratic and otherwise), facilitated class discussions, interactive small and larger group exercises, instructional videos, and panel discussions with relevant guest speakers.

Students are expected to attend all classes (whether online or in person), 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 scholastic 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%.

Emerging Technologies: Law, Policy and Governance

(2003.04 A) *Course*

Instructor(s): Professor J. Penney

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lectures with group-style discussion/engagement.

Upper Year Research & Writing Requirement: No

Practicum: No

Established technologies like the internet and social and emerging ones like artificial intelligence, machine learning, and robotics, are transforming how we live, work, and interact. These changes raise a host of complex law, policy, ethical, and governance challenges in a range of domestic and global contexts, including internet censorship, the role and regulation of social media platforms, disinformation and online abuse, legal automation, algorithmic discrimination, privacy, surveillance, fintech, and cyber-warfare. Among the kinds of questions pursued in this course: Who is responsible when technology causes harms? Do we have to forego privacy for either technological innovation or security? How best to regulate social media, if at all? What can we do to prevent algorithmic discrimination and other forms of technology-enabled human rights abuse? What is “ethical” AI and how can we incentivize it?

These issues and other significant challenges and controversies in the law, policy, and governance of emerging technologies will be contextualized and brought to life via case-studies and real world scenarios involving issues that are often currently in the news and unfolding in real time outside the classroom in government, industry, and civil society.

Evaluation: 15% participation/engagement; 20% mid-term assignment (e.g., a group or individual assignment); and 65% final take home examination.

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: Synchronous online 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 client advice simulations will be used to demonstrate the concepts and practice issues that are studied. This will include simulations dealing with 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 and journal articles 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, sports, 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: A combination of class attendance (6%), two short reflection writing exercises to be described and assigned at the start of the seminar (24%), 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): Professor S. Bandopadhyay

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online interactive lectures, case-study discussions, student presentations, guest speakers.

This course does NOT qualify for the Indigenous & Aboriginal law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

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

The course is evaluated based on in-class participation, a mid-term assignment, and a final exam. For the mid-term assignment, students work in groups to 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 Environment & Urban Change graduate course ENVS 6164 and typically includes students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Evaluation: class participation (15%); mid-term assignment(client briefing or public comment)(25%); final open-book exam (60%).

Estate Planning

(5110.03 M) *Seminar*

Instructor(s): S. Michaud; Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: any one or more of Business Associations, Estates, Family Law, Taxation Law, and Trusts

Presentation: Seminar

Upper Year Research & Writing Requirement: No

Practicum: No

With the aging Canadian population, incapacity and estate planning is a growth area of legal practice. This course is intended as a study and application of how to craft a basic incapacity and estate plan. It will cover, briefly, commonly used incapacity and succession planning tools such as powers of attorney, Wills, trusts, corporations, joint ownership with right of survivorship, gifts to family, domestic contracts and shareholder agreements, life insurance, and tax deferred retirement plans. We will examine possible strategies, some applicable legal considerations, and potential Canadian income tax impact to a client's goals for their own situation and plan.

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

Evaluation: 5% class participation; 15% mini assignments / reflections; 20% for mid term assignment (subject to word limit); 60% take home final exam (subject to word limit).

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: Synchronous online 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% - two review exercises of 300 words in length (worth 10% each); grading based solely on turning an answer in prior to class discussion of the problematic. Responses will not be read by professor.

80% - final exam

There is a paper option for the final exam whereby the exam must be written in its entirety, but a paper can also be written and submitted prior to the exam, which paper comprises half of the exam grade only in the event that it garners a higher grade than the exam grade - in which case the exam grade counts for 50% and the paper 50%. I.e., there is no downside risk to writing a paper. Paper topics driven by students.

Evidence

(2490.04 A) *Course*

Instructor(s): Professor L. Dufrainmont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Participation: 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): Professor L. Dufrainmont

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Participation: 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 C) *Course*

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

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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 P. Paciocco

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures; in-class discussions; practice exercises.

Upper Year Research & Writing Requirement: No

Practicum: No

This course will introduce students to the law of evidence in Canada. It will examine how the common law, statutes, and the Constitution interact to govern the proof of facts in both civil and criminal trials. Topics to be addressed include: burdens of proof; the role of the trial judge in managing the introduction of evidence; methods of presenting evidence; witness competency and compellability; relevance; and the various exclusionary rules that operate to limit the kinds of proof that can be received at trial (i.e. the rules governing hearsay, privilege, expert opinion evidence, etc.). The course will engage ethical issues that arise in the context of evidence law. It will consider how some rules of evidence have evolved historically, and it will attend to the social, political, and institutional contexts in which evidence law operates. The course will encourage critical reflection on the theories, purposes, and justifications that animate evidentiary rules, and on how those rules impact different individuals and communities.

Note: This course has been selected as an ongoing eLearning Pilot Course. It will be delivered as a fully virtual course, through Zoom. The course will be delivered using a mix of asynchronous (i.e., pre-recorded) and synchronous lectures.

Evaluation: Students may elect to write either an open book take-home examination worth 90% of their grade, or the same open book take-home examination worth 60%, plus a written assignment worth 30%. The remaining 10% of the grade will be earned through the completion of 10 short online (eClass) exercises, which will be graded on a complete/incomplete basis, and which are designed to help students develop their understanding of the material as the semester progresses.

Evidence

(2490.04 Q) *Course*

Instructor(s): R. Flumerfelt and P. Scrutton; Adjunct Professors

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

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 topics such as 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 their exceptions, including the Charter, hearsay evidence, character evidence (including the "similar fact" rule), and expert and lay opinion 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 and to apply them to concrete fact situations.

Evaluation: There are three components to the evaluation in the course: attendance, the final examination and an optional paper.

ATTENDANCE:

Worth 10% of the final grade. For every class a student is present the student will earn 0.5% of the final course grade up to a maximum of 10% of the course grade for attendance. Occasional absences will not prejudice students because full marks require attendance at only 20 classes.

OPTIONAL PAPER:

Worth 50% of the final grade for students who receive a higher grade on the paper than the final examination (submitting a paper carries no down-side risk).

FINAL EXAM: Worth 90% of the final mark (40% for those who write a paper and receive a higher mark on the paper than on their exam).

Evidence

(2490.04 R) *Course*

Instructor(s): O. Goddard & J. Shanmuganathan; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This course is an introduction to the law of evidence. What is evidence? When is evidence admissible? How does it get admitted? In this course, we will learn about the specific rules that apply to many categories of evidence, like hearsay, expert opinions, and privilege. But we will also learn about the general principles that inform the overall structure of our rules of evidence, and the common sense assumptions that underlie them. We will see what happens to the rules when those assumptions are challenged or proven untrue, the role Parliament has played in efforts to reform the rules of evidence, and the balance the court has struck between competing interests in light of the Charter of Rights and Freedoms.

Evaluation: The evaluation method will be a 100% final exam and an optional paper assignment that will be worth 40% of the final grade for students who choose to write it.

Family Law I

(2060.04 A) *Course*

Instructor(s): Professor S. Drummond

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

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.

This class will be delivered both asynchronously and synchronously.

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% - two review exercises of 300 words in length (worth 10% each); graded based solely on turning an answer in prior to class discussion of the problematic. Responses will not be read by professor.

30% - mid-term take-home exam on matrimonial property

50% - final exam on entirety of course except matrimonial property.

There is a paper option for the final exam whereby the exam must be written in its entirety, but a paper can also be written and submitted prior to the exam that comprises half of the exam grade only in the event that it garners a higher grade than the exam grade - in which case the exam grade counts for 50% and the paper 50%. I.e., there is no downside risk to writing a paper. Paper topics driven by students.

Family Law I

(2060.04 P) *Course*

Instructor(s): Professor S. Kierstead

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, problem-solving

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: 15% participation; a two hour exam worth 60%; and an in-term assignment worth 25%.

Family Law I

(2060.04 Q) *Course*

Instructor(s): Professor R. Mykitiuk

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Lectures, discussion, in-class problems. In the event that classes are not held on campus in the winter term, portions of this course will be delivered asynchronously.

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. It provides an introduction to key issues, fundamental legal principles and statutory schemes regarding the regulation of the family and is intended to provide a foundation for specialized seminars or research projects in family law. The course focuses on three contexts: the creation of the family unit, the regulation of the ongoing family, and the resolution of issues that arise upon family breakdown. Topics to be examined include: marriage, parentage, family violence, divorce, property, support, domestic contracts and care of children.

In addition to providing a core grounding in the relevant legislation and case law, the course is taught from a critical and policy-oriented perspective. Throughout the course, we will examine the assumptions of gender, class, race, ability and sexual orientation on which family law is based and consider the implications of these assumptions. The course considers the social, political and economic contexts within which legislative policies and judicial approaches to family arrangements, rights and responsibilities can be understood and assessed. The course pays particular attention to law reform and policy choices in the legal regulation of the family in Ontario and Canada.

Evaluation: This course will have two methods of evaluation:

- i) problem-based take home assignment due during the term (worth 25%)
- ii) an open book sit-down final examination scheduled during the regular exam period – 2.5 hours plus 15 minutes reading time (worth 75%)

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: Synchronous online 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 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 R. Wai

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture; seminar; discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 17, 2022.

This seminar asks students to consider the changing role of law in the context of globalization. It will include a critical consideration of the framework concept of globalization, as well as an examination of its implications both for the law of the state and law beyond the state.

The study of the relationship of globalization and the law needs to be contextualized within a broader understanding of political, social, cultural and economic transformations associated with globalization. To that end, the course will include a range of interdisciplinary materials from fields such as international economics, international relations, and sociology. To develop our understanding of the interaction of globalization and law, and to provide models for student research papers, readings will include examples of published case studies of the role of law in globalization such as the production of goods and services in global supply chains; the regulation of multinational corporate conduct; the migration and movement of peoples; and the control of technology including the power of the current technology giants.

The legal content of the course will be framed by the concept of global legal pluralism and will elaborate on the notion of transnational law, in which law is understood to include domestic and international law, public and private law, but also state and non-state norms. In elaborating on the plural legal orders of transnational law, the course will introduce and discuss examples of the regimes of public international law, private international law (also known as the conflict of laws), domestic public and private laws with transnational effects, and the wide range of non-state norms generated by corporations and business networks, law firms, and non-governmental organizations (NGOs).

Evaluation: 80% final research paper (5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography) on a topic approved by the instructor based on a preliminary proposal/outline from the student; 20% for four short reaction papers to assigned readings for the seminar.

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: Synchronous 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; emergency management and civil protection; 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 law of medical assistance in dying in Canada; human rights in health care; hospitals and health care facilities (including physician privileges, employment issues and tensions between administrators, healthcare professionals and other stakeholders); pandemic and emergency management; 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 (in person or through electronic means) 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%).

ICT Colloquium

(5810.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

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

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

Presentation: Assigned reading guided by reflective questions provided in advance by the instructor; classroom time devoted to active student participation along with interspersed instructor presentations; participation in conceptualizing and generation of early-stage content for a special web project involving 'transnational normative mapping,' culminating in student-led sessions for the last few classes.

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

For the 2021-2022 Colloquium, these themes will be pursued through a combination of (a) scene-setting readings on transnational law and legal process and (b) readings project on the theme of 'transnational legal accountability versus foreign intervention in failing states' with respect to three case studies that the instructor has been researching at the intersection of transnational human rights, namely: the ongoing Covid-19 pandemic, and the humanitarian law situation approaches to members of racialized groups, vulnerable states in an interconnected global society.

Evaluation: 1. Participation in class and presentation of review essays(20%). This portion of grade is allotted to short reviews submitted by individual students in the course of the seminar. Half the mark (i.e. 10%), will be assessed on the basis of the quality of the student's collaboration with and/or feedback to other students in the course.

2. Single Research Essay (80%) of 7000 words excluding footnotes and bibliography, and also excluding any primary-document appendices.

Immigration Law

(4270.04 A) *Course*

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

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

Prerequisite Courses: none

Preferred Courses: Administrative Law

Presentation: Synchronous online 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 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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Participation (10%), Open-book examination (90%).

Students may also choose to write an optional paper (3,000 words), worth 40% of their overall final grade. Exams for students electing this 40% paper option will be worth 50% of their overall final grade.

Indigenous Peoples and Canadian Law

(2110.04 A) *Course*

Instructor(s): Professor A. Bhatia

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lecture, discussion. Note: This course satisfies the Indigenous and Aboriginal Law Requirement.

Upper Year Research & Writing Requirement: No

Practicum: No

This substantive law course provides a critical survey of state law as it relates to Indigenous peoples and lands in what is now known as Canada. 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; the Indian Act and identity; allyship. The class is taught through the use of a variety of techniques, including class exercises, videos, and collaborative problem-solving. This course fulfills the prerequisite requirements for the Intensive Program in Indigenous Lands, Resources and Governments.

Evaluation: Limited open book exam worth 70% of final grade. Short reflections worth 30% of final grade.

Indigenous Peoples and Canadian Law

(2110.04 B) *Course*

Instructor(s): Professor J. Hewitt

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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 (mainly Canadian) law. This course is structured primarily on Indigenous methodologies and pedagogies, and includes both a mid-term evaluation and 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. This course fulfills the prerequisite requirements for the Intensive Program in Aboriginal Lands, Resources and Governments. While online, this course will consist of weekly lectures along with weekly small group sessions based on the course readings.

Evaluation: There is a mid-term evaluation but no final exam in this course. The final evaluation focuses on an advocacy assignment (in small groups). A summary of the course evaluation is approximately as follows: Participation, 20%; mid-term exam, 40%; Group Assignment weekly readings, 5%; Group Advocacy Assignment 35%.

Indigenous Peoples and Canadian Law

(2110.04 P) *Course*

Instructor(s): Professor A. Boisselle

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

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

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

Evaluation: 10% in-class participation, 40% essay (3500-4000 words) and 50% final exam.

Indigenous Peoples and Canadian Law

(2110.04 Q) *Course*

Instructor(s): Professor K. Drake

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

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 course will provide a critical survey of state law as it relates to Indigenous peoples and lands in what is now known as Canada.

Topics will include but are not limited to: historical context and constitutional framework; Indigenous law and constitutionalism; Aboriginal rights and title; self-government; treaties and treaty rights; the Indian Act; the obligations of the federal and provincial governments; and Indigenous identity.

This course fulfills the prerequisite requirement for the Intensive Program in Indigenous Lands, Resources and Governments.

Lectures will be recorded.

Evaluation: 1. Fact Pattern Assignment (30%)

2. OPTION: Final Exam (70%) OR Final Exam (30%) & Paper (40%)

Indigenous Perspectives and Realities

(3833.04 A) *Seminar*

Instructor(s): Professor D. McGregor

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

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, land-based and experiential learning activities. Course delivery includes, guest lectures, videos, podcasts, storywork and news stories drawn from real world examples. Students are required to complete assigned experiential activities on their own, wherever they are located.

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, the United Nations Declaration on the Rights of Indigenous Peoples, and Murdered Missing Indigenous Women and Girls Inquiry; 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 guest speakers and assigned multi-media. Students will be required to participate in land based and experiential activities outside of the law school; there will be a remote option for students to fulfill these requirements remotely. 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 (2 short writing assignments worth 15% each, for a total of 30%), and a 7,000 word final research paper and presentation (60%). These evaluation components are listed below.

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

Written Experiential/Reflection assignments - 2 @ 15% each. (30% of the final grade)

Engage in an experiential learning activity relating to Place in Toronto or elsewhere (e.g. photo voice, multi-media).

The written reflections (see above) are based on participating in experiential learning and land based activities as well as the participation grade.

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

Indigenous Perspectives and Realities

(3833.04 P) *Seminar*

Instructor(s): Professor D. McGregor

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

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, land-based and experiential learning activities. Course delivery includes, guest lectures, videos, podcasts, storywork and news stories drawn from real world examples. Students are required to complete assigned experiential activities on their own, wherever they are located.

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, the United Nations Declaration on the Rights of Indigenous Peoples, and Murdered Missing Indigenous Women and Girls Inquiry; 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 guest speakers and assigned multi-media. Students will be required to participate in land based and experiential activities outside of the law school; there will be a remote option for students to fulfill these requirements remotely. 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).

NOTE: This winter 2022 description replicates the description for the fall 2021 section of this same course. Moving from the remote teaching context for the fall course to the (expected) in-person teaching of the winter term section may result in some adjustments - including to evaluation methods. Therefore, please enrol for this course in full knowledge that the present description for winter term will be updated with a final one, which may not be circulated until during fall term.

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 (2 short writing assignments worth 15% each, for a total of 30%), and a 7,000-word final research paper and presentation (60%). These evaluation components are listed below.

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

Written Experiential/Reflection assignments - 2 @ 15% each. (30% of the final grade)

Engage in an experiential learning activity relating to Place in Toronto or elsewhere (e.g., photo voice, multi-media). The written reflections (see above) are based on participating in experiential learning and land-based activities as well as the participation grade.

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

Individual Employment Relationship

(2550.04 A) *Course*

Instructor(s): Professor F. Bhabha

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Synchronous online lecture, class discussions, student participation

Upper Year Research & Writing Requirement: No

Practicum: No

This course offers an introduction to and comprehensive overview of employment law, which is the law (common law and statutory) governing the individual employment relationship. More than two-thirds of Canadian workers are not unionized; this course is about them and their employers. The goal of the course is to provide students with fluency in the theory, principles, doctrines and jurisprudence of the employee-employer relationship. Main topics include: the formation of an employment contract; express and implied contractual terms; workplace standards; employee and employer rights and obligations during employment, including human rights; the termination of the employment contract and the rights and obligations upon severance.

Evaluation: Final exam: 50%, Written assignment: 30%, Class participation: 20%

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: Synchronous online 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.

Note: As a result of COVID-19 restrictions, attendance at a litigation event will be modified for the Fall 2021 semester. You may be required to participate virtually.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

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

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, 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: 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: Synchronous online 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, so long as the instructor believes he can grade it. 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, appeal, 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, a final grade of "F" for the seminar will be assigned if a student fails to complete and turn in both of them by the "F" Grade Deadline.

International Business Transactions

(2890.03 A) *Course*

Instructor(s): Professor B. Geva

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Synchronous online lecture; class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Course will cover the payment and financing of international business transactions with particular attention to the sale of goods. With various degrees of emphasis, coverage will consist of:

- Brief introduction to basic conflict of laws rules governing international commercial transactions
- Introduction to international commercial banking (deposit taking, bank and customer relationship, foreign currency and cross-border payment obligations and bank deposits; correspondent banking; foreign currency risks);
- International payments by wire;
- Principal aspects of the law governing documentary sales in international trade: delivery, passage of property and risk);
- From paper to Electronic and functional equivalence of electronic documents.
- Selected aspect pertaining to negotiable instruments as payment and credit instruments in international trade; and
- Payment and financing international trade transactions: documentary collections and letters of credit (and related banking instruments).

Course is appropriate to both second and third year students—there are neither prerequisites nor co-requisites.

While the focus of the course is payment and financing of international trade, this may be the only course offered on the JD level introducing students to the foundations of banking law needed for both domestic and international business transactions. It may also be the only course introducing students to transport documents (such as bills of lading) and their use in international transactions as well as the law that governs international transactions.

In fall 2021 in compliance with 'Covid 19' requirements the instructor will endeavour to offer as much as possible synchronous instruction (over Zoom) at the scheduled time slots and will expect students to attend with the video function on.

At the instructor's discretion final mark may be adjusted by half a mark (or in extreme cases full mark) that may be taken away or added for class participation (including attendance). Classes will be recorded – per the usual policy of the Law School – and the instructor recognizes that at least for some students sometime attendance will be precluded or disturbed by technological or circumstances at home.

Evaluation: A CHOICE (to be irrevocably made by each student by the fourth class) between:

either -- a 2.5 hour open book exam (students selecting this option will not satisfy the UYRWR)

OR-- 6500-7500 word (text- not including footnotes and bibliography) independent research paper – in satisfaction of Upper Year Research & Writing.

International Criminal Law

(2440.04 M) *Course*

Instructor(s): Professor H. Matthews

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

Prerequisite Courses: None

Preferred Courses: Public International Law

Presentation: Group exercises; student presentations/simulation exercise; pre-recorded lectures; guest lectures; synchronous in-class discussions. This course is being offered in Winter 2022 as part of a new e-Learning Pilot. It will be delivered entirely remotely using a combination of small group work building toward a capstone simulation exercise, pre-recorded lectures, and synchronous classroom discussion time.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Law in the face of mass atrocity reveals some of the most pressing issues confronting international law and politics. This course addresses the question of whether – and how – law can be used to regulate, humanize, and resolve political violence. Students will be introduced to the main concepts, rules and institutions of the field known as ‘international criminal law.’ It will explore the core international crimes of aggression, war crimes, crimes against humanity, and genocide, as well as terrorism. Students will gain a strong foundational knowledge of the field, including how it is situated in the broader contexts of international humanitarian law, public international law, domestic criminal law and international human rights law.

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

International criminal law is said to, variously: subject the use of force to the rule of law; punish and deter the worst international crimes; build an accurate historical record of mass atrocity and systematic human rights violations; provide redress and reparations to victims; address threats to international peace and security; facilitate social transition from armed conflict and totalitarian regimes to democracy; facilitate the resolution of disputes between both state actors and non-state actors; and provide a common global vocabulary through which to articulate the legal regulation of acts that ‘shock the conscience of mankind.’ But these objectives do not sit easily together, either from a practical or theoretical perspective.

This course approaches international criminal law as a global policy tool with myriad and indeterminate potential effects. We will look at ‘international criminal law’ as a global criminal justice project deployed by specific actors for specific purposes. This course invites students to engage with international criminal law as active political agents, asking whether, and how, this body of law and set of institutions and practices could be strategically deployed to secure progressive ends.

To facilitate this objective, this course is being offered in Winter 2022 as part of a new e-Learning Pilot. It will be delivered entirely remotely using a combination of small group work building toward a capstone simulation exercise, pre-recorded lectures, and synchronous classroom discussion time.

Throughout the course students will be asked to concretely evaluate the stakes of international criminal justice across a variety of jurisdictional contexts, asking how – and for whom – international criminal law might be a good or a bad thing. Historical, political, theoretical, emotional, and aesthetic lenses will be deployed to challenge students to evaluate doctrine and case law in light of fundamental questions of global jurisdiction, constituency, effectiveness and legitimacy. We will particularly emphasize the place of film in the practice, scholarly study of, and activism around, international criminal justice questions.

Evaluation: Small group exercises (20%); Capstone Simulation Exercise (20%); Final 7,000-word paper (60%).

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: Practical In-term Assignment - 50%; Final Take-Home Assignment – 50%.

International Human Rights Law

(3440.04 M) *Seminar*

Instructor(s): J. Fabra -Zamora; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar time devoted to active student participation and active-learning activities, in addition to lectures and discussions

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar critically examines the central institutions and processes of international human rights law. The first part of the seminar closely examines the main theoretical debates concerning human rights, the history of the current institutional system, and the key international and regional human rights instruments, procedures, and enforcement mechanisms. Particular human rights issues will be the focus of the second part of the seminar. Special attention will be given to the human right to life, reparation for victims of human rights violations, sustainability and environmental rights, immigration and refugee rights, and the rights of indigenous peoples in international law. Each section of the course will address practical problems to anchor the studying of the substantive law and critical discussions of the limitations of current regimes and the roles and responsibilities of governments, international organizations, private actors, and civil society. The course is designed to provide students with an opportunity to write a research paper on one international human rights law issue. Students will also write an individual communication to a human rights treaty body on a topic of their choice.

Evaluation: The evaluation is based on a major research paper (7,000 words, 70%). Students will also write a paper proposal (5%), and one individual communication to the Human Rights Committee or any other treaty body on a topic of their choice (10%). Active participation in discussion and interactive active-learning group activities is also considered as part of the evaluation scheme (15%).

International Investment Law

(3100.03 A) *Seminar*

Instructor(s): Professor G. Van Harten

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Remote seminar discussion; other remote or in-person participatory activities

Upper Year Research & Writing Requirement: Yes

Practicum: No

International law is weak except when it comes to protecting foreign investors, who have been afforded – in thousands of treaties – an exceptionally robust power to bring international claims against countries. This seminar examines the design of and current developments in international investment law and arbitration, also known as investor-state dispute settlement (ISDS). It would be of interest to students interested in public international law, international arbitration, international business and regulation, the political economy of law and North-South relations, and law and development. The main focus is on areas of public international law, and to a lesser extent domestic law and policy, governing the regulatory relationship between the state and foreign owners of assets in a country. Particular attention is paid to bilateral investment treaties (e.g. Canada-China FIPA, other BITs) and regional trade agreements (e.g. NAFTA, CETA). The seminar also examines the burgeoning body of arbitration awards under investment treaties.

Classically, this area is one of the three branches of international economic law, alongside international monetary law and international trade law. Potential topics include: policy issues in regulation of foreign investment; background to investment treaties and relevant arbitration treaties; major arbitration institutions and rules; foreign investor protections in the treaties, such as 'fair and equitable treatment', 'full protection and security', compensation for 'expropriation', 'national treatment', and 'most-favoured-nation treatment'; issues of jurisdiction and admissibility of claims in investment arbitration; remedies and state liability; and enforcement of awards. The aim is to give students a solid grounding in the legal issues, while also providing opportunities for critical discussion and reflection on the law and possible reforms and for the development of skills in analysis; listening, presentation, and discussion, and research and writing. The course design will be adapted with care to the present 'remote era' of teaching and learning. Besides a research paper, students will be asked to take part in such activities as a presentation, facilitation of a guest visit, a role play, or a debate – all meant to help make our learning fun and interesting.

Evaluation: Research paper (60%); participation/ class activities (40%).

International Taxation

(4150.04 M) *Course*

Instructor(s): S. Wilkie; Distinguished Professor of Practice

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 class participation (5%, entailing a short class presentation and leading a class discussion on the selected topic) and a 48 hour take-home examination (95%) during any continuous 48 hour period during the examination schedule and otherwise according to law school rules and requirements for take-home examinations. Students may, if they wish, also choose to write a research paper of 4,000 words, excluding footnotes and bibliography; students making this choice will still be responsible for a short class presentation and also will write the examination. The grade attributable to the examination (95%) for students who choose to write a research paper will be attributed 50% to the examination and 45% to the research paper unless the examination grade is higher in which case the 95% 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

International Trade Regulation

(2290.04 M) *Course*

Instructor(s): Professor R. Wai

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

This introductory course surveys the public laws of international trade regulation from a Canadian perspective. The course focuses on the public international law and domestic public law regimes affecting the conduct of international trade to and from Canada, with a particular focus on the multilateral World Trade Organization and the General Agreement on Tariffs and Trade. The course also introduces students to basic policy aspects of international trade law 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 dynamic situation with respect to regional free trade areas and preferential trade agreements relevant to Canada such as the USMCA (the US-Mexico-Canada Agreement renegotiation of the NAFTA), the Trans-Pacific Partnership (CPTPP), and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

Please note that while no particular background is expected of students in terms of prior legal or other kinds of knowledge (such as economics), the course is heavy in terms of reading of both legal and policy material, some of which is taken from other fields such as international relations or economics. Please also note that for this course, the instructor will emphasize synchronous learning and that, aside from for accommodation requirements, there will be no general posting of audio or other recording of the scheduled class sessions.

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): J. O'Sullivan; Adjunct Professor

Winter: 3 credits; 2 hours; max. enrollment: 23

Prerequisite Courses: 4th year JD/MBA

Preferred Courses: None

Presentation: Seminar 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. To achieve this objective, we will speak with JD and/or MBA graduates who have built remarkable and remarkably diverse careers at the intersection of law and business. Each seminar will offer an opportunity to discuss a particular topic in law or business as well as probe the career journey of a successful business/law leader.

Evaluation: Research paper (minimum 7,000 words) - 70%; and presentation and/or participation - 30%

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: Synchronous online 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 legal reasoning, analytical 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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: 70% final examination, 20% participation, 10% two short reaction papers (300-400 words each).

The final examination requires students to answer three, equally-weighted, questions (out of seven). Before the start of the exam period, students will be permitted to submit up to two additional exam answers (800-1200 words per question), which will result in their final examination being marked as four or five equally-weighted questions.

Labour Arbitration

(5070.03 M) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: Collective Bargaining Law, Labour & Employment Law

Presentation: Seminar, class discussion, in-class exercises, guest speakers and mock arbitration.

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar is intended to provide an overview of the labour arbitration process applicable to unionized workplaces. The seminar primarily addresses grievance arbitration although it may also introduce interest arbitration, and mediation and med-arb as alternative dispute resolution mechanisms. The seminar will examine both procedural and substantive issues, including the regulatory framework, arbitral jurisdiction, pre-arbitration and arbitration processes and select issues in arbitration such as collective agreement interpretation, discipline and discharge, discrimination and accommodation, and privacy. This seminar will be taught partly as an advocacy course, encouraging students to apply these concepts to persuasive and coherent oral and written arguments.

Evaluation: Mock arbitration presentation and practicum reflection (40%); Written assignment (40%); Seminar participation (20%).

Labour & Employment Law

(2315.04 A) *Course*

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lecture, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The COVID-19 pandemic has put labour and employment law in the spotlight, raising questions about job-protected sick and caregiving leaves, temporary lay-offs and health and safety on the job. In order to address these controversies, it is necessary to have a foundational understanding of labour and employment law, which this course aims to provide. This field of law includes the common law governing the 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 that generated by the International Labour Organization and labour protection clauses in international 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.

The course will be taught on Zoom however a few times have been reserved for in-person meetings at hours when there are no other regularly scheduled classes. I will provide more detailed information on how those times will be used at the beginning of the course. Any large class meetings (potentially 3) will be recorded and made available to all students.

Evaluation: In previous years, I did not have a participation grade in this course. However, last year because the course was taught remotely, I was concerned that student engagement would be a challenge. Therefore, I had a participation grade, worth 20% of the final grade, awarded on a credit/no credit basis. That practice will continue this year. Although I have not finalized how the participation grade will be satisfied, last year it could be fulfilled by writing two short response pieces posted to the course website. Most students wrote about a labour and employment law news story, while others commented on a topic covered in class or raised by another student. It is likely these will be options this coming year as well. Further details on the participation requirements will be provided at the beginning of the course.

All students must write the final examination. It will count for 80% of the final grade, unless the student completes an additional form of evaluation. The additional form of evaluation may include a research paper, case comment or other exercise approved by the instructor. The additional form of evaluation can count for up to 60% of the final grade, with the final examination counting for the remainder (no less than 20% of the final grade). 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. All additional forms of evaluation must be approved in advance by the instructor.

Labour & Employment Law and Policy Colloquium

(5550.03 M) *Seminar*

Instructor(s): Professor S. Slinn

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

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

Preferred Courses: None

Presentation: Class discussion, guest speakers, student presentations

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

This seminar examines contemporary issues in Canadian employment and labour law and policy and provides students with an opportunity to conduct supervised research on a topic of their choosing. Policy analysis and evaluation will be emphasized, taking into account theoretical, historical and empirical perspectives. This will include focusing on identifying and assessing the underlying goals of labour and employment law, evaluating whether the existing law meets these objectives, and considering alternatives for reform. Particular topics to be addressed include: digital labour and gig work; minimum standard-setting in employment; alternative models for collective worker representation and bargaining.

This seminar is open to law students in both second and third year.

Evaluation: Research paper (70%), presentation (15%), seminar participation (15%).

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: Yes

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 of War

(3730.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Class discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

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

Evaluation: Evaluation is by term paper not exceeding 7000 words-excluding footnotes and bibliography(80%), and student participation and class presentation (20%).

Law & Film

(3200.03 M) *Seminar*

Instructor(s): Professor R. Buchanan

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Images form an increasingly important vehicle of communication in the digital era, and the legal field is not exempt from these developments. This course will provide students with tools for critically engaging with the expanding landscape of visual media in public culture, courtrooms and other legal advocacy settings through the study of images on screen. In addition, through the close consideration of a diverse selection of films, both documentary and fictional, the course will examine of key legal/cultural concepts such as justice, judgment, retribution, memory and reconciliation. It will assess, analyze and seek to understand the visual and cultural contexts through which the meanings and institutions of law are understood, interpreted and constantly re-negotiated in Canada and in the world. We will study the contestations of legal power by examining the ways in which lawyers, the legal system, and issues of justice are represented by a variety of filmmakers. Among other questions, the course will consider whether insights gained from the study of film might help to engender a more responsive and inclusive legal order, within Canada as well as internationally. Films to be studied will include *Black Panther*, *Unforgiven*, *Minority Report*, and *The Man Who Shot Liberty Valance*.

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 readings in advance of the seminar. Weekly seminar participation, one class presentation and five short online reflections will make up (40%) of the course grade, while the primary evaluation (60%) 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: Participation = 20%; Class Presentation = 20%; Final Paper (7000 words excluding notes and bibliography) = 60%.

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 civil mental health detention, mandatory community treatment, as well as the law of treatment capacity and substitute decision-making. Additional topics may include: emergency health treatment (e.g., during the Covid-19 pandemic), 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 & Religion in Legal, Social, and Political Perspective

(3160.03 M) *Seminar*

Instructor(s): Professor B. Berger

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Discussion, Student Participation and Reflection, Short Lectures. Online Modules

Upper Year Research & Writing Requirement: Yes

Practicum: No

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

Please note that this seminar has been selected to form part an ongoing eLearning Pilot by the Law School. As a result, class meetings will take place via Zoom. The online delivery of the seminar will enable student engagement with experts in the field from around the world, with students in related courses at other universities, with one another in smaller group tutorials, and/or with online modules designed to enrich learning and class discussion.

Evaluation: Primarily evaluated by a research paper (65-80%) with the remainder of the grade based on class participation, presentations and/or short written assignments.

Law & Social Change: Critical Race Theory

(2750X.03 M) Course

Instructor(s): N. Simms; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: 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 20, 2022. 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 devalue particular groups? Critical race theories (CRTs) provide a framework for identifying, articulating, and proposing solutions to inequity within a society. Some of the defining features of CRTs are as follows:

- 1) Group identities: race, gender, sexual orientation, disability and other sociohistorical dimensions are constructed by societies.
- 2) Intersectionality: all individuals have multiple identities that interlock and are, therefore, experienced simultaneously.
- 3) Social systems: law, education and the media are mechanisms for conferring advantages to the political majority group and obscuring the unfair treatment of groups with less power.

The origin of critical race theories (CRTs) (e.g., AsianCrit, and DisCrit) 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 CRTs will focus on the applicability of said paradigms to the Canadian context within which legal practices shape and reinforce hierarchies of group identities. This course will explore race, racism and Canadian law in a manner that is anchored by the works of Richard Delgado, Jean Stephancic, Carol Aylward and Constance Backhouse; moreover, this course will be enriched by presentations from lawyers who utilize critical race theories in their practice.

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) -5%; Twelve-page intermediate draft of paper based on a minimum of ten formal sources - 20%; Ten-minute presentation of current work on paper - 5% (Weeks 7 & 8); Final paper (5,000 words for first year students and 7,000 words for upper year students) - 45%.

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: Synchronous online lectures, discussion, and negotiation simulations emphasizing participation and learning in small groups with experienced negotiators serving as coaches and faculty.

Upper Year Research & Writing Requirement: No

Practicum: Yes

Note:

Given the current conditions and anticipating the University's facilitation of public health directives, this course will be held via live-streamed sessions. There may be occasional opportunities to attend workshops in person, possibly on Wednesday or Friday afternoons. These additional sessions would be offered on an entirely optional basis and attendance would be voluntary.

Description:

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 a final negotiation 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, weekly exercises, 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; 2 hours; max. enrollment: 7

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 the week of January 17, 2022. 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): J. Shin Doi; Adjunct Professor

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: Contracts

Preferred Courses: None

Presentation: Lectures, in-class discussions and exercises

Upper Year Research & Writing Requirement: No

Practicum: No

This course focuses on the language, structure and organization of documents that create and support legal relationships such as formal contracts, letter agreements, licenses, 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% and three take home assignments: each 30%.

Legal Drafting

(2140.03 M) *Course*

Instructor(s): P. Malysheuski; Adjunct Professor

Winter: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, discussion, in class exercises

Upper Year Research & Writing Requirement: No

Practicum: No

This course is designed to help students develop practical skills in drafting clear and effective legal documents. The focus will be on the form and substance of formal agreements supporting corporate and commercial transactions as well as certain dispute resolution scenarios. Students will work with document precedents, review, draft, revise, and discuss various legal documents. The work will include class discussions and take home assignments.

Evaluation: Class Participation: 25% and three take home assignments: each 25%.

Legal Ethics

(2059.03 A) *Course*

Instructor(s): M. Mercer; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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 discussions, 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): Professor T. Farrow

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 critically about issues in legal ethics and professionalism. As well, it will help students understand the different ethical and professional issues that arise in particular practice contexts. What are the different professional dilemmas confronting Bay Street lawyers as compared to small town lawyers? What are the challenging ethical issues facing government lawyers? How are these similar and dissimilar to the ethical issues facing criminal defence lawyers? How might one think about the ethical duties of the poverty lawyer and the in-house corporate counsel? How are these different ethical and professional issues reconciled in the context of our professional duties under the LSO Rules, case-law and existing norms of practice? Through readings as well as in-class problem-based discussions, the focus will be both conceptual and practical. Students will be expected to participate extensively in the discussions. The course is also designed to provide students with an opportunity to focus on particularly noteworthy ethical or professional issues within particular practice settings and to present these issues in class and through a research paper. Additionally, throughout the term, the profession's professional obligations as articulated in the Report of the Truth and Reconciliation Commission will be considered.

Evaluation: 1. Class participation - 20% of the overall course grade. 2. Individual or Group presentation - 20% of the overall course grade. 3. An independent research paper of 7000 words (excluding footnotes) - 60% of the overall course grade.

Legal Values: Access to Justice

(3591Z.03 M) *Seminar*

Instructor(s): Professor T. Farrow

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: A combination of lectures, facilitated class discussions, student-led presentations, and potentially guest speakers will be used. Students will be expected to attend all classes, to participate actively in class, and to complete required readings and assignments. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 17, 2022.

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 from sociological, philosophical, democratic, legal and practical perspectives. By studying the problem, it is hoped that we can begin critically to explore some long-term and meaningful solutions. A recurring consideration will be the role of the lawyer, both individually and collectively, as part of the problem as well as part of the solution. Students will be encouraged to explore a critical approach in order better to understand the scope of the problem, the goals and objectives associated with improving access to justice, and the feasibility of potential solutions. Topics, to be finalized, will include an introduction to current research and thinking on access to justice from a variety of different perspectives.

Evaluation: Participation and reflection (25%), likely including: attendance; presentation(s); and critical reflection(s).

Research paper (75%): 5,000 words for first year students; 7,000 words (excluding footnotes and bibliography) for upper year students, to be discussed and finalized further in class.

Legal Values: Advanced Criminal Law (Race & Racism)

(3592Q.03 A) *Seminar*

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

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Synchronous online 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: Commercializing IP

(3591M.03 A) *Seminar*

Instructor(s): S. Lam & A. de Fazekas; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: The course will include a combination of presentation by the instructors on seminar topics and guided discussion on case study scenarios associated with the seminar topics.

Upper Year Research & Writing Requirement: No

Practicum: Yes

Navigating legal issues is crucial to the commercialization of new technologies. This course will examine the application of substantive intellectual property (IP) law in the context of IP management for in-house lawyers or IP managers within IP-rich organizations. Through case studies and facilitated discussion, students will apply principles central to IP management, including creation, development, protection, and exploitation of intellectual property rights as a business asset. Guest speakers will supplement the course's examination of key technology specific issues relating to high technology and sciences.

In particular, this course will examine the 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 negotiating related agreements; offensive and defensive IP strategies; assessing competitive IP; negotiating and interpreting IP sensitive contracts; and transactional IP processes.

While students with background in substantive areas are welcome, no prior experience is required. A keen enthusiasm to learn about IP as an asset and participation in the course is encouraged by the instructors.

Evaluation: 10% seminar participation; 70% memorandum with detailed multi-faceted analysis for major case study (subject to instructors' approval); and 20% presentation, including a group reflection upon the conclusion of the presentation. The reflective discussion can include a short discussion on one or two aspects that the respective students grappled with when applying substantive IP law to practical business objectives.

Legal Values: Commercializing IP

(3591M.03 P) *Seminar*

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

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

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: 15

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar

Upper Year Research & Writing Requirement: No

Practicum: No

This seminar is the result of an innovative collaboration between the Federal Government (the Departments of Canadian Heritage and Innovation, Science and Economic Development) and several Canadian law schools (including Osgoode, University of Toronto, Ottawa, McGill, and Université de Montréal). The seminar exposes law students to the process of crafting public policy and proposing law reform, and is uniquely designed to feed into ongoing public consultations on potential amendments to the Canada's 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 reviews and subsequent Consultation Papers. The seminar will culminate in a Grand Oral (to be held in Ottawa or online, TBD) where teams representing each of the participating law schools will present their final Memorandum to Cabinet 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 hone and showcase their research abilities, policy analysis, and oral presentation skills. Students will have access to a community of professionals and policy specialists in developing and presenting their own views and recommendations on important current issues in Canadian copyright law.

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

Evaluation: Written report (60%), oral presentation (20%), participation and engagement (20%).

Legal Values: Equality

(3593A.03 M) *Seminar*

Instructor(s): Professor D. Priel

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 17, 2022.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In the last decade equality has returned to the centre of academic and popular discussion. Following the 2008-09 global financial crisis, there has been growing concern over the impact of economic inequality both within and between states. In addition, there has been renewed and enhanced interest in the non-directly economic ways that inequality operates in society. In academic writings, in journalistic works, as well as in artistic works, people have explored race, gender and other relations as a cause of persistent inequality.

From an academic perspective, the growing interest in questions related to equality and inequality manifested itself in research coming from disciplines that used to have relatively little interest in the topic. In earlier decades works on equality were dominated by political and social theorists (often writers from the outskirts of academia); in the last decade, there has been a wealth of works by economists, political scientists, psychologists, historians, and others that addresses aspects of equality and inequality.

The result is a significant amount of new and often challenging information and ideas. In the seminar we will review and discuss a small sampling of these works. The aim will be to look at questions related to equality from different disciplinary and political perspectives. Among the questions we will consider: Is equality important and why? What is the standard of measuring equality? What are the social causes and effects of inequality?

As the topic is vast, the choice of readings will inevitably be selective. One thing we will not read is Canadian (or other) jurisprudence on equality. However, for their seminar paper students are welcome to take on legal questions and cases, using perspectives discussed in the seminar to analyze them.

Evaluation: Participation in a seminar online forum (minimum two posts): 10%; Class attendance and participation: 10%; Final paper: 80%.

Legal Values: International Environmental Law

(3593D.03 A) *Seminar*

Instructor(s): G. Dzah; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Since the 1972 Stockholm Conference, there has been a steady rise in the sources of international environmental law with a significant number of treaties complemented by customary international law, and decisions of international adjudicative bodies. These sources present an intricate network of rules, principles and institutional arrangements in response to the ever-changing field of environmental problems with regional and global dimensions such as environment and human rights, climate change, transboundary pollution, regulation of hazardous chemicals and waste, and sustainable development. This course will introduce students to the organizing principles of international environmental law including its foundational rules and complex institutional framework, with an emphasis on key actors, opposing interests, and competing ideas. All class discussions will involve doctrinal and critical engagements. We will also incorporate guest lectures and student presentations, and students are expected to participate actively in all class discussions. Students are expected to demonstrate an in-depth understanding of the history of the discipline; its general principles; compliance and enforcement mechanisms; interaction between international environmental law and domestic law; current debates and critical perspectives within the discipline; and international environmental adjudication by the end of the course.

Evaluation: Attendance & Participation 15%; Class Presentation 15%; Research Paper (7000 words excluding footnotes/references) 70%.

Course Texts/Materials: Weekly readings will be posted online.

Legal Values: Law in the Time of Catastrophe

(3592Z.03 A) *Seminar*

Instructor(s): Professor S. Bandopadhyay

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

Prerequisite Courses: The seminar does not require any previous expertise in the subject-matter. However, students must be prepared to engage with natural/social sciences and humanities research.

Preferred Courses: none

Presentation: Synchronous online seminar-style discussions; close-reading of texts

Upper Year Research & Writing Requirement: Yes

Practicum: No

COVID-19 is the first truly global pandemic of the 21st century. Governments, climate scientists, epidemiologists, and public health researchers have warned that the viral outbreak will affect the world in myriad unforeseen ways and similar outbreaks are likely to recur. All the while that we are overwhelmed by this historical malady, we must not forget the increasing frequency and intensity with which Canada and countries around the world have been struck by forest fires, earthquakes, tsunamis, food scarcity, and historic refugee flows out of conflict and disaster-ridden landscapes. These events are likely to worsen in the coming decades.

Climate change and disasters as umbrella categories are fundamentally problems of governance. But environmental law courses traditionally struggle to make room for them. This course aims to introduce upper year law students to the relationship between law and a range of future-facing global environmental crises that are often overlooked in law school curricula. The readings are designed to: (i) bring law students up to date on social science and humanities research surrounding disasters; and (ii) critically examine a variety of international legal regimes that currently attend to specific kinds of disasters such as pandemics and food scarcity.

As possible, we will pause to examine how these issues are being addressed within Canada, both in terms of the Canadian constitutional framework as well as the concerns of indigenous communities. Like any survey, this course is designed to introduce students to a wide swathe of knowledge about a new subject. As such, there are limits to how deeply we can explore the subject-matter for each week. However, students are encouraged to choose research projects that will allow them to study any of the areas explored in the course, or other related areas, in greater depth.

The seminar will prepare students to serve as law and policy experts on significant national and international environmental concerns that are going to be in high demand in the years to come. By the end of the course, students will be able to:

- understand the socio-scientific, political, and historical context of climate change and other 'catastrophes' broadly stated;
- apply these insights and techniques to evaluate the quality and impact of international (and domestic) legal regimes;
- critically analyze the content of official statements, news reports, and popular narratives about disasters and emergency regulation

Sample list of topics (subject to change)

- Climate, climate change, and disasters (as global, legal and non-legal contexts)
- Famine and food security
- Pandemics and global public health
- Armed conflict and environmental Degradation
- Small islands and sea level rise
- Climate refugees and internally displaced persons

Evaluation: The primary mode of evaluation is a research paper (proposal + final written submission) worth 65% of the final grade. Students will determine their own paper topics in consultation with the instructor.

Co-leading readings (10%)

Paper proposal (1000 words max., excluding notes and bibliography) (20%)

Final written submission (45%): 7000-7500 words excluding notes, bibliography

The remaining 25% will be based on class participation. Attendance, unless specifically excused, is mandatory; this means that, barring accommodation or ad hoc technical difficulties, students will be expected to keep their cameras switched on during class. However, the participation grade is not an 'attendance mark.' You will be marked based on the quality of your interventions in class and the degree to which your questions and comments are informed by the readings and your own thoughtful reflection.

Legal Values: Law in the #Me Too Era

(3593B.03 M) *Seminar*

Instructor(s): Professor H. Matthews

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Community-based participatory workshops; mini-lectures; guest writing workshops; student presentations; in-class discussions. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 17, 2022.

Upper Year Research & Writing Requirement: Yes

Practicum: No

Societies tell us a lot about themselves by how they struggle over sex. Over the last four years, the MeToo movement has inspired intense public discussion about cultural, institutional, and legal attitudes and approaches to questions of sexual misconduct, assault, and harassment. We are witnessing nothing short of the reevaluation of the kinds of sex that are considered socially and politically valuable. These debates have had, and continue to have, profound legal effects, prompting calls for law reform and policy shifts in jurisdictions all over the world. From sexual assault reform to consent training to on-campus sexual violence adjudication procedures and beyond, we are in a moment of change. This seminar will examine and critically evaluate case studies of specific advocacy and activist projects and their impacts on public and private investments, law reform and adjudication. We will look at how MeToo has shifted how arguments are made in formal court and the court of public opinion. Starting from the position that law and social attitudes mutually influence and constitute one another, we will weigh the costs and benefits of the movement from the perspective of a variety of constituencies, asking throughout how – and to whom – power has been redistributed.

This seminar has been selected as an e-Learning Pilot at the Law School and will be delivered using an entirely remote format. Part of the seminar will pursue an innovative new methodology that will tie together the thematic focus of law reform and MeToo with a research creation process rooted in feminist epistemology. As part of this new approach, students will join actors in the MeToo movement to conduct virtual focus groups to create knowledge together. Using non-hierarchical methods that seek to de-centre discourses and practices of expertise this part of the course will critically engage whether the MeToo movement is advancing its transformational goals.

Evaluation: Seminar participation (30%); Final paper (70%; 5,000 words for first-year students and 7,000 words for upper-year students, not including footnotes or bibliography).

Legal Values: Litigating IP Cases

(3592L.03 A) *Seminar*

Instructor(s): Professor D. Vaver & Hon R. Hughes QC; 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: Synchronous online 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. Teaching may be by Zoom.

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

Legal Values: Multiculturalism and Intra-Group Vulnerability

(3593G.03 M) *Seminar*

Instructor(s): M. Zucker, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Lectures, guest speakers, class discussions, student-led discussion questions and presentations. Students will be expected to attend class, to have read the assigned material for class, and to come prepared to engage in class discussion.

Upper Year Research & Writing Requirement: Yes

Practicum: No

In the last fifty years, we have witnessed a pendulum swing concerning the relationships between the liberal state, the individual, and cultural minorities. The pendulum began to move during the last three decades of the twentieth century, when assimilationist and monocultural nation-state models were contested and increasingly displaced by newer multicultural models. These new models acknowledge the recognition of cultural minority groups as a prerequisite for the ability of their members to equally enjoy their freedoms and rights. But it was not without criticism that this multicultural swing swept the Western developed world. Critical works, which are collectively known as the literature on “minorities within minorities”, have drawn attention to inequalities within cultural minority groups and the way that these groups can oppress their own internal minorities – who might be women, children, LGBTQ+ individuals, members of a lower caste, low-income individuals, and other groups of (less powerful) members. This problem of intra-group vulnerability is the focus of the seminar.

The seminar will bridge legal and theoretical materials to inform our understanding of this problem. Classroom time will focus on critically examining theoretical approaches to addressing intra-group vulnerability concerns, considering their application to actual contexts (to a range of religious, immigrant, and Indigenous communities in Canada and other multicultural societies), and identifying zones of uncertainty and disagreement. Some of the issues that will be discussed include the criminalization of polygamy and forced marriage practices, the protection of children of minority faiths, and bans on wearing Muslim head or face coverings (including the recent debate around Quebec’s Bill 21). These issues will be considered with attention to developments that mark a perceptible retreat from multicultural and diversity-accommodating agendas across the globe – indicating yet another swing in the state-individual-minority relations pendulum.

Evaluation: The seminar entails a combination of readings, written assignments, student-led discussion questions, and draft paper presentations, in order to help students become effective producers and consumers of legal scholarship, guiding them through the stages of writing a research paper.

- Participation – 10%: Based in part on participation in class discussion and in part on student ‘class questions’. Each student must prepare one ‘class question’ that is based on one of the assigned seminar readings and lead or co-lead the class discussion of that reading.

- Two short response papers (250 – 300 words each) – 10% (5% each)

A short, written comment based on an assigned reading or on one source upon which the student is relying for their research paper

- Research Paper on a pre-approved topic (7000 words, excluding footnotes and bibliography) – 80%

1. 1500-word narrative outline and annotated working bibliography (20%)

2. 15-minute presentation of draft paper in class (10%)

3. Final paper (50%).

Legal Values: Prison Law, Policy & Reform

(3592S.03 A) *Seminar*

Instructor(s): S. Martinez; Adjunct Professor

Fall: 3 credits; 2 hours; max. enrollment: 25

Prerequisite Courses: none

Preferred Courses: none

Presentation: Synchronous online lectures; discussion; guest speakers; research and writing

Upper Year Research & Writing Requirement: No

Practicum: No

This 3-credit seminar will utilize a multisectoral approach to encourage critical thinking with a view of challenging preconceived notions about what prison is and why it exists. It is designed to provide students with not only a basis to understand the theories underlying the carceral state, but also the practical skills necessary to navigate prison law and advocate on behalf of those on the inside.

Students will hear from and engage in discussion with prisoners, legal practitioners, prison officials, and academics with expertise in (de)carceration. Readings, videos, and audio recordings will also be used to learn about the history and ideology behind prisons and punishment in Canada.

This seminar will examine the legislation that empowers governments to create and maintain prison systems (i.e. the *Corrections and Conditional Release Act* and the *Correctional Services Transformation Act*), as well as the regulations, directives and policies which guide the day-to-day operations. It will also review jurisprudence from all levels of court on issues such as:

- solitary confinement;
- prisoners' right to vote;
- *habeas corpus* remedies;
- tort actions and civil litigation against correctional officials;
- international prisoner transfers;
- conditional release;
- prison abolition; and
- labour (union) organizing among prisoner populations.

Independent audits, coroner's inquests, and other inquiries into jails and prisons will also feature prominently.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Students will be evaluated on the basis of attendance (10%), participation (30%), and one of the follow options (60%):

(i) a 5,000 – 7,000-word (max) research paper on a topic chosen by the student (the topic can be chosen from a list, or it can be submitted by the student for approval); or

(ii) research and supervised advocacy (presentations to public officials) on one of two forthcoming test cases relating to the rights of prisoners and their families. It is anticipated that one of the test cases will focus on the National Drug Strategy (federal), while the other will focus on the rights of children to have contact visits with their incarcerated parents (provincial).

Please note that there will be limited spaces for option (ii). Names will be drawn at random if interest exceeds availability.

Legal Values: Property, the Environment, and Equality

(3593E.03 M) *Seminar*

Instructor(s): Professor J. Nedelsky

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

Property is at the heart of economic institutions, beliefs about freedom and security, and people's understanding of their relationship to the Earth. The focus of this course is (1) understanding the role of property law in harm to the environment and in human relations of inequality and (2) exploring alternatives to the norms and legal forms of property. To do this, we will integrate analysis of political theory, legal theory, legal history, case law, environmental policy, and issues such as housing and homelessness. This course will explore the connections between property law and beliefs basic to the economic and political systems of common law countries. For example, we will look at how property law expresses and maintains assumptions about human superiority to other life forms, and the links between those beliefs and settler colonialism. We will (briefly) look at the legal history of property to understand evolving structures of power and inequality, and the role of property law in that evolution. Legal history provides a perspective that allows us to see that beliefs and practices dominant today have not existed from "time immemorial." This then sets the stage for examining viable alternatives to existing property structures. In exploring those alternatives, we will look to Indigenous law, comparative law, and the potential for existing legal concepts like "trust" to be re-purposed. We will look at issues of human inequality and the ways they are interwoven with environmental harm. Hierarchies among humans and between humans and the Earth (with humans at the top of a pyramid of life forms) are interconnected through property law. Because property is so embedded in institutions and norms, transformation will require a deep rethinking of core beliefs. We will look at some of the resources for re-envisioning property and the values associated with it. In addition to Indigenous teachings (including learning from the land), these include: the invocation of spiritual traditions, such as Buddhism and Christianity, to promote care for the earth; theories of the role of competition vs cooperation in evolution and contemporary "human nature;" the importance of nature for human health. Specific topics will include: property and settler colonialism; animals as legal beings; learning to care for the earth; the history of exclusion from the land; the importance of "place" in assessing loss of property; the idea of all land held in trust for the earth community, present and future; the power and threat of the myth of absolute rights of property; property, poverty, and homelessness.

Evaluation: Major research paper, 7,000 words (70%). For the research paper, students can choose topics from a wide range of property related issues. Students must meet with the instructor to discuss topics by the end of week 5. Outline and preliminary bibliography are due by the end of week 7. Students will present their work to the seminar. (5%) Students will post a 300-500 word "comment" on the assigned readings 3 times during the term. (15%). Students will also post a 200-300 word "response" to a fellow student's "comment" 3 times during the term. The responses will be part of Class Participation (10%).

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

(3591E.03 M) *Seminar*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Seminar, discussion. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 17, 2022.

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 2021-2022, the course will use the case of Libyan 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. Presentation: 20% (to be discussed further in class)
2. Research paper: 80% (7000 words, excluding footnotes and bibliography).

Legal Values: Theoretical Foundations of Contract Law

(3592X.03 A) *Seminar*

Instructor(s): Professor J. Nadler

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: The seminar will be a combination of synchronous online lecture and discussion.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is intended to revisit the basic principles of your first-year contracts class, but this time from a rich theoretical perspective. The basic principles of contract law are firmly settled, and yet there is deep theoretical disagreement about their precise contours, purpose, and justification. This course has two main learning objectives. The first is to deepen students' understanding of the fundamental principles of contract law by studying how those principles are embedded in settled doctrine and yet continually subject to controversy and disagreement. The second is to teach students to think critically about the law through the lens of a variety of theoretical and interdisciplinary frameworks. We will explore questions such as: what is the point of the doctrine of consideration? Is it a functional tool that could be replaced by some other functional tool or does it have some non-instrumental significance? What is the justification for the expectation measure of damages? If there is a right to performance, then why isn't specific performance the default contractual remedy? If contract law is the law of voluntary obligations, what view should we take of standard form agreements that are rarely read or understood? How does the common law of contracts fit with contract law's equitable doctrines? How can we reconcile contractual freedom with contractual fairness? Is there—and should there be—a duty of good faith in contract?

Evaluation: 75% -research paper (7,000 words, including footnotes) on a topic of your choice (approved in advance); 25% -class participation, including class presentations

Legal Values: Transnational Corporations & Human Rights

(3590T.03 A) *Seminar*

Instructor(s): Professor A. Dhir

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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. Depending on circumstances, this course may be offered remotely. If so, the course will use Zoom online video conferencing and synchronous (real-time) instruction. Class attendance at the designated time will be mandatory. Students will require a reliable internet connection, a microphone, and a web camera. Students will be expected to participate with video enabled for the duration of each session unless doing so would result in a significant hardship.
2. Any non-Osgoode students enrolled in the class must adhere to Osgoode's academic rules and policies, including the course drop deadline.
3. 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%).

Litigation Dispute Resolution and the Administration of Justice Colloquium

(5007.03 M) *Seminar*

Instructor(s): J. Fabra-Zamora; Adjunct Professor

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

Prerequisite Courses: Students must be in their final year

Preferred Courses: None

Presentation: Student presentations, interactive group exercises, and discussion

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar is the capstone course for the Litigation, Dispute Resolution, and the Administration of Justice (LDA) Stream. It provides the opportunity for students to develop and refine a major research paper in collaboration with their peers and the instructor. The seminar is designed to help students bring together the cumulative knowledge and skills they have obtained in courses in the LDA stream, to further develop their critical thinking and writing abilities, and to provide an opportunity to improve skills associated with collegial interaction, including the ability to constructively engage with colleagues' work. The seminar proceeds in three phases. The first phase focus on the selection of topics, the development and refinement of the research question, and research methodologies. Students will then present their paper proposals to the class for comment and discussion and prepare a formal commentary on one other proposal. In the second phase, students develop the structure and substance of their papers. Based on the feedback and further research, students will prepare and present an outline and receive feedback on their analysis, argument, expository strategy, and literature engagement. In the third phase, the students will participate in intensive editing workshops to provide them with techniques for improving the quality of their writing, discuss the relevant LDA literature, and address objections and comments. The seminar's final session will be a roundtable in which all students will have the opportunity to engage with advanced drafts of their papers.

Evaluation: The evaluation is based on a major research paper (7,000 words, 65%), class presentations (15%), and oral and written commentaries on one paper proposal (5%). Active participation in discussion and interactive group activities is also considered as part of the evaluation scheme (15%).

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: Synchronous online 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%) and final examination (70%).

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: Online lecture and discussion (combination of synchronous and asynchronous), student presentations, guest lectures, field trips (individually or in small groups if required). In person meetings will be held if permitted.

This course does NOT qualify for the Indigenous & Aboriginal Law Requirement.

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. Some comparative international law and policy examples will be provided. The course is a practicum course. Assignments and final research projects will be developed with community partners to support their work on current issues in Natural Resource Law in Canada.

Evaluation: 60%: Practicum final research project; 20%: Class participation (including both in-class and written online participation) ; 20%: Blog post and/or teaching tool and short presentation.

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: Synchronous online discussion, student presentation, lecture, guest speakers and films.

Upper Year Research & Writing Requirement: Yes

Practicum: No

The COVID-19 pandemic put occupational health and safety (OHS) back into the headlines. At the height of the crisis we read about 'essential workers' who were put in positions where they were likely to experience increased risk of exposure, but who did not feel their employers provided adequate protections, whether through the provision of personal protective equipment or barriers, or through measure in insure social distancing was maintained. These challenging conditions put our OHS regime through a stress test and revealed both strengths and weaknesses.

Concern with OHS of course is hardly new and not confined to pandemics. In 2019, the last year for which we have national statistics, Canadian workers' compensation boards accepted around 270,000 lost-time injuries and illnesses and 925 work-related fatalities. For reasons we will discuss, these figures under-estimate the toll that work takes on workers' lives and health, but it is also likely the case that work is less hazardous now than it has been in the past.

In this seminar we will explore how occupational health and safety regulation has contributed to improvements, where they have been made, but also the ways in which regulation 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. Of course, we will also consider the special circumstances of OHS regulation in the context of the COVID-19 pandemic.

The seminar will be taught on Zoom, however, opportunities for in-person class meetings at times when there are no regularly scheduled courses have been set aside. More details on how we will combine Zoom teaching and in-person meetings will be available at the beginning of the semester. However, students will have the option of attending in-person meetings virtually.

Evaluation: Major research paper, 8,000 words (70%). 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.

Class Participation (30%). This is a seminar so the expectation is that students will attend via Zoom (with the option of in-person attendance if in person meetings are scheduled) at the regularly scheduled class hours. To use current jargon, the class will be conducted synchronously, just as it would in normal

circumstances. It follows that seminar sessions will not be recorded. In previous years the participation grade was calculated on the basis of one one-page reflection on seminar readings, including 2 questions for discussion and on a presentation to the class on your research paper. I am still considering how to structure the participation component in light of the changed context, but it is likely that I will include an attendance component for some percentage of the grade that will be awarded on a credit/no-credit basis.

Patents

(2330.04 A) *Course*

Instructor(s): Professor I. Mgbeoji

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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 but paper is not to exceed 2500 words). 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: Synchronous online 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 a few legal doctrinal questions ranging from sources of international law to regulation of the use of force, humanitarianism, forceful intervention, 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 historical and contemporary state of international political life to weigh the possibilities and limitations of international law in global affairs.

Evaluation: Participation (25%); three-hour closed-book examination (75%).

Real Estate Transactions

(2070.03 P) *Course*

Instructor(s): D. Carter; 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

This course will use the standard Ontario Agreement of Purchase and Sale as a baseline to examine the leading academic issues and legal questions regarding real estate transactions in Ontario. We will focus on understanding how a real estate transaction works, the rights and obligations of the buyer and the seller of real estate, and the roles and obligations of the professionals involved in these transactions: the realtors, lawyers and mortgage brokers.

Evaluation: One 3-hour open book examination: 100%; 25% optional paper.

Real Estate Transactions

(2070.03 Q) *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 A) *Course*

Instructor(s): Steven I Pearlstein

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lectures, discussion

Upper Year Research & Writing Requirement: No

Practicum: No

The purpose of this course is to review and analyze the legal, ethical and practical issues in commercial and residential transactions respecting real property. Problems and remedies related to real estate transactions, including those involving real estate brokers and agents, sellers and buyers, mortgagors and mortgagees will be examined. Focus will be on the foundational areas of real estate law and their sources, including cases and statutes.

Evaluation: 100% Open-book examination; 25% paper option; 6,000 words.

Refugee Law

(2470.04 M) *Course*

Instructor(s): Professor S. Rehaag

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

Prerequisite Courses: None

Preferred Courses: Immigration Law; Administrative Law

Presentation: Lectures (attend live, in person or remote), Synchronous Discussions, Assignments & Student-Led Teaching (All Online)

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.

The course will be offered through live lectures and class discussions. The course will also include several weeks of student-led teaching in the second half of the term. There will be two written assignments. This course requires consistent and active student participation throughout the term, including participation in evaluated group work. There is no final exam or final paper. The course, including all evaluated work, will be complete by April 8.

NOTE: If Covid-related restrictions permit live in-person classes on campus, students will have the option of attending in-person or remotely (in which case we will be using technology from the Refugee Law Laboratory to facilitate hybrid in-person / remote learning). If Covid-related restrictions do not permit in-person classes on campus, all classes will be held remotely via Zoom.

Evaluation: Participation (25%), Student-Led Teaching (20%), Written Assignments (55%).

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: Synchronous 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

Competition is good. In most industrialized countries, including Canada, this belief in the value of competition - that consumer and businesses prosper in a competitive and innovative marketplace - is a backbone of domestic and global economic policy. This belief is also the underpinning for the creation and enforcement of global and domestic competition/antitrust laws, including Canada's *Competition Act*. The *Competition Act* seeks to maintain and encourage competition in Canada, primarily through public and private enforcement. Competition law, enforcement and policy feature prominently in political debate and in the press, particular due to concentration concerns and the vigorous enforcement of competition laws. This course aims to provide students with a basic understanding of competition law, enforcement 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 business 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.

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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

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): R. Hall & M. Taschereau; Adjunct Professors

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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) insolvency and creditor realization issues specific to the cannabis industry; (x) employment and workplace safety issues; and (xi) 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): Justice R. Libman; Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online discussion, Guest Speakers, Student Presentations and Student Participation.

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

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

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: Research paper (7,000 words) 60%, class participation 20%, class presentation 20%.

Restitution

(2360.04 A) *Course*

Instructor(s): Professor J. D. McCamus

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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: 100% 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): E. Skwarek, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lectures

Upper Year Research & Writing Requirement: No

Practicum: No

This is a three hour course that covers the key requirements of the Ontario Securities Act, with reference to other provincial or international regulation where appropriate, and places these requirements in the context of the policy goals underlying regulation of the capital markets. Included in this coverage are the definitions of key securities regulatory concepts such as "security", "trade", and "distribution"; primary and secondary distribution of securities; prospectus disclosure; exemptions and resale rules; continuous and timely disclosure with particular reference to insider trading; mergers and acquisitions with particular reference to takeover bid legislation; primary and secondary market civil liability; enforcement issues and regulation of market intermediaries with a particular attention to the Client Focused Reform. The recommendations contained in the Final Report of the Ontario Task Force on Capital Markets Modernization will be referenced with respect to their impact on regulatory reforms.

Evaluation: 100% examination (combination of open book and closed book) OR 50% examination plus 50% research paper.

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 the Ontario Securities Act, regulations and policies, and will reference certain 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 various stock exchange rules; capital pool companies and SPACs; continuous and timely disclosure; takeover bid legislation; mergers and acquisitions; primary and secondary market civil liability; and regulatory enforcement issues. Our goal is to have our students leave the course with a solid grounding in Canadian securities law as well as a good understanding of how these laws impact corporate finance in Canada.

Evaluation: 100% open book examination, with a student's option for 10% class participation and/or a paper for 25% of the grade whereupon the final exam will be 65% of the grade (if both options are chosen).

Statutory Interpretation

(2930.03 A) *Course*

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

Fall: 3 credits; 3 hours; max. enrollment: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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 Soc & 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 on designated topics during class. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 17, 2022.

Upper Year Research & Writing Requirement: Yes

Practicum: No

This seminar considers the use of tax instruments to achieve social and economic goals. Now is a perfect time for studying this because governments around the globe – including the Canadian government - are relying on tax measures to respond to the COVID-19 pandemic challenges, including economic stimulus and reimagining the post-COVID world. Canada has also planned to introduce a Digital Services Tax. The G7 and G20 are working on tax solutions to tax multinational enterprises. This seminar will take advantage of this unprecedented opportunity to learn about tax policy in action, and more importantly, through learning tax policy, students will develop skills in legal and public policy analysis that can be applied in all areas of law.

To take this seminar, students should have an intellectual curiosity, and be prepared to read and think like a legal professional. A detailed course outline and written guidance for each module of the class will be provided in advance.

Guest speakers will be invited to lead some discussions.

Evaluation: Methods of evaluation: a) 10% for attendance and active contributions in class; b) 5% for a short (no more than one page) reflection memo on the designated readings; c) 5% for making a group presentation on a designated topic; d) 80% for a research paper on a specific topic (5,000 for first year students and 7,000 words for upper years, excluding footnotes, Abstract and Outline.)

Tax Law and Policy Colloquium

(5330.03 M) *Seminar*

Instructor(s): S. Wilkie; Distinguished Professor of Practice

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

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

Preferred Courses: None

Presentation: Seminar, discussion

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, as both a tangible outcome of the course and the main basis for students' evaluations, is to help students develop and craft a piece of writing of at least 7,000 words that is expected of an entry-level lawyer in the private or public sector or of publishable quality which connects theory and policy in the tax law to outcomes in its application. 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 to capture dynamic fiscal and tax policy developments in relation to fundamental tax notions, basically the seminar will involve a topics-oriented examination of current research in tax law and policy. At the end of the seminar students should have the ability to think critically and expansively about tax issues and to read the most sophisticated tax articles - whether theoretical or practical - critically and with understanding and to write publishable tax commentaries. There will be scheduled classes throughout the course to discuss 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 and throughout the term. Students will be required to present their draft papers before the end of the term by leading a seminar presentation in which all members of the class with the instructor will participate.

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: Online group discussion of seminar materials

Upper Year Research & Writing Requirement: Yes

Practicum: Yes

The purpose of this seminar is to step back from the substantive context 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. It is structured around topics that are central to the practice of tax and will focus on the progression of a tax dispute from the planning stages through to litigation. It will review key features of the audit, assessment, and appeals process, with an emphasis on early resolution. Through the use of a case study, students will also learn about the basic structure of a tax appeal and gain familiarity with the procedures for litigating the appeal, from the perspective of the Crown and the taxpayer. This seminar is open to all students. It is required for those who wish to complete the Tax Law curriculum stream and recommended for those interested in participating in the Donald G. H. Bowman National Tax Moot.

Evaluation: 1. Written assignment(s) - 40%; 2. Oral presentation(s) - 30%; 3. Class attendance and participation - 30%

OR

1. Research Paper (7,000 words) - 70% [satisfies upper year research and writing requirement]
2. Class attendance and participation - 30%

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: Asynchronous lectures and optional synchronous sessions

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.

The material for this course will be delivered in an asynchronous lecture format supplemented with optional synchronous sessions for questions and application. In addition, there will be in-person content to whatever limited extent proves possible. The asynchronous lecture content will be posted to the course Moodle page on the scheduled lecture days. My lecture style and supplementary PowerPoint materials are well-suited to this method of course delivery. All assigned readings will be supplemented by detailed PowerPoint materials. These materials are not cryptic bullet point summaries of the readings. Instead, they are carefully prepared to bring greater context, organization and coherent explanation to assigned readings. All PowerPoint materials follow a disciplined, consistent and orderly format, breaking materials down by topic and sub-topic. The verbally delivered lecture content tracks very closely with the PowerPoint materials, adding further explanation, context and debate to these materials. If students scrutinize the readings, digest the supplementary PowerPoint materials and listen carefully to the recorded lectures, they will be equipped to succeed in the course.

I recognize that the law school experience needs to include opportunities for direct engagement with course instructors. I strongly discourage students from treating the course as a purely passive learning experience. In addition to participating in the optional synchronous sessions, students are welcome (as individuals or groups) to seek direct engagement with me on any aspect of the course on an "as scheduled" basis. This engagement can occur through whatever platform works best, including Zoom, email or phone. Students are invited to liberally draw on direct engagement opportunities to introduce themselves, ask questions about assigned materials, discuss principled disagreement with positions taken in the lectures and/or discuss the course (or the profession) more generally.

Opportunities for direct engagement with me will be at the option of students. Law students are experienced adult learners with the agency to determine for themselves when direct engagement will facilitate their learning style and objectives. Optional direct engagement is about giving students control over their own learning, allowing them to identify for themselves when direct engagement will further their learning style and course objectives.

Evaluation: Evaluation: 100% final examination or optional 33% mid-term exam and 67% final examination.

Taxation Law

(2080.04 B) *Course*

Instructor(s): J. Frankovic, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online 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; expenses and credits; capital gains and losses; tax expenditures; 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.

Note: The instructor of this course/ seminar has indicated a preference or willingness to conduct optional in-person meetings for students. All in-person meetings will be optional for students until the general return to in-person instruction that is expected for the winter 2022 term. Any in-person meetings in the fall 2021 term that cover examinable course content will be accompanied by a remote participation option, such as a separate remote class, live dual delivery, and/ or a recording of the class, at the instructor's discretion. More information will follow from the instructor after students have enrolled; please also note that there is no guarantee of in-person instruction in any course or seminar.

Evaluation: 100% open book examination. Additional evaluation: Optional 50% paper or case comment but must write the final exam; if the exam mark is higher, the exam counts for 100%.

Taxation Law

(2080.04 P) *Course*

Instructor(s): Professor I. Ozai

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

Prerequisite Courses: none

Preferred Courses: none

Presentation: Lecture, problems, guest contributors

Upper Year Research & Writing Requirement: No

Practicum: No

This course introduces the fundamental principles of the Canadian federal income tax system. We will focus on building the vocabulary of taxation and exploring the social, political, and economic factors that shape the development of the law. By the end of the course, students should understand why societies tax, who and what they tax, and how they do so; be familiar with the general structure and principles of the Canadian federal income tax system; and develop skills in close, critical reading and interpretation of primary and secondary legal sources.

The central focus of the course is on the tax principles for the treatment of revenue, losses, and expenses earned or incurred by individuals. The course also introduces how corporations and related entities are taxed and how the Canadian tax system attempts to integrate, although imperfectly, the corporate and the personal income tax systems to reduce economic double taxation. We will further discuss general tax policy issues and situate the income tax within the broader Canadian tax system. To ensure students obtain a practical understanding of tax law in practice, the course will introduce the tax administration and tax dispute resolution frameworks.

Throughout the course, students will also have the opportunity to build their skills in drafting short tax opinions, interpreting complex statutes, and applying tax rules to facts and making arguments in support of a taxpayer opinion.

Evaluation: 100% final examination or optional 25% tax opinion assignment and 75% final examination

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

Taxation of Business Enterprises examines the federal income tax treatment of Canadian-resident corporations and their shareholders. The course covers the 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).

Taxation of Corporate Transactions

(5210.03 M) *Seminar*

Instructor(s): Professor J. Li & N. McIsaac; Adjunct Professor

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

Prerequisite Courses: none

Preferred Courses: Tax Law; Taxation of Business Enterprises; Business Associations

Presentation: Discussion, group work, presentation

Upper Year Research & Writing Requirement: No

Practicum: Yes

This seminar focuses on selected types of transactions typically undertaken by corporations that have significant tax implications or are motivated by tax considerations. These transactions include corporate financing, reorganizations, remunerating owner-managers, and estate freezing. It is perfect for a Practicum – a seminar combining theory, practice and reflection. Experienced and thoughtful practitioners will lead and participate in some discussions. It is taught with Mr. Nicholas McIsaac.

By focusing on the application of the General Anti-avoidance Rule (GAAR), this seminar supplement and enhance students' learning of tax law materials in other courses in the JD program.

Expectations of students are similar to those of junior associates at a law firm or Department of Justice (DOJ): learning the materials with guidance and supervision; applying the knowledge gained from the readings for a specific purpose, e.g., identifying their “practical” implications for a client (a taxpayer or the CRA in the case of DOJ); critically reflecting upon the practical application in the context of the overall system design, purposes, and theoretical underpinnings of the Income Tax Act; and presenting the learning outcomes orally in class or writing (in the form of a memorandum).

To take this seminar, students should ideally have taken Taxation Law or are taking that course concurrently. Relevant corporate tax materials will be covered in this seminar so that students who have not taken the corporate tax course would be able to fully participate in the learning process. A detailed course outline and written guidance for each module of the class will be provided in advance.

It is very likely that the seminar will be taught on Zoom. Students are required to participate as if it is an in-person seminar.

Evaluation: a) 10% for two individual reflection note on designated reading materials;
b) 10% for contributions in class (evidenced by being interlocutors – active conversational partners in class) on designated topics;
c) 15% for (i) a factum on a group basis (no longer than 4,000 words total); and (ii) oral presentation in a “mooting” style on a designated topic (or case).
d) 65% for a individual-based research/reflection memorandum on a specific topic within the scope of the seminar (4,000 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: 24

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online seminars

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 dispute resolution in Canada. Students will gain an understanding of mediation through the weekly seminars, simulations, reflections, and, circumstances permitting, co-mediations at Small Claims Courts in Ontario.

The seminar will examine the utility of mediation and alternative dispute resolution, ethical and professional responsibility issues that arise in practice, the role of emotion, gender and culture in the process, and analyze the issues that students encounter in their own mediations and simulations.

The seminar includes i) mediation training, including weekly simulations, and introduction to mediation and mediation-advocacy theory; ii) weekly seminars, guest lectures, and discussions and critiques of the course readings; iii) mediations in small claims courts; 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 (80%). Two short written comments (500-750 words each) to be submitted over the course of the semester (20%).

Trial Advocacy

(5270.04 A) *Seminar*

Instructor(s): J. Rosenthal; Adjunct Professor

Fall: 4 credits; 3 hours; max. enrollment: 60

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.

Note: This course will be prioritized for mandatory in-person instruction in the event that such instruction is consistent with the University's compliance with public health directives. Students who enroll in this course must be prepared to attend in person, unless they are entitled to an accommodation consisting of remote attendance pursuant to equitable, compassionate, or medical grounds. If you do enroll in the course, you should ensure a sufficient period of time before and after the course to travel home (or to another location) where you can engage in remote instruction for any other course or seminar in which you enroll.

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. Students conduct 1/2 day jury trials 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: 50

Prerequisite Courses: None

Preferred Courses: None

Presentation: Asynchronous online lectures and optional synchronous online sessions

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.

The material for this course will be delivered in an asynchronous lecture format supplemented with optional synchronous sessions for questions and application. In addition, there will be in-person content to whatever limited extent proves possible. The asynchronous lecture content will be posted to the course Moodle page on the scheduled lecture days. My lecture style and supplementary PowerPoint materials are well-suited to this method of course delivery. All assigned readings will be supplemented by detailed PowerPoint materials. These materials are not cryptic bullet point summaries of the readings. Instead, they are carefully prepared to bring greater context, organization and coherent explanation to assigned readings. All PowerPoint materials follow a disciplined, consistent and orderly format, breaking materials down by topic and sub-topic. The verbally delivered lecture content tracks very closely with the PowerPoint materials, adding further explanation, context and debate to these materials. If students scrutinize the readings, digest the supplementary PowerPoint materials and listen carefully to the recorded lectures, they will be equipped to succeed in the course.

I recognize that the law school experience needs to include opportunities for direct engagement with course instructors. I strongly discourage students from treating the course as a purely passive learning experience. In addition to participating in the optional synchronous sessions, students are welcome (as individuals or groups) to seek direct engagement with me on any aspect of the course on an "as scheduled" basis. This engagement can occur through whatever platform works best, including Zoom, email or phone. Students are invited to liberally draw on direct engagement opportunities to introduce themselves, ask questions about assigned materials, discuss principled disagreement with positions taken in the lectures and/or discuss the course (or the profession) more generally.

Opportunities for direct engagement with me will be at the option of students. Law students are experienced adult learners with the agency to determine for themselves when direct engagement will facilitate their learning style and objectives. Optional direct engagement is about giving students control over their own learning, allowing them to identify for themselves when direct engagement will further their learning style and course objectives.

Evaluation: 100% final examination or optional 33% mid-term exam and 67% final examination.

Trusts

(2090.04 B) *Course*

Instructor(s): Professor S. Drummond

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

Prerequisite Courses: None

Preferred Courses: None

Presentation: Synchronous online lectures, discussion, oral pleading exercises

Upper Year Research & Writing Requirement: No

Practicum: No

The objective of this course is to introduce students to the most important contribution of equity, the trust. The course starts with an historical introduction and a consideration of the principal purposes for which trusts are currently used. The topics to be covered include: the nature of the trust and its distinctive characteristics as a legal institution; substantive and formal principles governing the creation and administration of express private trusts; the concept of a fiduciary relationship and its contemporary importance in areas such as Crown/aboriginal relations; resulting and constructive trusts; variation and termination of trusts; the rights of a beneficiary of a trust; duties and powers of trustees; personal and proprietary remedies for breach of trust; and the use and development of trusts in non-traditional areas such as the environment and commerce.

Evaluation: 20% - two review exercises of 300 words in length (worth 10% each); grading based solely on turning an answer in prior to class discussion of the problematic. Responses will not be read by professor. 80% - final exam

There is a paper option for the final exam whereby the exam must be written in its entirety, but a paper can also be written and submitted prior to the exam that comprises half of the exam grade only in the event that it garners a higher grade than the exam grade - in which case the exam grade counts for 50% and the paper 50%. I.e., there is no downside risk to writing a paper. Paper topics driven by students.

Trusts

(2090.04 M) *Course*

Instructor(s): Professor P. Girard

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

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, and the different species of trusts, including express trusts, purpose trusts, constructive trusts and resulting trusts, and issues relating to trustee duties. Some equitable doctrines beyond the trust proper may be covered if time permits.

Evaluation: Students will be assigned to small groups for the purposes of completing two exercises during the term, worth 15% each. The final, open-book examination will be worth 70%.

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 and their respective regulatory structures and approaches. 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%